

Japanese Internment and *Korematsu v. United States*

“As far as I’m concerned, I was born here, and according to the Constitution that I studied in school, that I had the Bill of Rights that should have backed me up. And until the very minute I got onto the evacuation train, I says, ‘It can’t be’. I says, “How can they do that to an American citizen?” – Robert Kashiwagi

Overview

In the aftermath of the bombing of Pearl Harbor and subsequent entry of the United States into World War II, President Franklin Roosevelt signed Executive Order 9066 – authorizing the US military to establish military zones and to determine who should reside in these zones. As a result, over 120,000 Japanese Americans and persons of Japanese descent were forcibly relocated to concentration camps throughout the American West. In this lesson, students learn about various aspects of Japanese Internment through a rotating stations activity where they examine various artifacts related to the period. The lesson culminates with students assuming the role of a Supreme Court Justice and deciding the constitutionality of Japanese internment.

- Teacher note regarding lesson length: While this document is 37 pages in length, only pages 1-7 involve the lesson procedure. Pages 11-26 contain various “artifacts” for the rotating station activity. It is recommended that teachers print and laminate one copy of each artifact, so they can be used multiple times. It is also recommended that teachers preview the lesson electronically first and only print the handouts they intend to distribute to students.

Grade

11

NC Essential Standards for United States History II

- **AH2.H.1.3:** Use Historical Analysis and Interpretation to:
 1. Identify issues and problems of the past.
 2. Consider multiple perspectives of various peoples of the past.
 3. Analyze cause-and-effect relationships and multiple causation
- **AH2.H.1.4:** Use Historical Research to:
 1. Formulate historical questions.
 2. Obtain historical data from a variety of sources.
 3. Support interpretations with historical evidence.
 4. Construct analytical essays using historical evidence to support arguments
- **AH2.H.2.1:** Analyze key political, economic, and social turning points since the end of Reconstruction in terms of causes and effects
- **AH2.H.3.3:** Explain the roles of various racial and ethnic groups in settlement and expansion since Reconstruction and the consequences for those groups
- **AH2.H.3.4:** Analyze voluntary and involuntary immigration trends since Reconstruction in terms of causes, regions of origin and destination, cultural contributions, and public and governmental responses.
- **AH2.H.7.3:** Explain the impact of wars on American society and culture since Reconstruction

Materials

- Warm up image, attached [p. 8]
- Internment Artifact Instructions, attached [p. 9-10]
- Rotating Station Activity “Artifacts”, attached [p. 11 – 26]
- “Constitution in Crisis” handout, attached [p. 27 – 28]

- Constitution in Crisis Answer Key, attached [p. 29 – 30]
- *Korematsu v. United States* Background Information, attached (optional) [p. 31]
- “You be the Judge” handout, attached [p. 32]
- “Arguments Against Internment”, attached [p. 33 – 34]
- “Arguments For Internment”, attached, [p. 35 – 36]
- “*Korematsu* Decision”, attached [p. 37]

Essential Questions:

- Why were Japanese Americans and persons of Japanese descent interned during World War II?
- Was Japanese Internment constitutional?
- How do the constitutional powers of the executive and legislative branches expand during wartime?

Duration

2 class periods

Student Preparation

- Students should be familiar with the reasons for the United States’ entry into WWII.

Teacher Preparation

- This lesson involves having students (in groups) rotate through various stations to examine different “artifacts” regarding the treatment of Japanese Americans during World War II. Teachers will need to copy all of the attached materials and set up the stations prior to student arrival. Teachers should determine how much time to provide at each station. Teachers may also elect to omit or alter the artifacts provided. The time required for this lesson will vary based on such choices.
- While this lesson deals with sensitive history, it is important for students to explore the treatment of Japanese Americans during World War II. In order to study this history effectively and safely however, teachers must have established a safe classroom with clear expectations of respect, open-mindedness, and civil conversation. See Carolina K-12’s “Activities” section of the Database of K-12 Resources <http://k12database.unc.edu> for ways to ensure a classroom environment conducive to the effective exploration of controversial issues.
- Teachers should explicitly prepare students in advance that they will encounter examples of racism and racist language when studying this time period. It is important to make it clear that such racist language used during this time period and depicted in some of the images from the PowerPoint should not be repeated outside discussing the historical time period.

Procedure

Warm Up: Pearl Harbor

1. As a warm up, project the attached “JAPS BUTCHER AMERICANS” headline/newspaper cover. Ask students to ponder the image quietly for a few minutes. Discuss the following questions as a class:
 - What do you see? What first strikes you?
 - What event is depicted here? What year did this event occur?
 - Besides the story referred to in the headline, what other events are occurring at the same time?
 - What does this front page tell you about American feelings regarding Pearl Harbor events?
 - How many Americans were killed at Pearl Harbor? (2,400)
 - If you were alive during this time, how do you think you would feel about the attack on Pearl Harbor?
 - The term “Jap” is a derogatory term for someone of Japanese descent. Why do you think the editors chose to use this word? What does this choice tell you about American attitudes toward the Japanese?
 - Do you think a similar headline could be used today? Why or why not?
 - What decisions did the bombing of Pearl Harbor lead America to make in regards to the Japanese?

Examining Artifacts from Japanese Internment during WWII

2. Inform students that they will be continuing their study of World War II in this lesson, specifically focusing on the United States government's decision to intern hundreds of thousands of Japanese Americans and persons of Japanese descent during World War II through various artifacts (pictures, quotes, primary source documents, etc.). At the conclusion of their research, students assume the role of the Supreme Court and they will answer the question: **Did the President and Congress go beyond their war powers by implementing exclusion and restricting the rights of Americans of Japanese descent?**
3. Divide students into 6 groups and provide each with a copy of the attached "Internment Artifact Instructions" handout. Inform students that they will be rotating among various stations to examine artifacts relating to Japanese internment during World War II. As they examine the evidence, they should discuss the questions provided on their handout and summarize their thoughts/answers on notebook paper. (Let students know they will need to refer back to this information during the next activity.)

Teachers should determine and let students know how much time will be provided as well as what will signal time to rotate (i.e., a buzzer, flashing the lights, etc.) Teachers should also review their expectations for productive group work and safe rotation before beginning the activity.

- **Station #1 – FDR's Speech to Congress**

Leave copies of the text of FDR's Pearl Harbor Address to Congress (attached) at the station and if possible, a lap top cued up to play a recording of the speech. (Audio and video are available at <http://www.americanrhetoric.com/speeches/fdrpearlharbor.htm> .)

- **Station #2 - Executive Order 9066 & Evacuation Notice**

Leave copies of Executive Order 9066 for students to skim as well as a copy of the Evacuation Notice (image & text) for students to examine. (One or two copies of the Evacuation Notice, laminated or printed on cardstock if possible, will suffice.) If the text on the slide is too difficult to read, copy and distribute the attached copy of EO 9066.

- **Station #3 – Relocation**

Provide students with a copy of the two attached images, map and WPA brochure excerpt. (One or two copies of each, laminated or printed on cardstock if possible, will suffice.)

- **Station 4 – Attitudes towards Japanese Americans**

Provide students with a copy of the images and quotes. (One or two copies of each, laminated or printed on cardstock if possible, will suffice.)

- **Station 5 – Life in the Camps**

Provide students with a copy of each image to examine. After discussing the questions provided as a group, each individual student should create a short "diary entry" about life in the camps from the perspective of one of the people from the images.

- **Station 6 – The Courts**

Provide students with information regarding the two court cases. (Students will only find out the results of the Hirabayashi case, since they will be determining the Korematsu case themselves in the next day's activity.)

