

Source A

Korematsu v. United States

Case Background

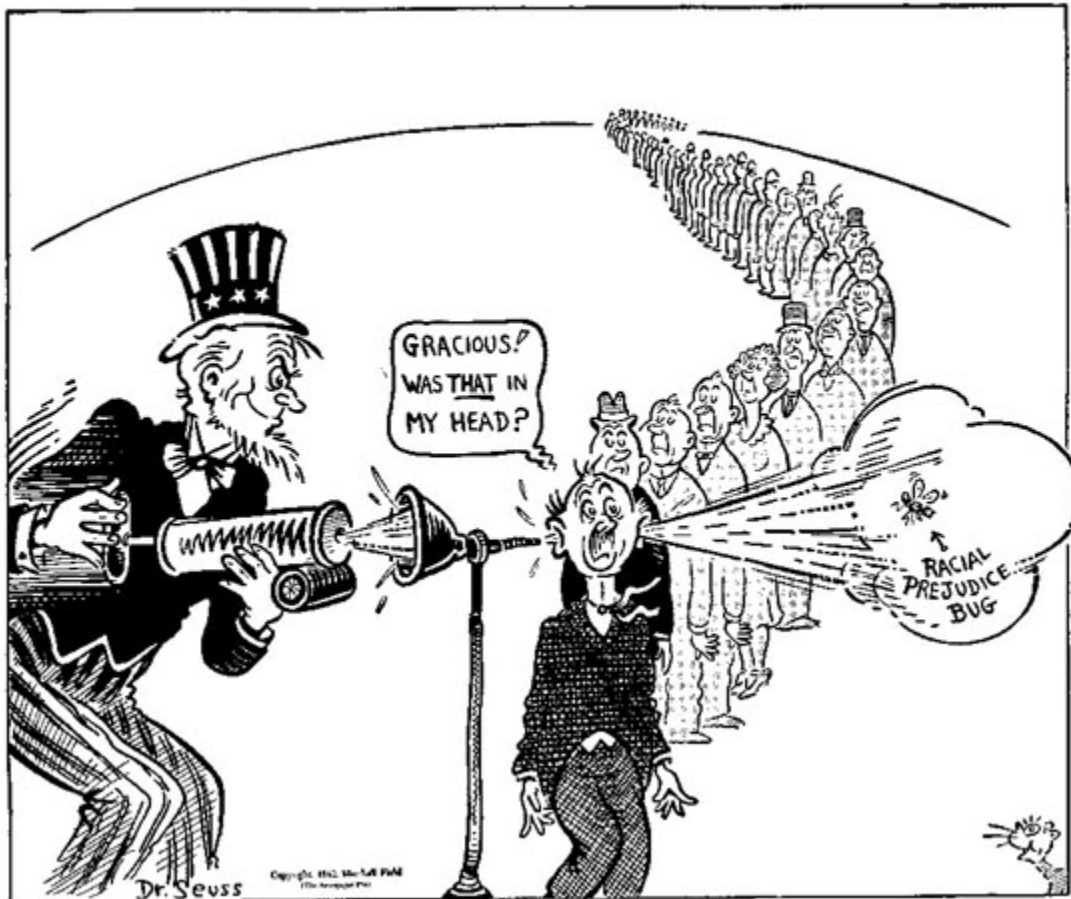
Tension between liberty and security, especially in times of war, is as old as the republic itself. Should the text of the Constitution be interpreted one way in peacetime and another way in wartime, as suggested for a unanimous Court in the World War I era by Justice Oliver Wendell Holmes in *Schenck v. U.S.* (1919)? “When a nation is at war, many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight, and that no Court could regard them as protected by any constitutional right.” After Japan attacked Pearl Harbor on December 7, 1941, the United States entered World War II, and faced once again the challenge of applying the Constitution’s guarantees in the context of wartime. Based on advice from the military that there was a real threat of Japanese invasion of the west coast, as well as a credible danger of Japanese espionage, the U.S. government ordered the relocation and detention of Japanese Americans living in that region.

From April of 1942 until the end of the war in September of 1945, 110,000 persons of Japanese ancestry, most of them U.S. citizens, were deprived of their liberty and held in detention camps far from their former homes. They lost most of the property they had entrusted to government authorities but had no way of documenting their losses because they only had a few days’ notice to dispose of their property before reporting to assembly centers for relocation. The surprise attack on Pearl Harbor was very real, as was the fear engendered by it. How real was the threat of espionage? Faced with extensive questioning on this point by the Supreme Court in oral argument, Solicitor General Charles Fahy convinced a majority of the Justices that the detention of Japanese Americans was justified by “military necessity.”

