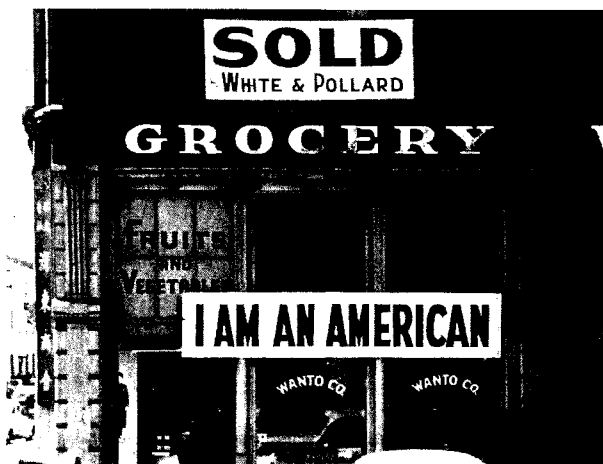


On February 19, 1942, President Franklin Roosevelt signed Executive Order 9066 which set into motion the exclusion from certain areas, the restriction of movement by curfew, and the eventual mobilization for mass incarceration of 120,000 persons only of Japanese ancestry on the West Coast, two-thirds of them U.S. citizens. This represented the single most traumatic episode in their collective lives.



Japanese American store. Oakland, CA 1942. Dorothea Lange photo. National Archives.

min industries. Some could only send their children to segregated schools, and in 1924, immigration from Japan was halted altogether.

Like many people entering the United States, Japanese immigrants faced poverty and hardship. In addition, they encountered racial hostility. However, through hard work and co-operation within their ethnic group, most persevered and gained a foothold in America.

Almost forty years later, in 1981 a government commission investigated the causes which led to the exclusion and eventual removal, and found that the incarceration was not justified by "military necessity." The decisions were stated as "race prejudice, war hysteria, and a failure of political leadership." In 1991, based on the commission's recommendations, the U.S. government issued an apology for the injustice and monetary restitution to the surviving former internees.

The incarceration had been the culmination of a history of racial discrimination against Asians begun in the mid-1800's, when the Chinese first immigrated to the U.S. Like the Chinese, the Japanese had been welcomed at first as a source of cheap labor, but shortly thereafter, became targets of anti-Asian campaigns, maligned as the "yellow peril." They inherited much of the new prejudice directed previously against the Chinese, especially as the Japanese moved from itinerant farm laborers to become owners of farms and small businesses.

Discriminatory laws passed during the early 1900's denied the Japanese the right to become citizens, to own land, and to marry outside of their race. In addition, they could not buy homes in certain areas and were barred from jobs in cer-

JAPANESE COMMUNITIES IN THE 1930'S

Seattle, and Portland. Fanning areas had their own "community centers," some with grocery stores, bookshops, barber shops, hotels, and language schools, owned by *Issei* (first generation Japanese immigrants). Because of housing and employment restrictions, the Japanese in these cities formed small communities of their own, developing a social and economic interdependence which enabled the Japanese population to survive and prosper.

Japanese farmers clustered in rural areas considered marginal land for farming. Through their skill and hard work they transformed these lands into fertile fields, and by 1941 they raised 40% of California's truck crops. They also aided in the development of the floral and fishing industries as well as an extensive distribution system in agricultural products.

The Issei. The *Issei* (Ee-say), the immigrant Japanese, who established their unique communities and institutions in America, instilled in their children a strong sense of community and

family, which enabled the family to survive. Some even prospered.

Aware of the fact that they had been denied citizenship and the right to own land, the Issei put their hopes of acceptance and success in their American-born children, the *Nisei*. They encouraged their offspring to excel in school and to go to college. They wanted their children to take advantage of the opportunities that had been denied them. "For the sake of the children" became a familiar catch phrase for the *Issei*, prodding them on to work and make sacrifices with fierce determination.

The Nisei. Many *Nisei* (Nee-say) grew up in segregated communities, socially isolated from the rest of the population except in school; in the strong family environment, they generally took on the Japanese cultural values of hard work, responsibility, and a keen sensitivity to the needs of others as well as to what others might think. At the same time, as they entered school, they adapted to Americanized ways which emphasized individual freedom and initiative.

Nisei graduates from high schools and colleges during the Depression years of the 1930's found very limited job opportunities primarily because of discrimination. Most worked on farms, at fruit stands, in small Japanese businesses, or in the service industry.