4. Once all the groups have had a chance to view the various stations, ask students to return to their seats. Debrief the activity by discussing the following questions as a class:
 - What did you learn about Japanese American internment during World War II?
 - What most surprised you regarding what you learned?
 - Why do you think Japanese Americans were targeted for internment?
 - Does anyone know anything regarding the treatment of Italian Americans or German Americans during this time?
 - *Some US Citizens of German and Italian descent were interned or jailed because they were deemed suspicious persons by the FBI. Approximately, 1,600 Italian "aliens" were interned.*

and 10,000 Italian Americans were forced to relocate to new homes. Approximately, 11,000 German "aliens" were interned.

- How do you think Pearl Harbor influenced the way Japanese Americans were treated? Would you classify the US military's internment policies as racist? Why or why not?
- If you were a reporter, what questions would you ask the people waiting in line to be relocated (image 1 from station #3)?
- While it is hard to imagine being in the position of being relocated, how do you think it would feel? What do you think would be most difficult about experience relocation and why?
- Why is it so difficult to comprehend that this happened in America's recent history?

Homework: Constitution in Crisis

5. Provide students with a copy of the US Constitution and pass out the attached Constitution in Crisis Guided Notes, which will provide background information regarding the parts of the Constitution related to Executive Power/Privilege. These notes provide students with some context about how American democracy addresses executive, legislative, and judicial powers during times of crisis. Students should finish the assignment for homework.
 - For a free class set of "US Pocket Constitutions" from Carolina K-12, email Paul Bonnici at Bonnici@unc.edu

Day 2

6. As a warm up, review the homework assignment as a class using the attached answer key. Discuss the following questions:
 - Can our rights be suspended? If so, under what circumstances?
 - Can you think of any examples of when your rights were suspended or violated?
 - Can you think of any examples from history when a person's (or group of persons') rights were violated? In your opinion, was the violation justified or not? Why?
 - What branch decides if a law or executive action is Constitutional or not?
 - *Judicial Branch*
 - After completing this activity, do you still agree or disagree with the Supreme Court's decision in the *Hirabayashi* case? If so, why? If not, what changed your mind?
 - *Hirabayashi was convicted of violating curfew and resisting relocation. He appealed all the way to the Supreme Court where they found that a curfew is constitutional and that restrictions on Japanese Americans served an important national interest. They ducked the relocation question.*
 - A summary is available here: http://www.oyez.org/cases/1940-1949/1942/1942_870

Optional: If teachers feel that students need additional reinforcement of the issues surrounding the *Korematsu* case, distribute and review the attached summary from Street Law. The reading is available here: http://www.streetlaw.org/en/Page/297/Background_Summary_Questions

You be the Judge

7. Inform students that they will now assume the role of a Supreme Court Justice. As a Supreme Court Justice, their job is to decide if the actions taken by the executive and legislative branches are constitutional or not. The case they are hearing today concerns the forced internment of Fred Korematsu - a US citizen of Japanese descent - during World War II. The question before the Court is:

Did the President and Congress go beyond their war powers by implementing exclusion and restricting the rights of Americans of Japanese descent?

8. Mimicking the actual Supreme Court, divide students into groups of 9 and select one student in each group to serve as the "Chief Justice". (If unable to form groups of 9, divide students into groups of 3 or 5 so there are no ties when voting on a decision).

9. Provide each student with a copy of the attached “You be the Judge” handout and one of the attached “Arguments FOR Internment” or one of the “Arguments AGAINST Internment”. Review the assignment. Provide groups with 10 – 20 minutes to work on Part I of the assignment.

Teacher Note: There are 11 arguments for and against internment. Teachers can select which arguments to use or they can randomly distribute the arguments to the entire class to ensure that each group will have different outcomes.

10. After the allotted time, signal to the groups that they should begin working on Part II of the assignment. Provide students with 20 – 30 minutes to work on Part II.
11. After the allotted time, select a few groups to share their majority and dissenting opinions. To debrief, discuss the following question as a class:
 - Was it difficult to make a decision? Why or why not?
 - What reasons did your group think were the most compelling for the constitutionality of internment?
 - What reasons did your group think were the most compelling for the unconstitutionality of internment?
 - How do you think the Supreme Court decided? What reasons do you think they gave for their decision?
 - Why do you think the Constitution isn’t clear about the President’s war powers?
 - Do you think something like this could happen again? Why or why not?
 - Do you think the US Government ever apologized for internment?
12. At the conclusion of the discussion, project or copy and distribute the attached “*Korematsu Decision*” handout. Read the handout aloud as a class. Discuss the following questions:
 - How did the Supreme Court’s actual decision similar or different from your group’s decision?
 - Do you agree with the reasoning by the majority of the Court? Why or why not?
 - If you agreed with a dissenting Justice, which one did you agree with? Why?
 - Do you agree with the US government’s decision to pay reparations to the people who were interned? Why or why not?
 - Why do you think Fred Korematsu received the Presidential Medal of Freedom?

Culminating Partner/Group Activity: The Commission on Wartime Relocation & Internment of Civilians

13. Explain to students that due to the slew of lawsuits and the public outcry against the questionable legitimacy of the camps, the government closed them before the war ended. Criticism mounted in ensuing decades, and victims demanded redress for their losses. In 1980, Congress created the **Commission on Wartime Relocation and Internment of Civilians** to investigate the relocation programs. Two years later, the commission concluded in the report “Personal Justice Denied” that relocation was motivated by “racism” and “wartime hysteria.”
14. In partners or small groups, instruct students to imagine that based on this report, the US government has assigned them to a Reparations Committee. (Ensure students understand the term reparations - the making of amends for wrong or injury done.) They are to discuss and decide upon a plan to recommend to Congress for making amends for the unjust internment of Japanese Americans. (Point out that their plan might include recommendations from laws to be passed to a monetary award.) Give students around 8 minutes to work together then have them present their recommendations to Congress (the rest of class.) Discuss any similarities and/or outliers in student responses.
15. Next, share the following information with students regarding actual government reparations:
 - Through the efforts of leaders and advocates of the Japanese American community, Congress passed the Civil Liberties Act of 1988. Popularly known as the “Japanese American Redress Bill,” this act

acknowledged that "a grave injustice was done" and mandated Congress to pay each victim of internment \$20,000 in reparations. The reparations were sent with a signed apology from the President on behalf of the American people. The period for reparations ended in August of 1998. Despite this redress, the mental and physical health impacts of the trauma of the internment experience continue to affect tens of thousands of Japanese Americans. Health studies have shown a 2 times greater incidence of heart disease and premature death among former internees, compared to non-interned Japanese Americans.

- Discuss:
 - How does the government's actual reparation plan compare/contrast with your ideas?
 - Do you think the government did enough? Why or why not?
 - Do you believe that there's ever a time when civil liberties should be curtailed or suspended?
 - What three things do you think Americans should know about the internment of Japanese Americans and persons of Japanese descent? Why?

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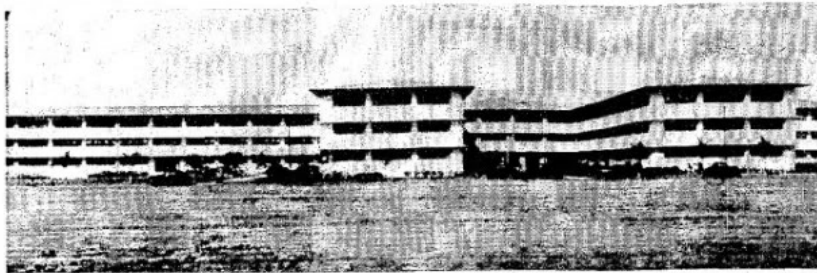
San Antonio Express

SAN ANTONIO, TEXAS, MONDAY MORNING, DECEMBER 8, 1941—EIGHTEEN PAGES

STREET
FINAL

PRICE 5 CENTS—ESTABLISHED 1865

JAPS BUTCHER AMERICANS



HAWAIIAN AIR BASE BARRACKS—Here is a view of the new Air Corps barracks at Hickam Field, Hawaii. Reports Sunday said a Japanese bomb scored a direct hit at Hickam Field.—AP Wirephoto.

