Jade Guanaro Kuriki-Olivo: *Executive Order 9066 (Soul Consoling Tower)*
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New ICE Detention Center at Fort Bliss Dishonors Japanese American History

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Last week, it was announced that a new ICE detention center had opened at Fort Bliss, an active U.S. military base once used as an internment camp for first-generation Japanese immigrants. With a capacity to hold up to 5,000 detainees, Fort Bliss is now the largest immigration detention facility in the country. The decision by the administration to use a former internment site as a detention center is a disgrace to the memory and legacy of the more than 125,000 Japanese and Japanese Americans unjustly imprisoned during World War II.

Fort Bliss was among several facilities used by the Department of Justice (DOJ) and the Immigration and Naturalization Service (INS) to confine Issei, first-generation Japanese immigrants, under the Alien Enemies Act of 1798, following the attack on Pearl Harbor. These everyday business owners, community leaders, teachers, and fathers were labeled as "enemy aliens" not for any wrongdoing, but because the law kept them from becoming naturalized citizens. Until the Immigration and Nationality Act of 1952, the Issei were legally barred from becoming naturalized citizens.

This history makes for an important point of distinction in the context of the WWII Japanese & Japanese American experience. While the DOJ and INS interned Japanese immigrants at sites such as Fort Bliss, Santa Fe, Lordsburg, and Crystal City, the War Relocation Authority (WRA) confined U.S. citizens of Japanese ancestry in concentration camps across the country, such as Manzanar, Tule Lake, Heart Mountain, and Gila River. These distinctions may seem small, but they had a profound impact on the lived experiences of those in the different confinement sites.
As our nation would later come to understand, xenophobia, racism, and hysteria drove the wartime internment and incarceration of Japanese immigrants and Japanese Americans. These same forces are what fuel today's mass detention of immigrants in the United States. The use of military resources and personnel to carry out these abhorrent policies only underscores this troubling continuity. While the terminology has shifted from "enemy alien" to "illegal alien," the outcome remains the same: the dehumanization of entire groups of people and their mass detention without regard for the protections for all persons guaranteed under the Constitution.

This is a comparison many of our partners, including the American Civil Liberties Union (ACLU), have made as well. Their statement in particular drew the ire of the Trump Administration, which categorically said that the "Comparisons of illegal alien detention centers to internment camps used during World War II are deranged and lazy." JACL strongly rejects the administration's mischaracterization of the ACLU's statement and the complete disregard for the history of the Japanese Immigrant and Japanese American experience during World War II. The ACLU is right to draw parallels between the detention of immigrants at Fort Bliss today and the internment and incarceration of Japanese immigrants and Japanese Americans during World War II. These parallels are grounded in truth, history, and lived experience, reflecting both what our community endured in the 1940s and the challenges faced by immigrant communities today.

Whether it be 1942 or 2025, the mass incarceration and detention of immigrants based upon false narratives of “military necessity” or “national security” is entirely indefensible. It also sets a dangerous precedent for how civil liberties and civil rights can be skirted or outright ignored by our government as they see fit. Fort Bliss is just one example of the continued ways in which history is continually being ignored and repeated. The Japanese American story should be a deterrent to the dangers this rhetoric and policies pose, not the paradigm for continued attacks on immigrant and POC communities.

Text about Jesse Gouveia’s sculpture “Book of names”:

Eighty years after Executive Order 9066 was authorized (2020), writer and scholar Dr. Duncan Ryuken Williams researched and compiled the Irei: National Monument for the WWII Japanese American Incarceration and the Ireicho, the first comprehensive list of over 125,000 persons of Japanese ancestry incarcerated in a total of 75 different U.S. Army, Department of Justice, Wartime Civil Control Administration, and War Relocation Authority (WRA) camps. The Irei: (Ireicho) The sacred book of names as a monument, (Ireizo) a website as a monument, and (Ireihi) light sculptures as monuments.

September 24, 2022 commended a ceremony to install the Ireicho at the Japanese American National Museum (JANM). Named after the Japanese term for “consoling the spirits,” the Ireicho monument honors both those who have gone before us as well as those who carry on the memories and legacies of forced removal, unjust incarceration, and family separation. The Ireicho was exhibited at the JANM from October 11, 2022 to December 1, 2024. JANM is currently closed for remodels and set to reopen in January 2027. On “tour,” the book has since been traveling across the U.S. to create additional opportunities for viewing.