In the world outside home and community, the *Nisei* often found contradictions: In school, while they learned about freedom and equality, some were required to enroll in segregated elementary schools or were denied access to public recreational facilities. While their democratic principles in America called for tolerance, they and their

parents were beset with name-calling, threats of violence, physical attacks, and property damage.

RACIAL INTOLERANCE

In fact, America as a whole in the 1930's was a place of little tolerance toward people of color. Institutional racism prevented many of them from living in places of their choice or moving about in society at will. Many unions prohibited them from membership. Employers routinely barred Asians and African Americans from choice jobs. Native Americans lived on reservations in poverty, ignored.

Meanwhile, Germany rose as a power in Europe and began annexing its neighboring nations. At the same time, Japan set upon a similar course in Asia. Combining their forces with those of Italy, they formed the Axis Powers which became America's enemies in World War II.

WORLD WAR II

By September 1939, Europe was embroiled in World War II. The U.S. remained nominally neutral, although sympathetic to the Allies led by England and France. After the U.S. cut down its sales of scrap iron and oil to Japan, the latter signed an affiance with Germany and Italy, further straining already heightened tensions between Japan and the U.S.

On December 7, 1941, Japan bombed Pearl Harbor, Hawaii, destroying much of the naval fleet stationed there. The U.S. declared war on Japan the next day. On December 11, Germany and Italy declared war on the U.S. The U.S. declared war and plunged into World War II.

Japan's attack on Pearl Harbor shocked Americans, including Japanese Americans. Early rumors of sabotage and espionage by Japanese residents in Hawaii and the West Coast had been found to be false by the FBI and other governmental agencies, but these findings were suppressed by high U.S. officials in government. There was not one instance of sabotage or espionage by Japanese American citizens or residents of the U.S. before or during the war. Nevertheless, the government did not deny these rumors.



Left: Local ordinances supported racial intolerance in the 1920's, Hollywood Protective Association, Los Angeles, CA. National Archives.

INITIAL GOVERNMENT ACTION

Within hours of the news from Hawaii, FBI agents, many without evidence, search or arrest warrants, conducted house to house round-ups of 1,212 *Issei* in Hawaii and the mainland. They were prominent leaders in the Japanese communities: priests, teachers in language schools, officers of community organizations, and newspaper editors. Often they were arrested in the middle of the night, taken to unknown destinations, and treated as prisoners of war. Subsequently, many *Issei* leaders were placed into U.S. Justice Department internment camps in New Mexico, North Dakota, Texas, and Montana. Some were paroled to their families after clearance by an Enemy Alien Hearing Board.

In the days that followed, presidential proclamations declared various restrictions on German, Italian, and Japanese residents in the U.S. All nationals and subjects of Axis countries were identified as "enemy alien." Ironically, the *Nisei*, who were American citizens by birth, were designated as "non-aliens" and were subjected to the same restrictions. Their travel, work hours, and social gatherings were severely restricted and their contraband articles confiscated. Those deemed "dangerous to the public peace or safety of the U.S." were subject to apprehension. The U.S. Justice Department assumed the responsibility to implement their alien-enemy control plan. In the months that followed, these restrictions on travel and the possession of contraband items were placed upon aliens from Japan with increasing severity.

Many Japanese Americans already serving in the U.S. military were re-classified as "4-C enemy aliens," disarmed and reassigned to non-combat duty.

International Implications. From 1942, some 2,260 persons of Japanese ancestry were deported from 12 Latin American countries to the U.S. About 1,800 Japanese Peruvians were taken from their homes and deported from their country, sent to the U.S. and placed in Justice Department internment camps.

MASS REMOVAL

Not until the end of January 1942 was there a concerted drive by some press, civic, business, and agricultural interests to remove all persons of Japanese ancestry, citizens and aliens. According to business and agriculture reports, a number of thriving businesses owned by Japanese Americans posed as strong competitors in the agricultural industry.

Government's Rationale. General John Lesesne DeWitt, commanding officer of the U.S. Army's Western Defense Command, pursued greater power to remove all enemy aliens from



FBI searching home of Japanese American family. Dec. 1941.
National Archives.

zones around strategic West Coast installations. DeWitt's *Final Report: Japanese Evacuation from the West Coast* did not present any evidence of sabotage or espionage that had occurred, merely that *there were indications that these [Japanese] are organized and ready for concerted action at a favorable opportunity. The very fact that no sabotage or espionage has taken place to date is disturbing and confirming indication that such action will take place.* The report claimed the "evacuation" was necessary based on *an estimate of the situation, and the disposition of the Japanese and other subversive persons.*

The reports from the Federal Communications Commission, the Federal Bureau of Investigation, and the Naval Intelligence indicating no evidence to support eviction and incarceration were suppressed.