Hundreds Believed Killed When Waves of Dive Bombers Swoop Down Upon Hawaii

Some Attackers Aim at Pearl Harbor, Others Batter Hickam Airfield Where Direct Hits Are Reported; Machine Gun Bullets Spray Over Civilian Population in Cities Near Posts; Destroyers Dash to Sea; Cannonading Indicates Large Naval Engagement Near Island

By Associated Press

HONOLULU, Dec. 7.—War struck suddenly and without warning from the sky and sea today at the Hawaiian Islands. Japanese bombs took a heavy toll in American lives. Several hundred lives were believed lost.

Cannonading offshore indicated a naval engagement in progress.

Wave after wave of planes streamed over Oahu in an attack which the Army said started at 8:10 a. m., Honolulu time, and which ended at around 9:25, an hour and 15 minutes later.

Witnesses said they counted at least 50 planes in the initial attack.

The attack seemed to center on Hickam Field, huge Army airport three miles northwest of Honolulu, and Honolulu, where the islands' heaviest fortifications are located.

The planes streamed through the sky from the southwest, their bombs shattering the morning calm. Most of the attackers flew high, but a few came low, five down to under a hundred feet elevation to attack Pearl Harbor.

An oil tank there was seen blazing and smoking.

An unconfirmed report said one ship in the harbor was on its side and four others burning.

Army officials said two Japanese planes had been shot down in the Honolulu area.

Planes which did not bomb Pearl Harbor apparently headed for Hickam Field. But there the at-

FDR's Appeal
To Jap Ruler
Is Revealed

Roosevelt Summons Congress

U. S. Already at War
But Declaration Due
In Capital Monday

Japs Invade
Malaya Under
British Fire



Lindbergh Refuses to See Reporters

By Associated Press
WEST TYSBURY, Mass., Dec. 7.—Charles A. Lindbergh, visiting at Seven Gates Farm in this Martha's vineyard island village, refused tonight to see newspapermen, or

Name: _____

Internment Artifact Instructions

What clues can you uncover regarding the American government's internment of Japanese Americans? Your group will rotate around the room to examine and discuss various artifacts that provide information regarding World War II and Japanese internment. Summarize your answers regarding each piece of evidence on notebook paper.

Station 1 - FDR's Speech to Congress

Play the speech on the laptop provided and following along using the handout of the speech's text. After reading/listening, discuss:

- What information does FDR share about the nature of Japan's attack on Pearl Harbor?
- Based on the speech, how do you infer FDR felt?
- How do you imagine the American people felt hearing about Pearl Harbor? How do you imagine they felt as they listened to this speech?
- What was the purpose of this speech? Do you think it was effective? Why/why not?
- Do you agree with FDR's decision to go to war with Japan? Explain.
- How do you imagine this speech and the decision to go to war will impact American views of people of Japanese descent living in the USA in 1941?

Station 2 - Executive Order 9066 & Evacuation Notice

Skim through the text of Executive Order 9066 and examine the Evacuation Notice. Discuss:

- What does EO 9066 authorize the military to do?
- Why did FDR issue EO 9066?
- What Constitutional powers does he cite for issuing EO 9066?
- Who do you think "alien enemies" refers to?
- Who was in charge of the relocation?
- When was the Evacuation Notice posted?
- How long did people have to evacuate from their homes? What were they allowed to bring with them?
- Pretend your group is a Japanese family in 1942. What might you be feeling as you receive this information?
- Using the notice as a guide, brainstorm a list of items that you would bring with you if you were forced to relocate.

Station 3 - Relocation

Examine the two images, map and excerpt from the WPA relocation brochure and discuss:

- What is happening in Image 1?
- Pretend you are a newspaper reporter. Create 3 questions you would like to ask the people waiting in line.
- What do you first notice about Image 2?
- Why do you think the owner placed this sign in front of his store on December 8? What message was he trying to convey?
- 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"?
- What information can you glean from 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?

Station 4 – Attitudes towards Japanese Americans

Examine the images and text provided and discuss:

- 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?
- What does the quote tell you about General DeWitt? How might this quote help explain his actions with regard to interning Japanese Americans?
- Although these pictures aren't representative of all Americans views, many Americans did express open hostility towards Japanese Americans and persons of Japanese descent. Why did such hostility and racism flourish?
- 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?

Station 5 - Life in the Camps

Examine the images and discuss:

- Using one word, describe life in the camps.
- Why do you think the camps had barbed wire 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?

Individually, choose someone from one of the images and write a short diary entry from that person's perspective sharing his/her feelings about being in the camp.

Station 6 -

Although many interned people were powerless to fight back, some did protest their treatment. Two men – Gordon Hirabayashi and Fred Korematsu – both initiated court cases that ended up before the Supreme Court. Read the attached court summaries and discuss:

- What laws did Gordon Hirabayashi violate?
- Do you agree with the Court's reasoning for upholding a curfew based on racial discrimination?
- Why do you think the Court declined to rule on the relocation issue?
- Why do you think the Supreme Court can be more deferential to the Executive Branch during wartime?
- How would you describe Fred Korematsu's actions?
- What would you do to avoid internment if you were in Fred Korematsu's situation?
- How do you think most Japanese Americans felt about Fred Korematsu?

Station 1

Franklin Delano Roosevelt: Pearl Harbor Address to the Nation

Yesterday, December 7th, 1941 -- a date which will live in infamy -- the United States of America was suddenly and deliberately attacked by naval and air forces of the Empire of Japan.

The United States was at peace with that nation and, at the solicitation of Japan, was still in conversation with its government and its emperor looking toward the maintenance of peace in the Pacific.

Indeed, one hour after Japanese air squadrons had commenced bombing in the American island of Oahu, the Japanese ambassador to the United States and his colleague delivered to our Secretary of State a formal reply to a recent American message. And while this reply stated that it seemed useless to continue the existing diplomatic negotiations, it contained no threat or hint of war or of armed attack.

It will be recorded that the distance of Hawaii from Japan makes it obvious that the attack was deliberately planned many days or even weeks ago. During the intervening time, the Japanese government has deliberately sought to deceive the United States by false statements and expressions of hope for continued peace.

The attack yesterday on the Hawaiian islands has caused severe damage to American naval and military forces. I regret to tell you that very many American lives have been lost. In addition, American ships have been reported torpedoed on the high seas between San Francisco and Honolulu.

Yesterday, the Japanese government also launched an attack against Malaya.

Last night, Japanese forces attacked Hong Kong.

Last night, Japanese forces attacked Guam.

Last night, Japanese forces attacked the Philippine Islands.

Last night, the Japanese attacked Wake Island.

And this morning, the Japanese attacked Midway Island.

Japan has, therefore, undertaken a surprise offensive extending throughout the Pacific area. The facts of yesterday and today speak for themselves. The people of the United States have already formed their opinions and well understand the implications to the very life and safety of our nation.

As commander in chief of the Army and Navy, I have directed that all measures be taken for our defense. But always will our whole nation remember the character of the onslaught against us.

No matter how long it may take us to overcome this premeditated invasion, the American people in their righteous might will win through to absolute victory.