Jesse Gouveia’s (1992) grandmother, Carolynn Hisayo Nakata, great-grandmother Marion Shimako Miyamoto Nakata, great-grandfather Henry Kozo (Slim) Nakata, and their families were forcibly incarcerated in Gila River Internment Camp, Arizona. Marion was one of the founding members of the JANM while raising her children living in the Little Tokyo neighborhood of Los Angeles.

Gouveia’s (Book of names, 2026) serves as an arbitrary form of the Ireicho monument, which is seldom accessible. Like many other monuments and exhibitions, they are only as available to view as their physical host and their ongoing advertising.

In Gouveia’s early twenties, he was introduced to a book his great-uncle Kenneth Tashiro wrote following his years incarcerated in the Japanese concentration camps. Like the Ireicho, Tashiro’s memoir, Wase Time (2005), contains recorded names and birthplaces of Gouveia’s family, as well as stories and details of their whereabouts before and after the camps. Like most Japanese Americans incarcerated in the camps, Gouveia’s family lost all property and belongings they owned before incarceration. They were released in Chicago, where they eventually made their way back to Los Angeles. Over the years, the memoir served as a historical document, a legacy holder, and recovered history for Jesse and the rest of his family. A book of names.

JUANA SUMMERS, HOST:

When the Trump administration opened an ICE detention center at Fort Bliss in Texas late last month, it prompted sharp criticism from Japanese American advocates, and that’s because Fort Bliss was one of the military bases where the U.S. government imprisoned people of Japanese ancestry during World War II. And to survivors of Japanese incarceration, Trump’s immigration enforcement efforts feel painfully familiar.

MARY MURAKAMI: There's so many parallels. It's unbelievable.

SUMMERS: Mary Murakami was born in 1927. She and her family were imprisoned at the Topaz internment camp in Utah for three years. When Japan attacked Pearl Harbor on December 7, 1941, Murakami was 14 years old. She recalls how quiet the streets of San Francisco's Japanese town were that evening.

MURAKAMI: And when all of us kids looked out the window, we saw the U.S. Army from one curb to the other curb, and they were all pointing their guns towards us.

SUMMERS: The U.S. declared war on Japan the next day. In February 1942, President Franklin D. Roosevelt signed Executive Order 9066. It authorized the forced relocation and imprisonment of people the U.S. government claimed were threats to national security.

MURAKAMI: We were no longer citizens of this country. It called our parents aliens, which was true to the United States, but they called all of us who was born in the United States non-aliens. And when you're a non-alien, you realize that all your civil rights are gone. And that's the point that we felt that our country didn't want us anymore.

MURAKAMI: We got the personal notice to be taken to camp I guess in April because they took us in May. We packed up, and we walked to where they told us that the meeting place was. And that's where they gave us these official government - it looked like a luggage tag with your family number on it, and you put it around your neck if you didn't have a pin to pin it on your lapel. And that's when we officially lost our name, I guess. I was 22416E.

MURAKAMI: We were loaded onto a school bus. And you don't know what's going to happen to you. I mean, you had rumors that you were going to get killed. So everybody was very quiet on the bus.

MURAKAMI: By October, we were in the permanent camps. They put us on these trains and took us to Topaz, Utah. It was terrible. There was barbed wires around the whole camp, and there were tall lookout posts and armed guards guarding us. And Topaz was not ready completely. The structures weren't completely done. And the only thing in the rooms were Army cots and a pot-belly stove.

MURAKAMI: Well, you could see why it's an upsetting time because the same thing is happening to the immigrants now. I never thought these thoughts would so vividly come back with another group of people in the United States. They're being taken without being able to communicate. And you went to these camps that were not made for humans to live in, and your education is stopped. You don't know how long you're going to be there. It's amazing that you see your life all over again.

SUMMERS: That was Mary Murakami. She is 98 years old and was one of the tens of thousands of Japanese Americans who were forcibly incarcerated during World War 2.

The Muslim Travel Ban And The Japanese Internment: An Ugly History Repeats Itself
By Christopher Dunn

The Supreme Court's end-of-Term decision upholding Donald Trump's Muslim travel ban prompted a blistering dissent from Justice Sotomayor and Justice Ginsberg equating the Court's acceptance of the Muslim ban with its acquiescence in *Korematsu v. United States* to the World War II internment of over 120,000 adults and children of Japanese descent, about 70,000 of whom were American citizens. In response, the majority in the Muslim ban case — *Trump v. Hawaii* — insisted *Korematsu* "has nothing to do with this case." Spurred perhaps by the attack from Justices

Sotomayor and Ginsberg, the *Trump* majority further claimed to condemn and renounce *Korematsu*, an act many welcomed.