DeWitt's recommendations were accepted by both the Army and the civilian head without question. Chief of Staff George C. Marshall, Secretary Stimson, Undersecretary Robert Patterson and Assistant Secretary McCloy reviewed and approved it, deferring to the military decision. The Justice Department viewed the mass removal unnecessary; the mass removal of citizens unconstitutional, and any mass removal too large a task for the War Department to handle. Nevertheless officials conceded and helped polish up the order. Within two days the order was presented to President Roosevelt and received his signature. It was an election year, and his advisors recommended it as a show of popular support. He did not ask for a justification of the program nor was the subject considered by the Cabinet.

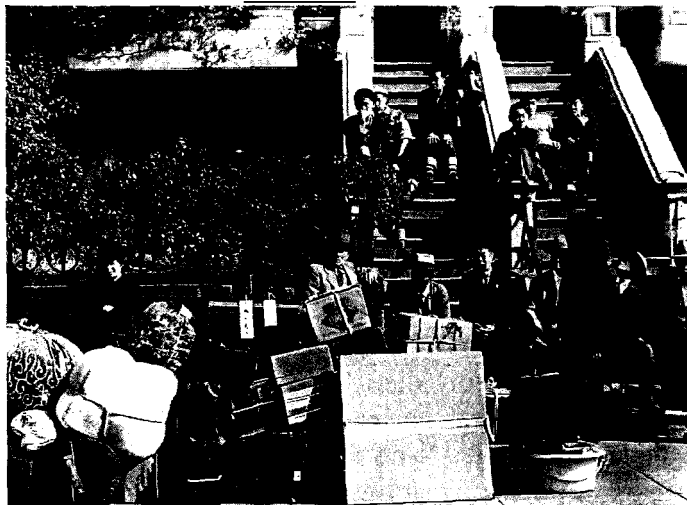
Executive Order 9066. On Thursday, February 19, 1942, President Roosevelt signed Executive Order 9066 authorizing the Army to "designate military areas" from which "any persons may be excluded (See map in Appendix)." The words "Japanese" or "Japanese Americans" never appeared in the Order. But the intent of the command was used primarily against persons of Japanese ancestry. A number of Italian and German Americans, whose ancestral countries were also at war with the US, were affected.

Military Areas #1 and #2 were established in the Western states of Washington, Oregon, California, and southern Arizona. Public Law 503 was enacted on March 9, to enforce the Order imposing criminal penalties for its violation. Military decrees beginning on March 28, set curfews on Japanese Americans and a series of exclusion orders followed.

The mass removal of persons of Japanese ancestry ordered by the President, supported by the Justice Department, implemented by the Army and sanctioned by the Supreme Court, was based on the pretext of "military necessity;" a justification which later proved groundless and without evidence. The Army's jurisdiction over citizens brought into question the extent of war powers of the federal government over civilian rule and the suppression of constitutional rights in times of war.

Removal. From March 24 to November 3, 1942, the mass removal of Japanese Americans from the West Coast took place over 8 months. Japanese Americans had no charges brought against them, there was no hearing; they did not know where they were going, how long they would be detained, what conditions they would face, nor what would happen to them.

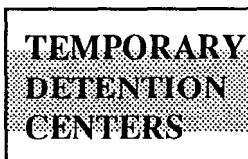
Families were registered and given numbered tags to identify themselves and their belongings. They were told to bring only what they could



Eviction day, Bush Street, San Francisco, CA, April 19, 1942. National Archives.

carry. This included household and personal items they needed for daily living. Families were forced to leave their pets behind.

The sudden upheaval caused extreme hardship for many who were given as little as 48 hours notice to sell their possession and to dispose of their property. Losses incurred during this time were estimated in the billions of dollars.



Obeying eviction notice orders, Japanese Americans boarded trucks, buses, and trains. They were transported to what the Army called "Assembly Centers." Fifteen transit temporary confinement camps were set up in converted race tracks and fairgrounds for temporary use until more permanent ones could be built.