Source: The Bill of Rights Institute <https://billofrights.org/lessons/korematsu-v-united-states-and-japanese-internment-dbg>

Source B: Mental Insecticide

What This Country Needs Is a Good Mental Insecticide



"What This Country Needs Is a Good Mental Insecticide" and shows Uncle Sam removing the "racial prejudice bug." June, 1942. From the UCSD Mandeville Special Collections Library.

1. Who is the author of this cartoon?
2. What is the implication of this cartoon?
3. Who is the intended audience?
4. What is the message in this cartoon?

Source C: The Constitution & The Bill of Rights

The United States Constitution (1789), Article I, Section 9

...The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

1. What is “the writ of *habeas corpus*”? In what cases can it be suspended?

The Fifth Amendment (1791)

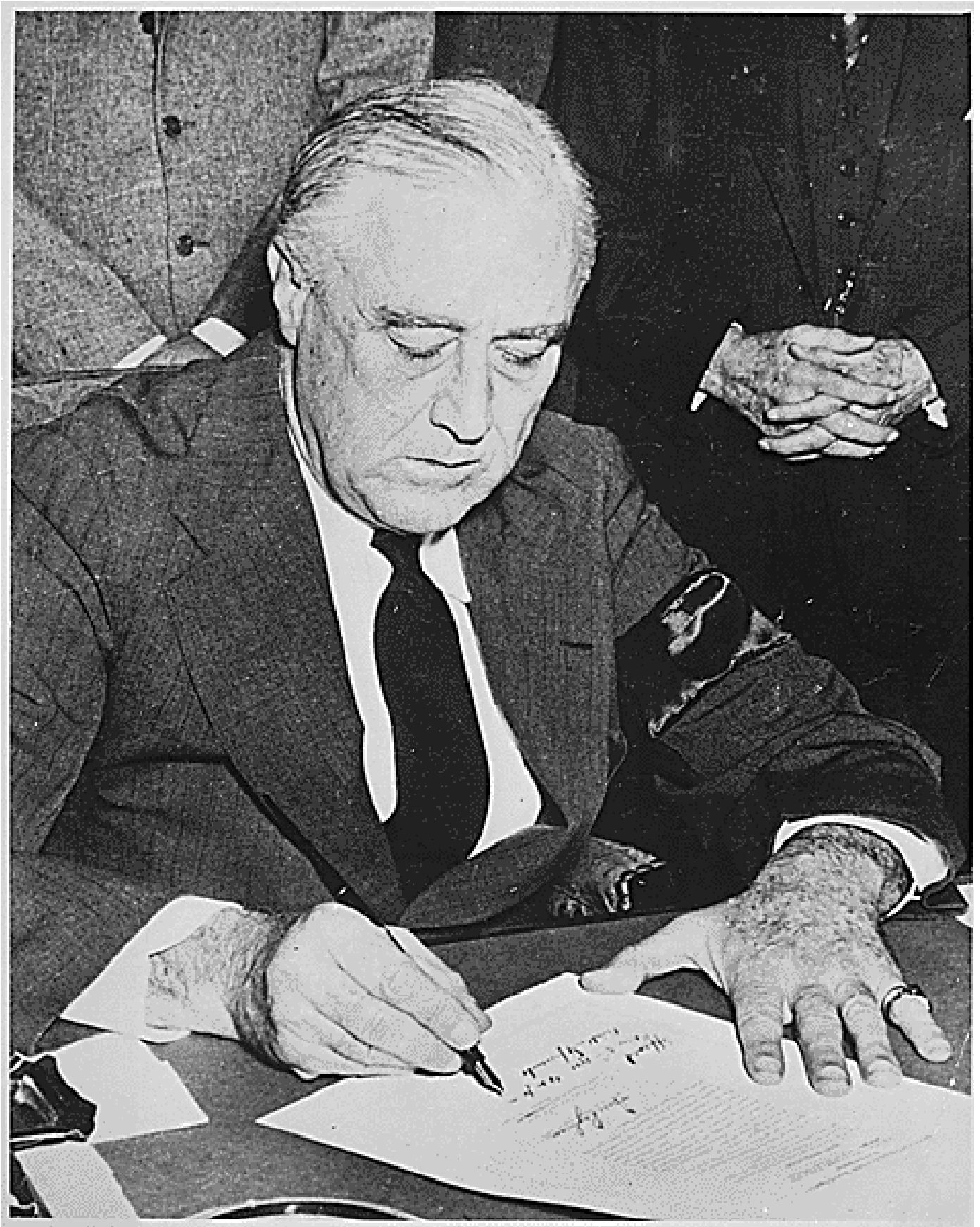
No person shall ... be deprived of life, liberty, or property, without due process of law...