I believe that I interpret the will of the Congress and of the people when I assert that we will not only defend ourselves to the uttermost, but will make it very certain that this form of treachery shall never again endanger us.

Hostilities exist. There is no blinking at the fact that our people, our territory, and our interests are in grave danger.

With confidence in our armed forces, with the unbounding determination of our people, we will gain the inevitable triumph -- so help us God.

I ask that the Congress declare that since the unprovoked and dastardly attack by Japan on Sunday, December 7th, 1941, a state of war has existed between the United States and the Japanese empire.

Station 2

Executive Order No. 9066

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[...];

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 [...], 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 [...]

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.

**WESTERN DEFENSE COMMAND AND FOURTH
ARMY WARTIME CIVIL CONTROL
ADMINISTRATION**

Presidio of San Francisco, California

April 1, 1942

**INSTRUCTIONS
TO ALL PERSONS OF
JAPANESE
ANCESTRY**

Living in the Following Area:

All that portion of the City and County of San Francisco, lying generally west of the north-south line established by Junipero Serra Boulevard, Worcester Avenue, and Nineteenth Avenue, and lying generally north of the east-west line established by California Street, to the intersection of Market Street, and thence on Market Street to San Francisco Bay.

All Japanese persons, both alien and non-alien, will be evacuated from the above designated area by 12:00 o'clock noon Tuesday, April 7, 1942.

No Japanese person will be permitted to enter or leave the above described area after 8:00 a.m., Thursday, April 2, 1942, without obtaining special permission from the Provost Marshal at the Civil Control Station located at:

1701 Van Ness Avenue
San Francisco, California

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

1. Give advise and instructions on the evacuation.
2. Provide services with respect to the management, leasing, sale, storage or other disposition of most kinds of property including real estate, business and professional equipment, household goods, boats, automobiles, livestock, etc.
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 as specified below.

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 must report to the Civil Control Station to receive further instructions. This must be done between 8:00 a.m. and 5:00 p.m., Thursday, April 2, 1942, or between 8:00 a.m. and 5 p.m., Friday, April 3, 1942.
2. Evacuees must carry with them on departure for the Reception 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. Sufficient knives, forks, spoons, plates, bowls and cups for each member of the family.
- e. 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 received 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.

No contraband items as described in paragraph 6, Public Proclamation No. 3, Headquarters Western Defense Command and Fourth Army, dated March 24, 1942, will be carried.

3. 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 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.

4. Each family, and individual living alone, will be furnished transportation to the Reception 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 at 1701 Van Ness Avenue, San Francisco, California, between 8:00 a.m. and 5:00 p.m., Thursday, April 2, 1942, or between 8:00 a.m. and 5:00 p.m., Friday, April 3, 1942, to receive further instructions.

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

**WESTERN DEFENSE COMMAND AND FOURTH ARMY
WARTIME CIVIL CONTROL ADMINISTRATION**

Presidio of San Francisco, California

May 7, 1942

**INSTRUCTIONS
TO ALL PERSONS OF
JAPANESE
ANCESTRY**

Living in the Following Area:

All of the City of Sacramento, State of California.

Pursuant to the provisions of Civilian Exclusion Order No. 52, this Headquarters, dated May 7, 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 16, 1942.

No Japanese person living in the above area will be permitted to change residence after 12 o'clock noon, P. W. T., Thursday, May 7, 1942, without obtaining special permission from the representative of the Commanding General, Northern California Sector, at the Civil Control Station located at:

Civic Memorial Auditorium,
Fifteenth and I Streets,
Sacramento, 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 Friday, May 8, 1942, or between 8:00 A. M. and 5:00 P. M. on Saturday, May 9, 1942, or between 8:00 A. M. and 5:00 P. M. on Sunday, May 10, 1942.
2. Evacuees must carry with them on departure for the Assembly Center, the following property:
 - (a) Bedding and linens (no mattresses) 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) Sufficient knives, forks, spoons, plates, bowls and cups for each member of the family;
 - (e) 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 or will be authorized to travel by private automobile in a supervised group. 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., Friday, May 8, 1942, or between the hours of 8:00 A. M. and 5:00 P. M., Saturday, May 9, 1942, or between the hours of 8:00 A. M. and 5:00 P. M., Sunday, May 10, 1942, to receive further instructions.

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

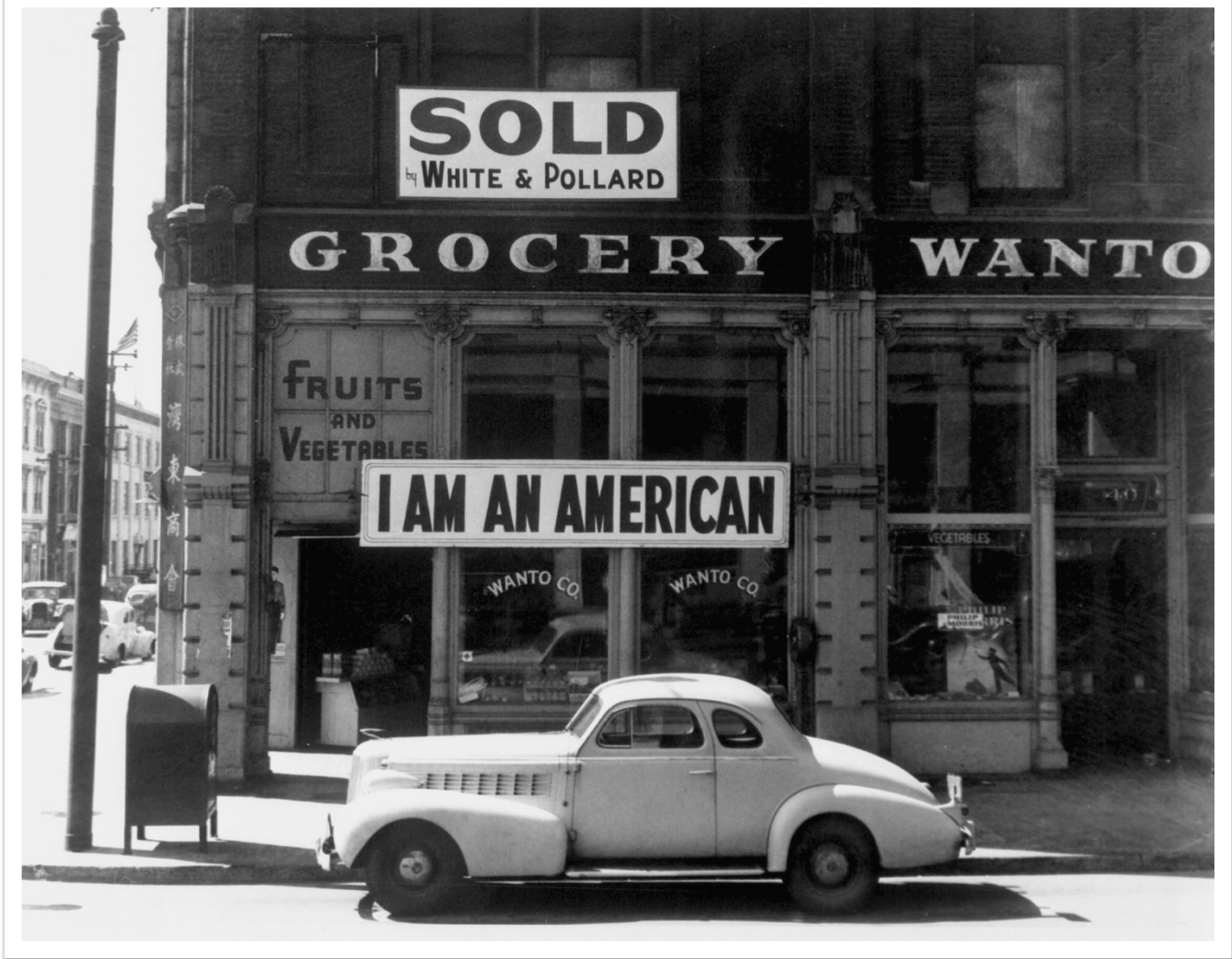
Station 3

Image 1



Station 3

Image 2



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

Station 3

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.”