Many families lived in horse stalls under unsanitary conditions, often by open sewers. At the Santa Anita Race Track outside of Los Angeles, which housed over 18,000 internees, hospital records show that 75% of the illnesses came from the horse stalls.

Others occupied hastily constructed barracks. A family with a minimum of at least six members was crowded into a 20' x 20' room partitioned from other families by paper-thin walls. Toilet and bathing facilities were communal and devoid of privacy.

Barbed wire fences and armed guard towers with guns facing toward the inmates surrounded these compounds. They were, in fact, prisons.

As might be expected in this type of facility, inmates stood in line for everything, including meals, latrines, supplies and services. Meals were nutritionally inadequate, medical care, minimal. But as prison life evolved, inmates helped organize essential services. They worked in camp offices, the canteen, the mess halls, the hospital, and the school, among other places, and earned wages, paid with script, of \$8 to \$16 per month for a 44-hour week.

**PERMANENT
W.R.A. CAMPS**

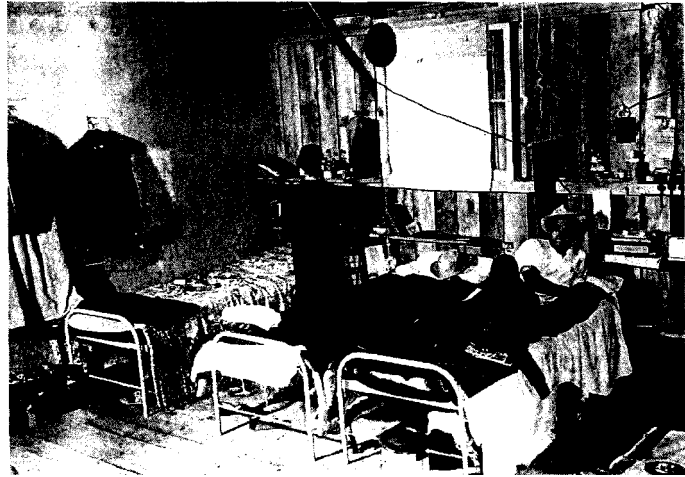
By October 1942, the Army had transferred all inmates from the temporary camps to ten permanent "War Relocation Authority (WRA) Centers" under Civilian Control of the Department of the Interior.

These camps were located in isolated inland areas in vast sandy desert or swamp lands. Inmates who had come from relatively mild climates of the West, experienced frequent dust storms, bitter cold winters, and sizzling summers for the first time.

Camp Life. Inmates had been led to believe that these more permanent centers would be "resettlement communities," not prisons. When they arrived, however, they found their new quarters fenced in with barbed wire and guarded by military police.

They also found themselves overcrowded in single rooms with no furniture except for cots and a pot-bellied stove. As time progressed, they acquired other necessities, either by fashioning them out of scrap lumber or ordering through catalogs.

But life began to take on a curious sense of normalcy, as schools, cooperative shops and other essential services were set up.



Inside barrack, Salinas "Assembly" Center, CA, March 1942
Clem Albers photo. National Archives.

The WRA went to great lengths to provide recreational activities, fully aware that the monotony of camp life could set off violence among the discontent.

At the same time, family life deteriorated, as communal arrangement for nearly all activities, including eating, encouraged children to spend time away from the family "home." Parental authority consequently diminished along with the normal "closeness" of family relationships.

Education. Education was generally inadequate, lacking classroom furniture and essential materials. Students used discarded textbooks, for example, and had no labs.

The teaching staff consisted largely of Caucasians who had been recruited from the outside, augmented by inmates with college backgrounds, who had no prior teaching experience.

Camp Unrest. In time, a festering anger erupted among the prisoners. This no doubt arose

from resentment of their confinement, coupled with the harsh conditions of camp life. Some in careers, suspected of being collaborators and informers, were attacked.

By November and December 1942, demonstrations and riots had broken out in several camps. Military Police, called in to quell the disturbance, killed two unarmed youths and wounded nine others.

Leave Clearances. Meanwhile, by the end of 1942, at least three factors led government officials to initiate a program of release for inmates who could work or go to school. First, a few Japanese Americans, who had received temporary clearances and released on trial, had been received favorably by the outside community in the Midwest and East. Secondly, government officials knew that confining citizens without trial could not be supported legally for long. Third, after the Battle of Midway, the tide of the war had turned in America's favor, and the rationale for holding Japanese Americans hostage had become increasingly difficult to defend.