1. What types of rights does this amendment to the Constitution protect? What is the relationship between them?
2. What must the government provide when it tries to deprive someone of these rights?

The 14th Amendment – Section 1 (1868)

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

1. How did the Executive Order 9066 violate the 14th Amendment?
2. Why didn't the 14th Amendment protect US citizens with Japanese heritage in *Korematsu v United States*?



On February 19, 1942, President Franklin D. Roosevelt signed an Executive Order, Number 9066, giving the federal government the power to relocate 120,000 Japanese Americans to internment camps.

WESTERN DEFENSE COMMAND AND FOURTH ARMY WARTIME CIVIL CONTROL ADMINISTRATION

Presidio of San Francisco, California

May 23, 1942

INSTRUCTIONS TO ALL PERSONS OF JAPANESE ANCESTRY

Living in the Following Area:

All of that portion of the County of Santa Clara, State of California, lying generally north and northwest of the following boundary: Beginning at the point on the Santa Cruz-Santa Clara County line, due west of a line drawn through the peak of Loma Prieta; thence due east along said line through said peak to its intersection with Llagas Creek; thence downstream along said creek toward Madrone to the point where it is crossed by Llagas Avenue; thence northeasterly on Llagas Avenue to U. S. Highway No. 101; thence northerly on said Highway No. 101 to Cochran Road; thence northeasterly on Cochran Road to its junction with Steeley Road; thence easterly on Steeley Road to Madrone Springs; thence along a line projected due east from Madrone Springs to its intersection with the Santa Clara-Stanislaus County line; together with all portions of Santa Clara County not previously covered by Exclusion Orders of this Headquarters.

Pursuant to the provisions of Civilian Exclusion Order No. 96, this Headquarters, dated May 23, 1942, all persons of Japanese ancestry, both alien and non-alien, will be evacuated from the above area by 12 o'clock noon, P. W. T., Saturday, May 30, 1942.

No Japanese person will be permitted to move into, or out of, the above area after 12 o'clock noon, P. W. T., Saturday, May 23, 1942, without obtaining special permission from the representative of the Commanding General, Northern California Sector, at the Civil Control Station located at:

Men's Gymnasium,
San Jose State College,
4th and San Carlos Streets,
San Jose, California.

Such permits will only be granted for the purpose of uniting members of a family, or in cases of grave emergency.

The Civil Control Station is equipped to assist the Japanese population affected by this evacuation in the following ways:

1. Give advice and instructions on the evacuation.
2. Provide services with respect to the management, leasing, sale, storage or other disposition of most kinds of property, such as real estate, business and professional equipment, household goods, boats, automobiles and livestock.
3. Provide temporary residence elsewhere for all Japanese in family groups.
4. Transport persons and a limited amount of clothing and equipment to their new residence.

The Following Instructions Must Be Observed:

1. A responsible member of each family, preferably the head of the family, or the person in whose name most of the property is held, and each individual living alone, will report to the Civil Control Station to receive further instructions. This must be done between 8:00 A. M. and 5:00 P. M. on Sunday, May 24, 1942, or between 8:00 A. M. and 5:00 P. M. on Monday, May 25, 1942.
2. Evacuees must carry with them on departure for the Assembly Center, the following property:
 - (a) Bedding and linens (no mattress) for each member of the family;
 - (b) Toilet articles for each member of the family;
 - (c) Extra clothing for each member of the family;
 - (d) Essential personal effects for each member of the family.

All items carried will be securely packaged, tied and plainly marked with the name of the owner and numbered in accordance with instructions obtained at the Civil Control Station. The size and number of packages is limited to that which can be carried by the individual or family group.