Station 3

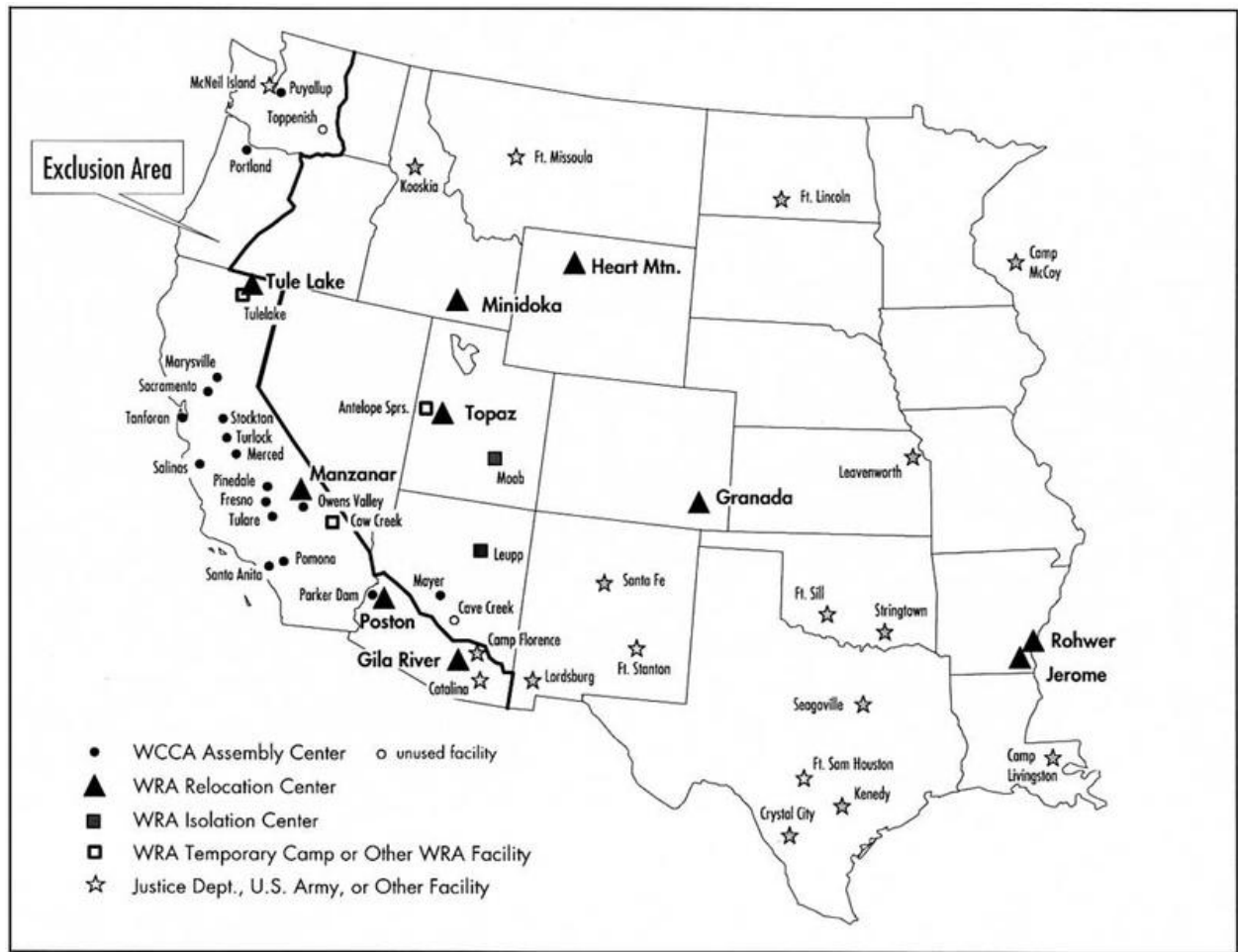


Figure 1.1. Sites in the western U.S. associated with the relocation of Japanese Americans during World War II.

Station 4



Station 4



Station 4

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

Station 5



Station 5



Hirabayashi v. United States

Facts of the Case

In the wake of the Japanese attack on Pearl Harbor, President Roosevelt acted to prevent incidents of subversion and espionage from individuals of Japanese descent living in the United States. He issued two executive orders which were quickly enacted into law. One gave the Secretary of War the power to designate certain parts of the country "military areas" and exclude certain persons from them. The second established the War Relocation Authority which had the power to remove, maintain, and supervise persons who were excluded from the military areas.



Gordon Kiyoshi Hirabayashi, a student at the University of Washington, was convicted of violating a curfew and relocation order.

Question

Did the President's executive orders and the power delegated to the military authorities discriminate against Americans and resident aliens of Japanese descent in violation of the Fifth Amendment?

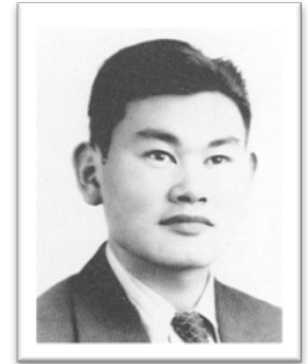
Conclusion

The Court found the President's orders and the implementation of the curfew to be constitutional. Chief Justice Stone, writing for the unanimous Court, took into account the great importance of military installations and weapons production that occurred on the West Coast and the "solidarity" that individuals of Japanese descent felt with their motherland. He reasoned that restrictions on Japanese actions served an important national interest. The Court ducked the thorny relocation issue and focused solely on the curfew, which the Court viewed as a necessary "protective measure." Stone argued that racial discrimination was justified since "in time of war residents having ethnic affiliations with an invading enemy may be a greater source of danger than those of a different ancestry."

Station 6

Korematsu v. *United States*

Fred Korematsu was born in Oakland, CA in 1919. After the first of evacuation orders were issued, Korematsu had plastic surgery on his eyelids in an attempt to pass as someone of Hawaiian and Spanish descent. He refused to evacuate and went into hiding in Oakland, where he was eventually recognized and arrested for violating the evacuation orders. The ACLU took up his case while he was waiting to be transported to an internment camp in Topaz, Utah.



Facts of the Case

During World War II, Presidential Executive Order 9066 and congressional statutes gave the military authority to exclude citizens of Japanese ancestry from areas deemed critical to national defense and potentially vulnerable to espionage. Korematsu remained in San Leandro, California and violated Civilian Exclusion Order No. 34 of the U.S. Army.

Question

Did the President and Congress go beyond their war powers by implementing exclusion and restricting the rights of Americans of Japanese descent?

Directions: Using a copy of the US Constitution, complete the following statements.

Article I: Powers of Legislature

Section 1 and 2

Congress has the right

To make _____.

They also may _____ Federal Officials, including _____.

Section 8

Congress has the right to

_____.

Establish _____.

Call on the _____ to enforce laws and suppress rebellions.

Make all laws _____ for carrying out its Constitutional powers.

Section 9

Congress does not, however, have the power to

- -
-

Article II: Powers of the Executive

Section 1

- All _____ is given to the President of the United States.
 - What does that mean?

Article II: Continued

Section 2

- The President is the _____ of the Armed Forces.
- The President can grant _____.