In the summer of 1942, the government issued short term passes and student leaves. The WRA

allowed incarcerated to resettle outside, but not to return to their homes or in the restricted zones on the West Coast. Nevertheless, incarcerated needed to obtain official clearance. Agricultural interests facing labor shortages requested the help of incarcerated to harvest crops. Some educators, business leaders and church groups sponsored scholarships and educational opportunities for Japanese American college students to continue their education in the Midwest and the East coast.

The WRA and the Army saw a means of both expediting leave clearances and encouraging military service (The Army had reversed itself on the matter of barring *Nisei* men from service and had announced in January 1943 that a segregated, *all-Nisei* combat team was being recruited).

QUESTIONS OF LOYALTY

On February 8, 1943, the WRA and the Army distributed applications for leave clearance titled "Statement of U.S. Citizenship of Japanese American Ancestry." All inmates seventeen years-old and older were required to complete the • questionnaire, one which was to provoke the greatest upheaval within the camps.



Artist rendering of Heart Mountain camp in Wyoming. From Tom Parker photo, National Archives, August 1942. Charcoal by Richard Tokeshi.

Two questions, intended to separate the "loyal" from the "disloyal," most disturbed the internees:

Question #27 asked: "Are you willing to serve in the armed forces of the United States on combat duty wherever ordered?"

Question #28 asked, "Will you swear unqualified allegiance to the United States of America and faithfully defend the United States from any or all attack by foreign or domestic forces, and forswear any form of allegiance or obedience to the Japanese emperor, or any other foreign government, power, or organization?"

WRA Director, Dillon S. Myer later admitted: "A bad mistake was made in the loyalty question." For one thing, question #27 put to the *Issei* whose average age was 54 was not conceivable, while question #28 forced them into an untenable position: they had not been allowed U.S. citizenship, and now they were being asked to renounce allegiance to the only country of which they were citizens.

The *Nisei* were understandably outraged. Among other citizens, loyalty was never questioned, yet the *Nisei* were once again asked to prove theirs. Also, they knew that, should their parents answer "no" to both questions, a "yes" on their part would mean certain physical and emotional separation from them. These questions most disturbing to the internees were intended to separate the "loyal" from the "disloyal." Most internees felt they were again put on trial to prove their loyalty. The requirement to fill out the poorly worded questionnaire resulted in dissension among camp inmates as people were classified based on their answers.

**TULE LAKE
SEGREGATION**

For different reasons, some answered "no" to both questions and were branded "disloyal." They were separated from the others and sent to Tule Lake Segregation Center in northern California. Half of these people were 17 years of age or less, and had no choice but to follow their parents. Sixty-eight percent of the 18,000 Tule Lake inhabitants were *Nisei*.

In November, 1943, a mass demonstration and riot took place. The Army, 1,200 men strong,

with eight tanks and tear gas, took charge for a period of two months.

Many Tule Lake inmates were expatriated to Japan after the war, but the majority were made eligible to relocate in the U.S. by the Justice Department, along with other internees.

Draft Reinstated. In January 1944, the WRA reinstated the draft for Japanese Americans. The irony of being drafted out of enclosures into which they had been forced because they could not be trusted as loyal citizen's was quite evident.

**DRAFT
RESISTANCE**

Some *Nisei* men resisted the draft on the grounds that their constitutional rights and those of their family members had been violated in the incarceration. Several hundred *Nisei* refused to report for induction until their constitutional rights were restored. In all, 267 men from the detention camps were convicted of draft resistance and sentenced to three years in federal penitentiaries.

Also, over a hundred *Nisei* soldiers, already in the armed forces, engaged in acts of protest by refusing to undergo combat training while their families were still behind barbed wire.

Three of the earliest resisters to the governmental orders were Gordon Hirabayashi, Min Yasui and Fred Korematsu. They brought their cases challenging the constitutionality of the curfew, evacuation and the internment before the Supreme Court.

**MILITARY
SERVICE**

Volunteers. A number of *Nisei* left the barbed wire confines to volunteer for the Army. A sizeable number volunteered out of desire to prove their loyalty and in response to the urgings of the Army and the Japanese American Citizens League (JACL).

Several thousand volunteers served in the all-*Nisei* 442nd Regimental Combat Team (RCT). Together with the 100th Infantry Battalion, composed of many Japanese Americans from Hawaii, they fought brilliantly overseas in Europe and suffered tremendous casualties. For its size and

length of service, the 100th Infantry Battalion / 442nd Regimental Combat Team became the most highly decorated unit in U.S. history. Many also served on the front lines as soldier linguists in the top-secret Military Intelligence Service (MIS) in the Pacific war. *Nisei* women also served in the Women's Auxiliary Corps (WAC's) as doctors and nurses.