3. No pets of any kind will be permitted.
4. No personal items and no household goods will be shipped to the Assembly Center.
5. The United States Government through its agencies will provide for the storage, at the sole risk of the owner, of the more substantial household items, such as iceboxes, washing machines, pianos and other heavy furniture. Cooking utensils and other small items will be accepted for storage if crated, packed and plainly marked with the name and address of the owner. Only one name and address will be used by a given family.
6. Each family, and individual living alone, will be furnished transportation to the Assembly Center. Private means of transportation will not be utilized. All instructions pertaining to the movement will be obtained at the Civil Control Station.

Go to the Civil Control Station between the hours of 8:00 A. M. and 5:00 P. M., Sunday, May 24, 1942, or between the hours of 8:00 A. M. and 5:00 P. M., Monday, May 25, 1942, to receive further instructions.

J. L. DeWITT
Lieutenant General, U. S. Army
Commanding

Transcript of Executive Order 9066: Resulting in the Relocation of Japanese (1942)

Executive Order No. 9066

The President

Executive Order

Authorizing the Secretary of War to Prescribe Military Areas

Whereas the successful prosecution of the war requires every possible protection against espionage and against sabotage to national-defense material, national-defense premises, and national-defense utilities as defined in Section 4, Act of April 20, 1918, 40 Stat. 533, as amended by the Act of November 30, 1940, 54 Stat. 1220, and the Act of August 21, 1941, 55 Stat. 655 (U.S.C., Title 50, Sec. 104);

Now, therefore, by virtue of the authority vested in me as President of the United States, and Commander in Chief of the Army and Navy, I hereby authorize and direct the Secretary of War, and the Military Commanders whom he may from time to time designate, whenever he or any designated Commander deems such action necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate Military Commander 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. The Secretary of War is hereby authorized to provide for residents of any such area who are excluded therefrom, such transportation, food, shelter, and other accommodations as may be necessary, in the judgment of the Secretary of War or the said Military Commander, and until other arrangements are made, to accomplish the purpose of this order. The designation of military areas in any region or locality shall supersede designations of prohibited and restricted areas by the Attorney General under the Proclamations of December 7 and 8, 1941, and shall supersede the responsibility and authority of the Attorney General under the said Proclamations in respect of such prohibited and restricted areas.

I hereby further authorize and direct the Secretary of War and the said Military Commanders to take such other steps as he or the appropriate Military Commander may deem advisable to enforce compliance with the restrictions applicable to each Military area hereinabove authorized to be designated, including the use of Federal troops and other Federal Agencies, with authority to accept assistance of state and local agencies.

I hereby further authorize and direct all Executive Departments, independent establishments and other Federal Agencies, to assist the Secretary of War or the said Military Commanders in carrying out this Executive Order, including the furnishing of medical aid, hospitalization, food, clothing, transportation, use of land, shelter, and other supplies, equipment, utilities, facilities, and services.

This order shall not be construed as modifying or limiting in any way the authority heretofore granted under Executive Order No. 8972, dated December 12, 1941, nor shall it be construed as limiting or modifying the duty and responsibility of the Federal Bureau of Investigation, with respect to the investigation of alleged acts of sabotage or the duty and responsibility of the Attorney General and the Department of Justice under the Proclamations of December 7 and 8, 1941, prescribing regulations for the conduct and control of alien enemies, except as such duty and responsibility is superseded by the designation of military areas hereunder.

Franklin D. Roosevelt

The White House,

February 19, 1942.

Source G



What is happening in this image?

Pretend you are a newspaper reporter. Create 3 questions you would like to ask the people waiting in line.

Source H



This store was owned and sold by a Japanese American man; he placed this sign in the window on December 8, 1941.

What do you first notice about this photograph?

Why do you think the owner placed this sign in front of his store on December 8?

What message was he trying to convey?

Source I

The War Relocation Authority was the government agency established to handle the internment of Japanese, German, and Italian Americans during World War II. The WRA created a brochure, given to the Japanese families at the time of relocation, which explained that it was their patriotic duty to move to the work camps. It also provided details about what life at the work camps would be like.