Section 4

- The President can be _____ for treason, bribery, and other high crimes.

Article III: Judicial Branch

Section 2

- The Supreme Court decides cases of:

Bill of Rights/Amendments

First Amendment:

Second Amendment:

Fourth Amendment:

Fifth Amendment:

Sixth Amendment:

Ninth Amendment:

Tenth Amendment:

Fourteenth Amendment:

ANSWER KEY Constitution in Crisis

Article I: Powers of Legislature

Section 1 and 2

Congress has the right

- To make **laws**.
- They also may **impeach** Federal Officials, including the **President of the United States**.

Section 8

Congress has the right to

- **Declare War**.
- Establish **rules for military forces**.
- Call on the **National Guard** to enforce laws and suppress rebellions.
- Make all laws **necessary and proper** for carrying out its Constitutional powers.

Section 9

Congress does not, however, have the power to

- **Suspend habeas corpus, unless required for public safety.**
 - Habeas Corpus – Allows you to seek legal recourse for unlawful detention
- **Pass a law that singles out a particular group for punishment (Bill of Attainder)**

Article II: Powers of the Executive

Section 1

- All **Federal Executive Power** is given to the President of the United States.
 - What does that mean?
 - **Can mean any number of things. There are many Supreme Court Cases on this. Is it intentionally vague?**

Section 2

- The President is the **Commander in Chief** of the Armed Forces.
- The President can grant **reprieves and pardons**.

Section 4

- The President can be **impeached** for treason, bribery, and other high crimes.

Article III: Judicial Branch

Section 2

- The Supreme Court decides cases of: **US Constitution and Federal Laws. Not much more to Article III than that.**

Bill of Rights/Amendments

First Amendment: Establish and practice religion, speak and write thoughts freely, to peacefully assemble, and to petition the government

Second Amendment: To keep and bear arms

Fourth Amendment: Be secure against “unreasonable” searches and seizures

Fifth Amendment: To be prosecuted for “infamous” crime only by Grand Jury, to not be tried for the same crime twice, to not incriminate yourself, to provide “due process of law” before the government takes life, liberty, or property

Sixth Amendment: Right to a speedy and public trial with an impartial jury, to address witnesses speaking against you, and to be represented by an attorney

Ninth Amendment: Other rights than those listed in the Constitution

Tenth Amendment: The states reserve powers not delegated to the federal government by the Constitution

Fourteenth Amendment: Due process and equal protection to anybody born or naturalized into the United States

Korematsu v. United States Background Information

When the Japanese bombed Pearl Harbor on December 7, 1941, destroying much of the American Pacific Fleet, the American military became concerned about the security of the mainland United States, particularly along the West Coast. The Japanese military had achieved significant and swift success throughout the Pacific. Many Americans turned their fear and outrage over the actions of the Japanese government on people of Japanese descent, both citizens and non-citizens, living lawfully in the United States.

At the time, approximately 112,000 people of Japanese descent lived on the West Coast; about 70,000 of these were American citizens. Many Japanese Americans had close cultural ties with their homeland, sending children home for schooling and even collecting tin foil and money to send to Japan during its war with China. At the time, however, there was no proven case of espionage or sabotage on the part of Japanese or Japanese Americans in the United States.

Nonetheless, in February 1942, General DeWitt, the commanding officer of the Western Defense Command, recommended that "Japanese and other subversive persons" be evacuated from the Pacific Coast. He claimed,

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. To conclude otherwise is to expect that children born of white parents on Japanese soil sever all racial affinity and become loyal Japanese subjects ready to fight and, if necessary, to die for Japan in a war against the nation of their parents.

He also said that there was "no ground for assuming that any Japanese, barred from assimilation by convention as he is, though born and raised in the United States, will not turn against this nation when the final test of loyalty comes."

President Franklin D. Roosevelt acted on this recommendation by signing Executive Order 9066. This authorized the Secretary of War or any designated commander, at their sole discretion, to limit and even prohibit some people from being in certain areas. Soon after the order was enacted, Congress sanctioned the executive order by passing a law that imposed penalties for those who violated the restrictions that evolved from the order. The ensuing restrictions on people of Japanese origin included curfews and forced removal to assembly and relocation centers much farther inland. Relocation to these centers was called internment. Most were required to live in barracks, many of which did not have running water or cooking facilities. They were only allowed to bring basic personal items. Thus, many suffered heavy financial losses when they were forced to quickly sell their homes, vehicles, and other belongings.

Fred Korematsu was an American-born citizen of Japanese descent who grew up in Oakland, California. He tried to serve in the United States military, but was rejected for poor health. He was able, however, to get a job in a shipyard. When Japanese internment began in California, Korematsu evaded the order and moved to a nearby town. He also had some facial surgery, changed his name and claimed to be Mexican-American. He was later arrested and convicted of violating Exclusion Order No. 34 issued by General DeWitt, which barred all persons of Japanese descent from the "military area" of San Leandro, California. There was no question at the time of conviction that Korematsu had been loyal to the United States and was not a threat to the war effort.

Korematsu challenged his conviction on the grounds that the relocation orders were beyond the powers of Congress, the military authorities and the President. He also asserted that to apply these orders only to those of Japanese ancestry amounted to constitutionally prohibited discrimination based on race. The government argued that the exclusion and internment of Japanese Americans was justified because it was necessary to the war effort. They said there was evidence that some Japanese Americans were involved in espionage, and argued that because there was no way to tell the loyal from the disloyal, all people of Japanese descent had to be treated as though they were disloyal.

The federal appeals court ruled in favor of the United States, and Korematsu's appeal brought the issue before the U.S. Supreme Court.



Name _____

You be the Judge
Korematsu v. United States

Directions: As a Supreme Court Justice, your job is to decide if the actions taken by the executive and legislative branches are constitutional or not. The case you are hearing today concerns the forced internment of Fred Korematsu -- a US citizen of Japanese descent -- during World War II. The question before the Court is:

Did the President and Congress go beyond their war powers by implementing exclusion and restricting the rights of Americans of Japanese descent?

Part I: Individual Work

Review your assigned position on this question and brainstorm two other reasons to support this position. Use your case notes, knowledge of the Constitution, and any other materials provided to you, to write a 3 paragraph opinion (one paragraph for each reason) for your answer to the above question. Do not share your opinions with the other Justices.

Remember you must argue from the point of view of your assigned position even if you don't personally agree with this viewpoint.

Part II: Group Work

Once your teacher gives the signal, the Chief Justice should call the court to order to take a simple "yes" or "no" vote on the question. The Chief Justice should tally the votes. At the conclusion of the vote, each Justice should share their written opinions.

After all of the Justices have read their opinions, the Chief Justice should ask if any of the Justices have changed their minds based upon another Justices' arguments. If any Justices have changed their mind, the Chief Justice should call another "yes" or "no" vote.

Once the final votes are tallied, the Justices who voted with the majority should choose the three most compelling reasons for their answer to the question. The group should write a three paragraph **Majority Opinion** outlining those reasons.

The Justices who voted with the minority should choose the three most compelling reasons for their answer to the question. The group should write a three paragraph **Dissenting Opinion** outlining those reasons.

Both groups should be prepared to share their opinions with the class.