In truth, the Supreme Court's treatment of the Muslim ban bears alarming parallels to its treatment of the Japanese internment. And an examination of *Korematsu* and of two other lesser-known Supreme Court cases dealing with the internment regime highlights the dangerous opening the *Trump* ruling creates for ever-more draconian measures driven by Trump's open animus towards Muslims and others. Finally, given the reality of the Muslim ban ruling, the Supreme Court's claimed disavowal of *Korematsu* rings hollow.

The Japanese Internment Cases

While many know of *Korematsu*, it was but one of three Supreme Court decisions on the Japanese internment regime the federal government created following the attack on Pearl Harbor in December 1941. Taken together, those cases reveal a Supreme Court unwilling to exercise its constitutional responsibility to confront naked discrimination. More significantly for contemporary purposes, they illustrate a mode of decision making that highlights the dangers of the Muslim travel ban ruling.

The foundation for the Japanese internment regime was Executive Order 9066, which President Roosevelt issued in February 1942. It authorized military officials

> to prescribe military areas in such places and of such extent as [they] may determine, from which any or all persons may be excluded, and with respect to which, the right of any person to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate Military Commander may impose in his discretion.

One month later Congress enacted legislation making it a federal crime not to comply with an order issued under Executive Order 9066 and authorizing fines up to $5,000 and prison sentences up to one year.[1]

Pursuant to Executive Order 9066, Lt. General J.L. DeWitt, the military commander with authority over the western United States, issued a series of ancestry-based restrictions, starting with curfews, then evacuation orders, and, ultimately, internment. These escalating restrictions were the subject of the three separate Supreme Court decisions.

The first – and pivotal – decision was *Hirabayashi v. United States*,[2] issued in June 1943. Gordon Hirabayashi was an American-born citizen whose Japanese parents had immigrated to the United States and never afterwards returned to Japan. Gordon grew up in Seattle, attended public schools, and was a senior at the University of Washington when arrested in May 1942. He had never been to Japan and had no association with anyone living there.

Shortly before Hirabayashi's arrest, DeWitt imposed overnight curfews covering Seattle and other areas that singled out people by ancestry and encompassed one group of American citizens: those of Japanese descent. Hirabayashi was convicted of violating the curfew order and separately of violating an order that required him to evacuate and report to a "Civil Control Station" in Seattle, which would lead to internment. He was sentenced to concurrent 3-month prison sentences.
In upholding Hirabayashi's conviction, the Supreme Court started with the nearly invisible but momentous step of refusing to consider the constitutionality of the failure-to-evacuate conviction, reasoning that it need not do so because Hirabayashi had been sentenced to identical concurrent prison terms on each charge, meaning the Court could uphold the sentence so long as it could sustain the curfew charge alone. This allowed the Court to issue its foundational ruling on the Japanese internment regime scrutinizing a relatively benign overnight curfew while avoiding the much more dangerous acts of forced evacuation and internment.

Focusing exclusively on the curfew, the Supreme Court prefaced its analysis of Hirabayashi's discrimination claim with a lengthy exegesis about the "facts and circumstances" surrounding imposition of the curfew-evacuation-internment regime, depicting Japanese-Americans as a threatening and isolated presence in the United States (a depiction subsequently shown not only to have been inaccurate but to have been contradicted by secret government reports). Against this backdrop, its legal analysis started by minimizing the significance of a curfew, likening it to police keeping people away from fires:

> Like every military control of the population of a dangerous zone in war time, it necessarily involves some infringement of individual liberty, just as does the police establishment of fire lines during a fire, or the confinement of people to their houses during an air raid alarm—neither of which could be thought to be an infringement of constitutional right.