“Relocation of Japanese Americans”

Excerpt from War Relocation Authority Pamphlet, 1943

“The relocation centers, however, are NOT and never were intended to be internment camps or places of confinement. They were established for two primary purposes:

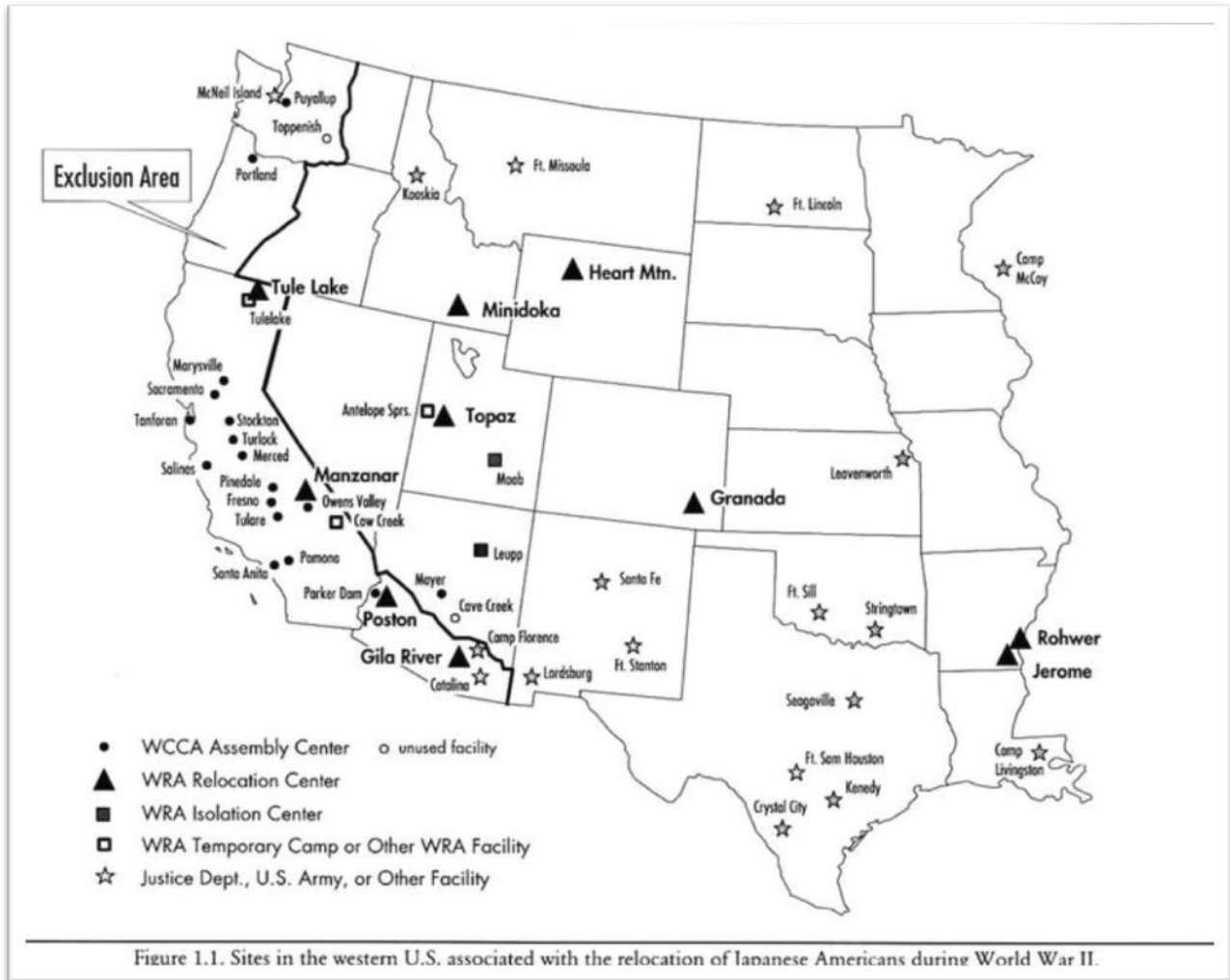
- (1) To provide communities where evacuees might live and contribute, through work, to their own support pending their gradual reabsorption into private employment and normal American life, and
- (2) to serve as wartime homes for those evacuees who might be unable or unfit to relocate in ordinary American communities.

Under regulations adopted in September of 1942, the War Relocation Authority is now working toward a steady depopulation of the centers by encouraging all able-bodied residents with good records of behavior to reenter private employment in agriculture or industry.”

According to the War Relocation Authority (WRA), why were the camps created? Do you agree with them? Why or why not?

Why would the WRA be encouraging interned people to reenter “private employment”?

Source J



What information can you glean from the map?

What surprises you about the map?