Racism, not National Security, Was the Real Motivation. White racial prejudice and hostility against Japanese Americans, dated back decades before the start of World War II. When the flood of Japanese immigration to the U. S. began at the turn of the 20th century, white Pacific Coast residents (where 90-percent of Japanese immigrants settled) immediately resented the influx of a people they saw as racially inferior. This prompted discriminatory laws, such as the 1905 California Anti-Miscegenation Law that forbade the marriage of Caucasians and “Mongolians” (referring to both Japanese and Chinese) and the 1906 San Francisco law that mandated Japanese and Chinese students attend segregated schools. In 1924, pressure from West Coast legislators forced Congress to pass the Oriental Exclusion Law that forbade Japanese from achieving U. S. citizenship (the major reason why 40,000 Japanese living in America for decades by 1941 were still not U. S. citizens when WWII began). Widespread racial prejudice was intensified by economic competition, since whites resented the success of Japanese farmers and businessmen. Indeed, in 1942, Austin Anson, president of the Salinas Vegetable Grower-Shipper Association told a reporter, “We’re charged with wanting to get rid of these Japs for selfish [economic] reasons. We do.” Racism seems obvious when it is considered that Gen. DeWitt’s original plan for relocation also called for including 44,000 Italians and 20,000 Germans – yet only the Japanese were relocated (except for some Italians and Germans on an individual, case by case basis). Racism very likely overrode any genuine national security concerns in the decision to relocate Japanese Americans in 1942.



Other Means Existed for Ensuring Security. The stated motivation of the Exclusion Order, which formed the basis for the relocation of Japanese Americans, was an overriding concern at the time for “national security” (i.e. the protection of military bases and key defense industry factories). Yet, the draconian measures taken – round up and relocation of 110,000 Japanese and Japanese Americans living within Military Area Number 1 was a gross overreaction and ignored the fact that other means of achieving adequate security existed. Military and civilian guards at bases and defense factories could relatively easily have detained any “suspicious” persons venturing too near a sensitive facility (and in particular, anyone of obvious Japanese ancestry would stand out), and all West Coast citizens had, beginning immediately after Pearl Harbor, been constantly encouraged to remain vigilant and to report any suspicious activity observed to the FBI for immediate investigation. No verifiable incident of espionage or sabotage by a Japanese American was discovered during the war. Even FBI director J. Edgar Hoover opposed the mass relocation of Japanese Americans because he was convinced that the most likely spies or potential saboteurs among that population had already been rounded up in the initial sweep of “enemy aliens” between December 7 and 13, 1941. During searches of Japanese American residences conducted by the FBI beginning in early February 1942, the Department of Justice reported that “We have not uncovered through these searches any dangerous persons that we did not otherwise know about.”



Constitutionally Protected Rights. Executive Order 9066 violated the constitutionally protected rights of the 71,000 Japanese Americans among the 110,000 relocated who were U. S. citizens (although the 40,000+ Japanese who were not U. S. citizens were not in this same constitutionally protected category). Specifically, the relocation targeting only those of Japanese ancestry violated the provisions of the Fourteenth Amendment which prohibits depriving any person of life, liberty or property without due process of law. Even though the U. S. Supreme Court upheld the constitutionality of Executive Order 9066 (in re *Korematsu vs United States*, 1944), the Court specified that its decision referred only to the constitutionality of the exclusion order itself, stating that the order’s provisions singling out people of Japanese ancestry was a separate provision outside the scope of the trial proceedings.



Evacuation's Unnecessary Hardships. Even before arriving in the remote relocation camps, Japanese Americans suffered severe and unnecessary hardship due to the timing and conduct of the evacuation. Relocated Japanese Americans were given unnecessarily short notice, sometimes only hours, to report to collection centers for transport to the camps. Many were told to bring only “the clothes on their backs” and had to abandon virtually all of their personal property. Japanese farmers were in most cases forced to sell or abandon their farms, and only a few were able to enlist non-Japanese to look after their property while they were away. Those that were able to sell their farms usually had to suffer great financial loss, particularly when forced to sell their land to unscrupulous white farmers or land speculators who coveted the property. Although government provision was made to store their property, much of it was destroyed or looted while in government storage. The evacuation was particularly hard on the approximately 60-percent of Japanese Americans who were women and young children, forcibly uprooted from their homes and transported to the primitive living conditions in the internment camps. Although President Roosevelt signed Executive Order 9066 which became the basis for the mass relocation on February 19, 1942, the military authorities delayed the issuing of the evacuation order until May, then demanded that Japanese Americans report immediately to collection centers. The evacuation itself caused unnecessary suffering in the manner in which it was announced and conducted.



Deplorable Camp Conditions. The majority of the camps were established on Indian reservations in remote areas of the West where weather conditions were significantly more severe than the conditions on the Pacific Coast where most Japanese Americans who were relocated lived. In many cases, those relocated were not able to bring warm clothing to withstand the below zero weather encountered in the camps. Living conditions were primitive, with multiple families sharing austere, barracks-like quarters. Most common accommodations were non-insulated, tar paper-covered wooden barracks without cooking or plumbing facilities of any kind. Beds were cots, toilets were un-partitioned, and internees lived on a subsistence budget allocated at only 45-cents per day. Barbed wire enclosures surrounded the camps and armed guards manned watch towers to prevent internees from leaving. Schooling and social activities were minimal.



Physical and Emotional Distress. Internees suffered both physical and emotional distress during their internment. Armed guards constantly were on watch, and some internees were shot and killed by guards when they ventured outside the camp limits. One of these, James Wakasa, was shot and killed by a guard at Topaz internment center in Utah. Other internees died or suffered extreme physical problems due to inadequate medical care provided by the camp authorities. In addition to physical distress, many in the camps suffered severe emotional debilitation. Dillon S. Meyer, one of the camp administrators, reported in June 1945 that many of the internees suffered from depression, overwhelming feelings of helplessness and severe insecurity. No monetary compensation, as was done belatedly beginning in 1988, could make up for the physical and emotional suffering inflicted on the internees. The deprivation of individual liberty and the lost educational and business opportunities suffered by internees defy fixing any monetary compensation figure.

The basis of these “for” internment arguments largely center on the actual situation existing at the time the evacuations were ordered – i.e. not those arguments made decades later when America was no longer under attack and with the full advantage of hindsight:

Threat to the U.S. Pacific Coast. A real threat to the U. S. Pacific Coast was widely thought to exist in the first months after Pearl Harbor. After the U. S. Navy’s Pacific Fleet was crippled by the Japanese attack on Pearl Harbor, December 7, 1941, the American Pacific Coast was virtually defenseless if the Japanese had decided to launch attacks on the West Coast. Indeed, on February 23, 1942 (four days after President Franklin Roosevelt signed Executive order 9066), a Japanese submarine surfaced off the coast of Goleta, California and shelled the Elwood oil refinery complex causing widespread panic extending all along the coast to Los Angeles. Military and civilian leaders (led by California politicians) clamored for the government to create restricted zones around West Coast military bases and key defense plants (principally aircraft factories since many were concentrated in California in that era). As early as December 7 & 8, 1941, President Roosevelt directed the Army and the FBI to round up and intern Japanese, German and Italian “enemy aliens” (non-U. S. citizens) on the West Coast (831 were interned by December 13 – 595 Japanese, 187 Germans and 49 Italians). Further fueling public fears of espionage and sabotage was the January 25, 1942 release of the Roberts Commission report on the Pearl Harbor attack that cited “widespread espionage in Hawaii before Pearl Harbor, both by Japanese consular agents and by *Japanese residents of Oahu*.” Although the report’s claim that “Japanese residents of Oahu” had committed espionage was proved false after the war, a widely publicized incident in which one Japanese resident and two Hawaiian-born Japanese American residents of Niihau had used violence against their neighbors to aid a downed Japanese pilot who had bombed Pearl Harbor incensed the public and inflamed fears that the West Coast was in danger of an enemy attack supported by Japanese Americans. Although, in hindsight, it is clear that the Japanese military never intended to attack the Pacific Coast, there was a genuine fear by U. S. political and military leadership, and the public at large, at the time that such an attack was imminent and that when it came it would be supported by espionage and sabotage by West Coast Japanese residents.