Nisei soldiers set a distinguished military record. General Charles Willoughby, General Douglas MacArthur's chief intelligence officer remarked that the work of the *Nisei* MIS shortened the Pacific war by two years. More than 26,000 *Nisei* and *Kibei* (American-born, educated in Japan) served in the armed forces, 6,000 in the Pacific theater.



Go For Broke was the battle cry of the men of the 100th/442nd. U.S. Army Signal Corps photo.

By the end of 1942, as challenges to the constitutionality of the internment made its way to the Supreme Court, the WRA announced a policy of "relocation" of Japanese American internees. By the middle of 1943, a slow trickle of Japanese Americans resettled in the East and Midwestern sections of the U.S.

END OF EXCLUSION

On December 17, 1944, the government, fearing a negative Court decision, announced the end of the mass exclusion order against Japanese Americans. The Supreme Court ruled on December 18 in *Ex parte Endo* that the government could no longer detain loyal citizens (as represented by Mitsuye Endo, a young Japanese American woman whose brother served in the 442nd RCT) against their will. This led to the opening of the West Coast for resettlement.

On March 20, 1946, the last of the ten major concentration camps, Tule Lake, closed.

POST-WAR RESETTLEMENT

Japanese American families faced many difficulties resettling in the post-war period.

Many relocated in the East and Midwest settling permanently after having found occupations there. Many returned to the West Coast, often finding their homes or property vandalized, in disrepair from neglect, or marred by racist epithets. They faced considerable discrimination in housing and employment. Retailers tried to discourage them from returning by refusing them goods and services.

Despite losing most of their property, businesses, homes, and their communities, the Japanese Americans, in time, rebuilt their lives. The *Nisei* raised their families, took care of their aging parents, and became active in schools and community activities.

EMPOWERED CITIZENS

Japanese Americans began to exercise their rights as citizens by becoming involved in efforts to

break down discriminatory laws in housing, land ownership, marriage, immigration and naturalization.

Naturalization. In 1952, the Walter-McCarren Act was passed, largely through the efforts of these *Nisei*. The Act enabled Issei and other Asian immigrants to become U.S. citizens. By 1965, over 48,000 became proud naturalized citizens.

Nisei in Congress. Attesting to their new-found sense of empowerment, Japanese Americans entered the political arena. Due to their political activism, in 1959, Hawaii became the 50th state and Daniel Inouye became the first Japanese American senator. In 1964, Patsy Takemoto Mink became the first Japanese American woman elected to the House of Representatives. In 1974, Norman Mineta of San Jose became the first Japanese American representative from the U.S. mainland. Congr. Robert Matsui (Sac. CA), Mike Honda (San Jose, CA) and others followed.

Civil Rights Movement. On the wave of the Civil Rights movement led by African Americans in the 1960's and 1970's, Japanese American *Nisei* and *Sansei* (Sawn-say) (third generation Japanese American) fought for Asian American studies in the colleges and universities. Some of the students began to take interest in the treatment of Japanese Americans during World War II, particularly in regard to the constitutional issues involved. Information about the incarceration had been sketchy because little had been printed about it in textbooks, and their parents and grandparents, for the most part, had been reluctant to speak about the humiliation they had undergone. The *Sansei* and some *Nisei* began investigating their own history and the unspoken past.

Redress Movement. The redress movement with roots as far back as World War II sparked an unprecedented national campaign that led to correcting past wrongs through judicial, legislative and grassroots political action.

CHALLENGES IN THE COURTS

The challenges in the courts began as early as 1942. They were: *Hirabayashi v. United States* (1943), *Yasui v.*

United States (1943), *Korematsu v. United States* (1944), and *Ex parte Endo* (1944).

Hirabayashi v. United States. Gordon Hirabayashi, a second generation Japanese American, born and raised in Washington, was a senior at the University of Washington. Hirabayashi was arrested and convicted on two counts, one for violating General DeWitt's curfew order, and two, for failing to register at a control center to prepare for departure to an "assembly" center. His refusal to report to a control center or obey the curfew order was based on his belief that both orders were discriminatory and contrary to the democratic principles on which the United States was founded.