Why do you think there are no relocation centers east of the Mississippi?

What do you think is the difference between an isolation center and a relocation center?

Source K



What's the first thing you notice when viewing each image?
What do these images tell you about some Americans' attitudes towards Japanese Americans and persons of Japanese descent?

Source L



What's the first thing you notice when viewing this image?

What do you think the family in the photograph is feeling?

What do these images tell you about some Americans' attitudes towards Japanese Americans and persons of Japanese descent?

The Western Defense Command was run by General John DeWitt. DeWitt was afraid that Japanese Americans and persons of Japanese descent would spy and commit acts of sabotage against the US, so he recommended that FDR sign Executive Order 9066.

Shortly after FDR signed EO 9066, DeWitt began drawing up plans for the relocation of any person of Japanese descent (citizen or non-citizen), from the West Coast to the interior of the US. These people were to be held in internment camps or concentration camps that were euphemistically called "relocation centers".

By the end of World War II, approximately 110,000 Japanese Americans and persons of Japanese descent were held in these camps. 62% of those interned were American citizens.

"The Japanese race is an enemy race and while many second and third generation Japanese born on United States soil, possessed of United States citizenship, have become 'Americanized,' the racial strains are undiluted."

– General John DeWitt

In Hawaii, the military did not force Japanese Americans to relocate because a large portion of the population was of Japanese ancestry and the local economy depended on their labor. On the West Coast, however, military authorities ordered the Japanese to leave, drawing no distinction between aliens and citizens. Forced to sell their property for pennies on the dollar, most Japanese Americans suffered severe financial losses. Relocation proved next to impossible as no other states would take them. The governor of Idaho opposed any migration, declaring: "The Japs live like rats, breed like rats and act like rats. We don't want them."

– Digital History.com

What does the quote tell you about General DeWitt?

How might this quote help explain his actions with regard to interning Japanese Americans?

If you compare the situation of people in Hawaii to people on the West Coast what does that tell you about DeWitt's fears of Japanese sabotage and spying?

Do you think many Americans agreed with the governor of Idaho's views about Japanese people? Why?

How do you imagine Japanese Americans were impacted by American attitudes of racism and distrust?

How would this continue to impact Japanese Americans long after the war?

Source N



Using one word, describe life in the camps.

Source O



Why do you think the camps had barbwire fences – to keep people in or to keep people out?

How would you describe the conditions in these camps based upon these images?

What do you imagine this experience would have been like?

One Hundredth Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Monday, the twenty-fifth day of January, one thousand nine hundred and eighty-eight

An Act

To implement recommendations of the Commission on Wartime Relocation and Internment of Civilians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSES.

The purposes of this Act are to—

- (1) acknowledge the fundamental injustice of the evacuation, relocation, and internment of United States citizens and permanent resident aliens of Japanese ancestry during World War II;
- (2) apologize on behalf of the people of the United States for the evacuation, relocation, and internment of such citizens and permanent resident aliens;
- (3) provide for a public education fund to finance efforts to inform the public about the internment of such individuals so as to prevent the recurrence of any similar event;
- (4) make restitution to those individuals of Japanese ancestry who were interned;
- (5) make restitution to Aleut residents of the Pribilof Islands and the Aleutian Islands west of Unimak Island, in settlement of United States obligations in equity and at law, for—
 - (A) injustices suffered and unreasonable hardships endured while those Aleut residents were under United States control during World War II;
 - (B) personal property taken or destroyed by United States forces during World War II;
 - (C) community property, including community church property, taken or destroyed by United States forces during World War II; and
 - (D) traditional village lands on Attu Island not rehabilitated after World War II for Aleut occupation or other productive use;
- (6) discourage the occurrence of similar injustices and violations of civil liberties in the future; and
- (7) make more credible and sincere any declaration of concern by the United States over violations of human rights committed by other nations.

SEC. 2. STATEMENT OF THE CONGRESS.