Protection of Japanese-Americans. Whatever the merits (or lack thereof) of the white population’s suspicion regarding Japanese-Americans’ loyalties, such hostility existed even prior to the outbreak of the war against Japan in December 1941, but constantly increased in severity in the weeks after the Pearl Harbor attack. One early 1942 report from a Navy officer stationed in Los Angeles, for example, contained a typical of that period warning of imminent “outbreaks of riots and other civil strife” directed against the Japanese-American population. Therefore, the removal of Japanese-Americans from California and the western portions of Oregon and Washington state almost certainly prevented uncontrolled acts of mob violence being perpetrated against large numbers of Japanese-Americans, likely saving lives and preventing physical injuries to, potentially, thousands. Although it must be acknowledged that the conditions existing in this “protective custody” were harsh and primitive, it almost certainly prevented many injuries or death inflicted by a mindlessly enraged white population.



Historical Precedent. The Constitution is not a suicide pact, and a precedent for President Roosevelt suspending habeas corpus (in the case of the 71,000 West Coast Japanese who were American born U. S. citizens) exists in the actions of former Presidents. During another time of great threat to the country – the American Civil War – President Abraham Lincoln arrested and detained, without trial, thousands of suspected secessionists, closed newspapers hostile to his administration, and used military force to keep key Border States (e.g. Maryland and Missouri) in the Union. When the Chief Justice of the U. S. Supreme Court, Roger Taney, issued a writ of habeas corpus to force Lincoln to release imprisoned Maryland state legislators, Lincoln simply ignored it. Roosevelt’s genuine fear for the security of the Pacific Coast prompted his issuing Executive Order 9066, and in 1944 the order’s constitutionality was affirmed by the Supreme Court (unlike Lincoln’s actions which were not affirmed by the Court). Another presidential precedent, although directed against Germans and German-Americans living in the U. S., and also against any Americans opposing the war, are the actions by President Woodrow Wilson during America’s participation in World War I (April 1917-November 1918). Wilson pushed through Congress the passage of the Espionage Act of 1917 and the Sedition Act of 1918 which he used to suppress anti-British, pro-German and anti-war opinions in the American public and to deport foreign-born radicals. Using the acts, Wilson ordered the U. S. Postal Service to refuse to carry any written materials critical of the war, a move that seriously interfered with the circulation of dozens of newspapers whose position on the war Wilson objected to. He also encouraged the activities of the Committee on Public Information (Creel Commission), the National Security League and the American Defense Society which distributed propaganda, whipped up anti-German hysteria, harassed German-Americans and anti-war activists, questioned the loyalty of anyone who opposed the war, and engaged in “Gestapo-like” tactics in neighborhoods across the country to enforce support for Wilson and the war effort (with the help of the U. S. Dept. of Justice in many instances). Finally, Article 1, section 9 of the U. S. Constitution clearly provides for the suspension, in time of emergency, of the right of habeas corpus when it states “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.*”



Sacrifice for the War Effort. All Americans during World War II were required to make sacrifices to aid the war effort, including the supreme sacrifice made by 416,800 American military personnel who died during the war. Rationing of items like food and gasoline, dislocation of large sections of the U. S. population due to war factory work, and the general disruption in normal civilian life impacted the lives of virtually all Americans during the war. Although the sacrifices required of Japanese-American internees were mandated by authorities and not voluntary, the living conditions in the relocation camps approximated those in military training camps and were not significantly more severe than those experienced by the 16,000,000 U. S. military personnel who served during the war. Indeed, the relocation camp conditions were much less severe than what military personnel endured overseas in combat theaters. And although the internees’ coming and going in the camps was severely regulated by the authorities, such regulation approximated that experienced by all military personnel serving in the armed forces during the war who had to get permission any time they wanted to leave training camps or the bases to which they were ultimately assigned.



Freedom of Movement. Eventually, prior to the January 2, 1945 official lifting of the exclusion order, almost all relocation camps permitted internees to go beyond the confines of the camps. By the end of the internment period in 1945, nearly one-quarter of internees had been permitted to leave the camps to live and work elsewhere in the United States outside the declared exclusion zones. Eventually, many were even allowed to return to their homes in the exclusion zones under sponsorship of a family or agency. Additionally, under the National Student Council Relocation Program, college age internees were permitted to leave the camps and attend colleges and universities, and by December 1943 the number of internees taking advantage of this program was 2,263.

Source: <http://www.armchairgeneral.com/japanese-american-internment-during-world-war-ii.htm>

Korematsu Decision

A 6-3 majority on the Court upheld Korematsu's conviction. Writing for the majority, Justice Hugo Black held that although "all legal restrictions which curtail the civil rights of a single racial group are immediately suspect" and subject to tests of "the most rigid scrutiny," not all such restrictions are inherently unconstitutional. "Pressing public necessity," he wrote, "may sometimes justify the existence of such restrictions; racial antagonism never can."

In Korematsu's case, the Court accepted the U.S. military's argument that the loyalties of some Japanese Americans resided not with the United States but with their ancestral country, and that because separating "the disloyal from the loyal" was a logistical impossibility, the internment order had to apply to all Japanese Americans within the restricted area. Balancing the country's stake in the war and national security against the "suspect" curtailment of the rights of a particular racial group, the Court decided that the nation's security concerns outweighed the Constitution's promise of equal rights.

Justice Robert Jackson issued a vociferous, yet nuanced, dissent. "Korematsu ... has been convicted of an act not commonly thought a crime," he wrote. "It consists merely of being present in the state whereof he is a citizen, near the place where he was born, and where all his life he has lived." The nation's wartime security concerns, he contended, were not adequate to strip Korematsu and the other internees of their constitutionally protected civil rights.

In the second half of his dissent, however, Jackson admitted that ultimately, in times of war, the military would likely maintain the power to arrest citizens -- and that, possessing no executive power, there was little the judicial branch could do to stop it. Nonetheless, he resisted the Court's compliance in lending the weight of its institutional authority to justify the military's actions, and contended that the majority decision struck a "far more subtle blow to liberty" than did the order itself: "A military order, however unconstitutional, is not apt to last longer than the military emergency. ... But once a judicial opinion rationalizes such an order to show that it conforms to the Constitution, or rather rationalizes the Constitution to show that the Constitution sanctions such an order, the Court for all of time has validated the principle of racial discrimination. ... The principle then lies about like a loaded weapon ready for the hand of any authority that can bring forward a plausible claim of urgent need."

Justice Owen Roberts also dissented in the case, arguing that a relocation center "was a euphemism for prison," and that faced with this consequence Korematsu "did nothing." Also dissenting, Justice Frank Murphy harshly criticized both the majority and the military order, writing that the internment of the Japanese was based upon "the disinformation, half-truths and insinuations that for years have been directed against Japanese Americans by people with racial and economic prejudices."

The Court's decision in Korematsu, loudly criticized by many civil libertarians at the time and generally condemned by historians ever since, has never been explicitly overturned. Indeed, it is frequently cited for its assertion that "all legal restrictions which curtail the civil rights of a single racial group are immediately suspect." However, a report issued by Congress in 1983 declared that the decision had been "overruled in the court of history," and the Civil Liberties Act of 1988 contained a formal apology -- as well as provisions for monetary reparations -- to the Japanese Americans interned during the war. In 1998, President Bill Clinton awarded Fred Korematsu the Presidential Medal of Freedom.

Edited for length by Carolina K-12 from the following source:

http://www.pbs.org/wnet/supremecourt/personality/landmark_korematsu.html