Yasui v. United States. Minoru Yasui was an American born citizen of Japanese ancestry, a graduate of the University of Oregon Law School, a U.S. Army reserve officer, an attorney and active member of the Japanese American Citizens League. He had recently worked for the Japanese

Consulate in Chicago. After Pearl Harbor, he resigned to enlist in the military, but was denied on the grounds that he was Japanese. Yasui challenged the curfew orders on the grounds of racial discrimination. He served nine months in solitary confinement while awaiting trial. He was tried and convicted.

Separately, Hirabayashi and Yasui appealed their cases to the Supreme Court. The Court ruled together on Yasui and Hirabayashi cases. They unanimously upheld the curfew law for Japanese Americans living in Military Area #1 declaring that the President and Congress had used the war power provided in the Constitution appropriately. Chief Justice Stone, delivering the Opinion of the Court stated: "...in dealing with the perils of war, Congress and the Executive are wholly precluded from taking into account those facts which are relevant to measure for our national defense and for the successful prosecution of the war, and which may in fact place citizens of one ancestry in a different category from others." The Court held also that the curfew order did not violate the Fifth Amendment. In the end, it avoided the ruling on the constitutionality of the eviction order.

The Court reversed its earlier precedent in *Ex parte Milligan* that the federal government could not withhold the basic rights of its citizens even in times of war while civilian courts were operating and functioning.

Korematsu v. United States. Born and raised in Oakland, California, Fred Korematsu tried to enlist in the Navy, but was denied because of his Japanese ancestry. He was employed as a welder in a shipyard in San Leandro, California until World War II broke out and he was dismissed because of his ancestry. Korematsu ignored the evacuation orders, and attempted to alter his appearance with plastic surgery in the hope of remaining with his fiancée who was not Japanese, until they could move to Nevada. He was arrested by the FBI and after spending two and a half months in jail, Korematsu was found guilty of violating the "evacuation" orders. The U.S. District Judge Adolphus St. Sure in San Francisco sentenced him to five years probation, but did not impose the sentence. Despite paying bail,

Korematsu was again taken into custody by the Military Police where he was taken to the Presidio Army Headquarters for confinement and then to the local "assembly" center.

The Supreme Court made its ruling in December 1944, over two years after Japanese Americans were removed from the West Coast and put into WRA camps.

The Court decided in a 6-3 vote, upholding the exclusion of Japanese Americans from the West Coast regions. The opinion issued by Justice Hugo Black dismissed the argument that the eviction order was racially discriminatory, and said it was necessary for military security. The Court's cited reason was the war with Japan and the military necessity perceived by Congress and military leaders. However, the Court was not unanimous in its decision, and Justices Robert H. Jackson, Frank Murphy, and Owen J. Roberts strongly dissented. Justice Murphy declared that the exclusion orders did violate the rights of citizens to due process of law. While Murphy admitted that the argument citing military necessity held importance, the evidence presented had neither substance nor support. He insisted that the military necessity claim must subject itself to the judicial process "to determine whether the deprivation is reasonably related to a public danger that is so immediate, imminent, and impending."

Justice Roberts wrote: "This is not the case of keeping people off the streets at night as was *Hirabayashi v. United States*, nor a case of temporary exclusion of a citizen from any area for his own safety...nor a case of offering him an opportunity to go temporarily out of an area where his presence might cause danger to himself or his fellows. On the contrary, it is the case of convicting a citizen as a punishment for not submitting to imprisonment in a concentration camp, based on his ancestry... without evidence or inquiry concerning his loyalty and good disposition towards the United States ...I need hardly labor the conclusion that Constitutional rights have been violated."

In handing down the decision on the eviction, the Supreme Court side-stepped the ruling on the mass incarceration.

Ex Parte Endo. In 1942, the California State Highway Commission in Sacramento, California

dismissed Mitsuye Endo from her civil service stenographer job and the military ordered her to a detention center. She was a U.S. citizen and had a brother serving in the U.S. Army. Her attorney James Purcell, filed a *writ of habeas corpus* on her behalf, contending that the War Relocation Authority had no rights to detain a loyal American citizen who was innocent of all various allegations the Army had used to justify the eviction and incarceration.