Though the Court then noted that "[d]istinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality," it quickly retreated with the assertion that this principle yields to concerns about "national defense" and "successful prosecution of the war." And because the government was invoking such concerns to justify the singling out of citizens of Japanese descent, the Court held that the curfew need have only "a rational basis." Finally, the Court concluded that discriminating on the basis of Japanese ancestry alone was rational: "We cannot say that these facts and circumstances, considered in the particular war setting, could afford no ground for differentiating citizens of Japanese descent from other groups in the United States."[3]

With *Hirabayashi*, the die had been cast when the Supreme Court faced Fred Korematsu. Born in Oakland in 1919 to Japanese parents who had immigrated to the United States in 1905, Korematsu was arrested in San Leandro, California in May 1942 and charged with violating a DeWitt order requiring all persons of Japanese descent to evacuate the area that included San Leandro and to report to an "assembly center." As had Hirabayashi, Korematsu challenged the constitutionality of the singling out of citizens of Japanese descent. In doing so, he argued the Court had to confront race-based detention in assessing the evacuation order, as it was undisputed the evacuation orders were part of a coordinated system of forcibly relocating those of Japanese descent to internment camps.

Though widely understood as upholding the internment of Japanese-Americans, the December 1944 ruling in *Korematsu* is particularly significant because in that case the Supreme Court in fact refused to address detention. Indeed, the Court devoted more of its opinion to justifying its unwillingness to address the constitutionality of race-based internment (1050 words) than it did to analyzing the merits of the only claim it chose to address, namely the exclusion order requiring evacuation to assembly centers (968 words). While conceding that mandatory evacuation was for the purpose of forcibly interning Japanese-Americans, the Court insisted "we cannot say as a matter of fact or law, that [Korematsu's] presence in that [assembly] center would have resulted in his detention in a relocation center."

Having averted its attention away from race-based internment, the Supreme Court dispensed with the challenge to the evacuation order by invoking *Hirabayashi*. Though that case involved the far less onerous requirement an overnight curfew, the Court treated it as dispositive of Korematsu's challenge to the constitutionality of orders requiring tens of thousands of American citizens to abandon their homes, communities, and livelihoods: "In light of the principles we announced in the Hirabayashi case, we are unable to conclude that it was beyond the power of Congress and the Executive to exclude those of Japanese ancestry from the West Coast war area at the time they did." Three Justices strongly dissented sounding the alarm that the Court had gone far beyond *Hirabayashi*, but it was too late.

Finally, there is *Ex Parte Endo*,[4] the case that actually addressed detention of an American citizen of Japanese descent. Born and raised in the United States, 23-year-old Mitsuye Endo was forcibly evacuated from Sacramento and detained at an internment camp in June 1942. The government conceded she was "a loyal and law-abiding citizen" but insisted it was free to detain her. In a decision issued the same day as *Korematsu*, the Supreme Court ordered Endo's release.

As dramatic and surprising as this outcome might seem given *Hirabayashi* and *Korematsu*, *Endo* did not herald a willingness by the Supreme Court to confront the constitutionality of race-based detention. To the contrary, as in *Korematsu*, the Court refused to consider the constitutional issue, resorting instead to a tortured analysis to interpret Executive Order 9066 and the subsequent congressional enactment as not authorizing detention. More importantly still, by the time the Supreme Court issued *Endo*, the military itself had concluded detention was no longer needed and had publicly announced the day before the ruling that it would release Japanese-Americans.[5] In ruling as it did in *Endo*, the Supreme Court did not halt internment but rather was operating in the comfortable confines of a course the military already had charted.

Trump and Internment

Flash forward nearly 75 years to five weeks ago, when the Supreme Court in *Trump v. Hawaii* upheld the ban on citizens of a group of predominantly Muslim countries from entering the United States, a ban instituted in conjunction with a long series of public statements by candidate and then President Trump declaring his intention to bar Muslims from this country. In sustaining the ban, the Court emphasized the extreme deference due the President with respect to the admission of foreign nationals to the United States; held that given such deference exclusion orders were subject only to the most minimal "rational basis" scrutiny if neutral on their face; and held that, notwithstanding Trump's numerous public statements, the proclamation announcing the ban suggested an "independent justification" for the ban.

In response to the charge the Court was repeating the grave errors of the *Korematsu* era, Chief Justice Roberts wrote for the five-Justice majority:

> Whatever rhetorical advantage the dissent may see in doing so, *Korematsu* has nothing to do with this case. The forcible relocation of U.S. citizens to concentration camps, solely and explicitly on the basis of race, is objectively unlawful and outside the scope of Presidential authority. But it is wholly inapt to liken that morally repugnant order to a facially neutral policy denying certain foreign nationals the privilege of admission. . . .