(a) **WITH REGARD TO INDIVIDUALS OF JAPANESE ANCESTRY.**—The Congress recognizes that, as described by the Commission on Wartime Relocation and Internment of Civilians, a grave injustice was done to both citizens and permanent resident aliens of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II. As the Commission documents, these actions were carried out without adequate security reasons and without any acts of espionage or sabotage documented by the Commission, and were motivated largely by racial prejudice, wartime hysteria, and a



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Source Q

Ronald Reagan on The Civil Liberties Act of 1988 (a.k.a. the Redress Act)

Remarks on Signing the Bill Providing Restitution for the Wartime Internment of
Japanese-American Civilians

August 10, 1988

The Members of Congress and distinguished guests, my fellow Americans, we gather here today to right a grave wrong. More than 40 years ago, shortly after the bombing of Pearl Harbor, 120,000 persons of Japanese ancestry living in the United States were forcibly removed from their homes and placed in makeshift internment camps. This action was taken without trial, without jury. It was based solely on race, for these 120,000 were Americans of Japanese descent.

Yes, the Nation was then at war, struggling for its survival and it's not for us today to pass judgment upon those who may have made mistakes while engaged in that great struggle. Yet we must recognize that the internment of Japanese-Americans was just that: a mistake. For throughout the war, Japanese-Americans in the tens of thousands remained utterly loyal to the United States. Indeed, scores of Japanese-Americans volunteered for our Armed Forces, many stepping forward in the internment camps themselves. The 442d Regimental Combat Team, made up entirely of Japanese-Americans, served with immense distinction to defend this nation, their nation. Yet back at home, the soldier's families were being denied the very freedom for which so many of the soldiers themselves were laying down their lives.

Congressman Norman Mineta, with us today, was 10 years old when his family was interned. In the Congressman's words: "My own family was sent first to Santa Anita Racetrack. We showered in the horse paddocks. Some families lived in converted stables, others in hastily thrown together barracks. We were then moved to Heart Mountain, Wyoming, where our entire family lived in one small room of a rude tar paper barrack." Like so many tens of thousands of others, the members of the Mineta family lived in those conditions not for a matter of weeks or months but for 3 long years.

The legislation that I am about to sign provides for a restitution payment to each of the 60,000 surviving Japanese-Americans of the 120,000 who were relocated or detained. Yet no payment can make up for those lost years. So, what is most important in this bill has less to do with property than with honor. For here we admit a wrong; here we reaffirm our commitment as a nation to equal justice under the law.

I'd like to note that the bill I'm about to sign also provides funds for members of the Aleut community who were evacuated from the Aleutian and Pribilof Islands after a

Japanese attack in 1942. This action was taken for the Aleuts' own protection, but property was lost or damaged that has never been replaced.

And now in closing, I wonder whether you'd permit me one personal reminiscence, one prompted by an old newspaper report sent to me by Rose Ochi, a former internee. The clipping comes from the Pacific Citizen and is dated December 1945.

"Arriving by plane from Washington," the article begins, "General Joseph W. Stilwell pinned the Distinguished Service Cross on Mary Masuda in a simple ceremony on the porch of her small frame shack near Talbert, Orange County. She was one of the first Americans of Japanese ancestry to return from relocation centers to California's farmlands." "Vinegar Joe" Stilwell was there that day to honor Kazuo Masuda, Mary's brother. You see, while Mary and her parents were in an internment camp, Kazuo served as staff sergeant to the 442d Regimental Combat Team. In one action, Kazuo ordered his men back and advanced through heavy fire, hauling a mortar. For 12 hours, he engaged in a singlehanded barrage of Nazi positions. Several weeks later at Cassino, Kazuo staged another lone advance. This time it cost him his life.

The newspaper clipping notes that her two surviving brothers were with Mary and her parents on the little porch that morning. These two brothers, like the heroic Kazuo, had served in the United States Army. After General Stilwell made the award, the motion picture actress Louise Allbritton, a Texas girl, told how a Texas battalion had been saved by the 442d. Other show business personalities paid tribute--Robert Young, Will Rogers, Jr. And one young actor said: "Blood that has soaked into the sands of a beach is all of one color. America stands unique in the world: the only country not founded on race but on a way, an ideal. Not in spite of but because of our polyglot background, we have had all the strength in the world. That is the American way." The name of that young actor--I hope I pronounce this right--was Ronald Reagan. And, yes, the ideal of liberty and justice for all--that is still the American way.

Thank you, and God bless you. And now let me sign H.R. 442, so fittingly named in honor of the 442d.

Thank you all again, and God bless you all. I think this is a fine day.

Note: The President spoke at 2:33 p.m. in Room 450 of the Old Executive Office Building. H.R. 442, approved August 10, was assigned Public Law No. 100-383.

Source: <http://faculty.history.wisc.edu/archdeacon/404tja/redress.html>