On December 18, 1944, the Supreme Court ruled unanimously that Endo "should be given her liberty." The government should release the Japanese American woman from custody whose loyalty to the United States had been clearly established. Justice Murphy stated: "...detention in Relocation Centers of persons of Japanese ancestry regardless of loyalty is not only unauthorized by Congress or the Executive, but it is another example of the unconstitutional resort to racism inherent in the entire evacuation program. "

Major General Pratt, commander of Military Area #1 at the time, ordered the suspension of the exclusion orders; detained Japanese Americans were now free to return to their homes on the West Coast.

Nevertheless, the rulings made by the Supreme Court left both dangerous and disturbing precedents. Knowing that martial law had not been declared on the West Coast, and all civil courts were open and functioning, the President and military could decide in their judgment, that a national emergency exists and thus could choose to ignore, suspend or deny all rights of its citizens.

Forty years later, the federal district courts in San Francisco, Portland, and Seattle vacated the original conviction of Korematsu (1983), Yasui (1985) and Hirabayashi (1986) in response to a petition for a writ of error *coram nobis* - a legal procedure requesting the original trial court to correct a fundamental error and injustice at the time of trial. The petition presented by a legal team, headed by *Sansei attorneys* Dale Minami and Don Tamaki, asserted that a fundamental error was made. Officials of the War Department altered and destroyed evidence, and deliberately withheld knowledge of this key evidence from the Department of Justice and the Supreme Court, and that both the War

and the Justice Departments failed to inform the Supreme Court of the falsehood of DeWitt's Final Report. Both departments suppressed evidence on the loyalty of Japanese Americans. These startling discoveries were made by legal historian Peter Irons and researcher Aiko Herzig Yoshinaga. They found that the Supreme Court decisions of the 1940s had been based on the misrepresentation of available facts and on the deliberate suppression of evidence.

In her opinion, Federal Appeals Court Judge Marilyn Hall Patel found "substantial support in the record that the government deliberately omitted relevant information and provided misleading information" to the Supreme Court. "The judicial process is seriously impaired," she wrote, "when government's law enforcement officers violate their ethical obligations to the court." The other judges for Hirabayashi and Yasui vacated their convictions but refused to make such findings, citing statute of limitations.

In March 1983, the National Council for Japanese American Redress (NCJAR) attempted to seek redress based on 22 causes of action or constitutional violations. The claims on the violations of constitutional rights were cited in the class action suit in *Hohri v. U.S.* In preparation for the case, many new research findings were uncovered which strengthened the case for redress through judicial means. However, in November 1988, the Supreme Court denied hearing the petition to seek judicial finding on procedural grounds.

Redress Legislation. In 1970, Japanese Americans mounted a movement to obtain redress for their constitutional rights that had been violated. Grassroots campaigns by the JACL and NCCR mobilized the populace to disseminate information and to lobby Congress for redress. One of the stated goals of the movement was to educate the public about what happened.

The Hearings. In 1980, Congress enacted and President Jimmy Carter signed into law the creation of the Commission on Wartime Relocation and Internment of Civilians (CWRIC) to review Executive Order 9066 and its impact on the Japanese Americans.

The Commission, comprised of nine distinguished members, held 20 days of hearings on sites across the country. They heard testimonies of over 750 former internees and government officials. In 1983, the commission concluded that the incarceration of Japanese Americans had not been justified by military necessity but that the decision to incarcerate was based on "race prejudice, war hysteria, and a failure of political leadership."

The Commission recommended that Congress pass legislation which recognized the grave injustice done and offer the nation's apology as well as restitution of \$20,000 to each of the approximately 60,000 survivors involved.

After an extensive effort by all segments of the Japanese American community and other organizations - including the JACL, the National Coalition for Redress/Reparations, veterans groups, churches, civil rights and minority organizations, churches, unions, community agencies and the media - a bill incorporating the recommendations of the Commission was introduced in Congress in 1983. Five years later, the **Civil Liberties Act of 1988** was finally passed and signed into law by President Ronald Reagan on August 10, 1988. On November 21, 1989, President George Bush signed an appropriation bill which contained the redress payment provision as an entitlement program to be paid from October 1990 through 1993.

The first letters of apology and redress payments were made on October 9, 1990, starting with the oldest survivors.

Redress Aftermath. Although the payment and apology could never fully compensate the survivors for the tremendous monetary loss of property, humiliation, and psychological trauma endured, Japanese Americans felt a great burden lifted, a rekindled pride of being Japanese American and a renewed faith in American political process. In this post 9-11 era, a number of Japanese Americans spend considerable time and resources in an ongoing effort to educate the public about this episode in American history and its implications today •