The Court's effort to distance itself from *Korematsu* suffers from two major flaws. First, while excluding people from entering the United States is a far cry from "concentration camps," it is important to recall that the Supreme Court's internment rulings started with the relatively benign issue of an overnight curfew, and it was the acceptance of that measure in *Hirabayashi* that the Court used to foreclose the more draconian measures at issue in *Korematsu*. One can readily envision the Court's analysis in accepting the travel ban in Trump next being used to foreclose challenges to far more restrictive but "facially neutral" measures emanating Trump's open animus towards Muslims or other groups.

Even more alarming is the Court's insistence on characterizing the Muslim travel ban as involving a "facially neutral" policy, in supposed contrast to the race-based Japanese internment regime. Yet, in both instances the Supreme Court ignored an ugly reality staring it in the face. In the internment cases, the Court chose to disregard the reality that tens of thousands of American citizens of Japanese descent were confined to detention camps at the very time it refused to address the constitutionality of detention in those cases. And in *Trump* the Court chose to disregard the reality that the Muslim travel ban was the product of Trump's hostility to Muslims, as evidenced by his

many declarations that he intended to single out Muslims for discriminatory treatment and even a statement by one of his close advisors that Trump had directed him to craft a Muslim ban that would appear on the surface to be neutral so as to survive judicial scrutiny. To turn away from these realities is a dangerous abdication of the judiciary's critical role in our constitutional scheme. The disturbing parallels between the Supreme Court's handling of the Japanese internment and of the Muslim travel ban casts into a very different light the Court's claim to have renounced

Korematsu:

> The dissent's reference to *Korematsu*, however, affords this Court the opportunity to make express what is already obvious: *Korematsu* was gravely wrong the day it was decided, has been overruled in the court of history, and—to be clear—has no place in law under the Constitution.

Given that *Trump* repeats the grievous errors of Hirabayashi, Endo, and Korematsu, one fairly wonders about the sincerity of the *Trump* opinion's claimed renunciation of *Korematsu*. Regardless, one can only hope it will not take another 75 years for the Supreme Court to conclude that *Trump v. Hawaii* "was gravely wrong the day it was decided" and "has no place in law under the Constitution."

Jade Guanaro Kuriki-Olivo (Puppies Puppies) (b. 1989, Dallas, TX) makes work that expands the readymade into a structure for visibility, care, and political address. Since beginning the project Puppies Puppies in 2010, Kuriki-Olivo has used anonymity and persona to test the boundaries between concealment and self-disclosure. This tension has become increasingly central to her work as a trans woman, where the decision to be seen is inseparable from the need for protection. Using familiar objects, public symbols, and actions drawn from daily life, she charges the seemingly ordinary with the conditions of living in a body that is surveilled, exposed, and often forced to disappear.

Kuriki-Olivo received her MFA from Yale University in 2014 and her BFA from the School of the Art Institute of Chicago in 2010. Recent solo exhibitions include Ceradon Gallery, Los Angeles (2025); Kim Association, Singapore (2025); Trautwein Herleth, Berlin (2025); Galerie Balice Hertling, Paris (2024); Bill's PC, Western Australia (2024); New Museum, New York (2023); Galerie Francesca Pia, Zurich (2023); Performance Space New York (2022); Hannah Hoffman, Los Angeles (2022); Museum of Contemporary Art Cleveland (2022); Galerie Barbara Weiss, Berlin (2022); and Kunsthaus Glarus, Glarus (2021). Hoffman Donahue Los Angeles will present a solo exhibition of Kuriki-Olivo's work in November 2026.

Selected group exhibitions include Rockbund Art Museum, Shanghai (2026); Kunstmuseum Liechtenstein, Vaduz (2025); Yokohama Triennale, Yokohama (2024); the 60th Venice Biennale (2024); Museum Leuven, Leuven (2024); Art Basel Parcours, Basel (2022); Kunsthalle and Kunstmuseum Bremerhaven (2022); Fondazione Prada, Venice (2021); and Berghain, Berlin (2020).

Her work is held in the public collections of the Aïshti Foundation, Beirut; Collezione De Iorio, Italy; Dallas Museum of Art; Hamburger Kunsthalle, Hamburg; Kunsthaus Glarus; Kunstmuseum Liechtenstein, Vaduz; MASP—Museu de Arte de São Paulo; Neuer Berliner Kunstverein, Berlin; Sammlung Verbund, Vienna; Whitney Museum of American Art, New York; and Zabludowicz Collection, London.