



Justice at War

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Justice at War

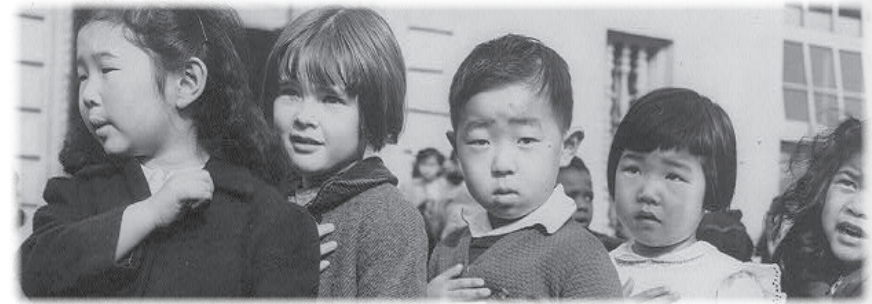
On 7 December 1941, Japanese warplanes bombed the U.S. naval base at Pearl Harbor. During the attack 2,403 people were killed and 80% of U.S. Naval warships in the Pacific were sunk. Many U.S. citizens feared a Japanese invasion and demanded action. In response to the attack, President Roosevelt issued Proclamation No. 2525 restricting travel for Japanese Americans, and authorizing the detention of any alien enemy who appeared dangerous. Two months later, the President issued Executive Order 9066, establishing military zones along the West Coast. The order set the stage for the exclusion of Japanese Americans from those zones.

Citing the threat of further attacks, and suspicious radio transmissions from the West Coast, the War Relocation Authority ordered the evacuation and detention of over 110,000 Japanese Americans into internment camps. While no Japanese American was ever convicted of sabotage or espionage against the United States, men, women, and children of Japanese ancestry were forced from their homes and detained in camps, often under harsh conditions.

Recruited by a lawyer from the American Civil Liberties Union, Mitsuye Endo declared that her detention in the Topaz Internment Camp was unconstitutional; she had never been charged or convicted of a crime. She took her case all the way to the U.S. Supreme Court. Defending the government's actions, Solicitor General Fahey cited the constitutional right to suspend a person's right to a trial (the *Writ of Habeas Corpus*) in cases of rebellion or invasion. Abraham Lincoln had suspended the *Writ of Habeas Corpus* during the Civil War. The Supreme Court had heard four cases regarding the Japanese internment camps prior to that of Miss Endo's. In each instance they determined that the government's actions were constitutional.



Jistis nan Lagè



Le 7 desanm 1941, avyon japonè bonbade baz naval ameriken nan Pearl Harbor. Pandan atak sa-a 2403 kretyen vivan pèdi lavi yo. Pase twa ka flòt naval ameriken nan Pasifik la te fini anba lanmè. Anpil sitwayen ameriken te santi evenman sa-a tankou yon avètisman pou yon envazyon e yo tap mande gouvènman pou-l fè yon aksyon. Prezidan Roosevelt pou-l reponn, soti ak pwoklamasyon nimewo 2525 ki te mete anpil restriksyon sou deplasman Japonè Ameriken ki tap viv sou tè etazini. Pwoklamasyon sa-a te bay dwa pou yo arete tout sitwayen ki ta reprezante yon danje. De mwa te pase lè prezidan soti al yon lòt dekrè (9066) ki te etabli yon seri de zòn militè nan lwès peyi a. Dekrè sa-a te defann Japonè Ameriken mete pye yo nan zòn sa yo.

Sou baz yo te gen la krent pou lòt atak, vin ajoute sou sa emisyon radyo sispèk ki tap emèt depi lwès peyi-a, òganis yo te rele « War Relocation Authority » bay lòd pou yo degèpi e mete nan prizon pase 110,000 nan de kan espesyal. Y opa janm jwenn okenn Japonè Ameriken koupab nan zafè espyonaj ousnon sabotaj kont gouvènman etazini. Men fanm, gason ak timoun ki te desandan moun peyi solèy leve te jwenn arestasyon ak entènman yo nan de prizon kote kondisyon lavi te vrèman difisil.

Mitsuye Endo deklare anprizònman-l nan « Topaz Internment Camp » te yon situation ki pa te an akò ak prensip konstitisyon peyi-a. Se yo avoka nan gwoup « American Civil Liberties Union » ki te mete koze sa-a nan tèt li. Yo pa janm akize-l ousnon kondane-l pou okenn krim. Li te pote ka-l devan manman tribinal peyi a. Lan defans aksyon gouvènman-an te poze, konseye jiridik Fahey te site dwa konstitisyon bay pou sispann libète ak dwa yon moun genyen pou yo tande-l devan yon jij lè moun sa-a se yon rebèl, ousnon si peyi-a anvayi pa yon lame etranje. Prezidan Abraham Lincoln te sispann libète pèsonek kretyen vivan pandan lagè sivil ki te devasté peyi-a. Tribinal federal te tande 5 ka entènman Japonè Ameriken nan prizon avan-l te vin sou ka Mitsuye Endo. Nan tout ka sa yo, jij yo to tire konklizyon ke gouvènman-an pat fè anyen ki pat nan lespri konstitisyon peyi Etazini.

Justice at War transports you to the critical moment in 1944 when Mitsuye Endo case is brought before the U.S. Supreme Court. In role as Supreme Court Justices, you will hear testimony, interrogate witnesses and reflect on crucial questions raised by the case. Finally, you will decide whether or not the government has the constitutional right to detain Miss Endo, and other citizens of Japanese-American ancestry, in camps for the remainder of the War.

Questions to consider

- Under what circumstances should the government be granted the right to detain citizens without a trial?
- In times of war, should individual rights be sacrificed in the interest of public safety?
- Were the camps necessary for national security, given the threat of invasion?
- Could racism have played a role in the decision to place Japanese Americans in internment camps?

**Arguments for Keeping
Camps Open**

**Arguments for Closing
the Camps**

Istwa sa-a transpòte nou nan moman en 1944 kote Mitsuye Endo te pote ka-l devan tribinal federal. Ou se yon jij manman tribinal peyi-a. Ou pral tande temwayaj, ou pral entèroje temwen, ou pral reflechi sou de keksyon difisil ka sa-a te pote. Apre sa, ou pral deside si gouvènman te gen dwa kenbe madmwazèl Endo, epi lòt sitwayen orijin japonèz yo, nan kan relokasyon pandan 2zyèm gè mondyal-la.

Kèk Keksyon pou ta konsidere

- Nan ki sikonstans yon gouvènman kapab kenbe pwòp sitwayen-l nan prison san-l pa pase devan yon jij nan tribinal?
- Nan tan lagè eske-n kapab sakrifye libète pèsonèl kretyen vivan nan enterè sekirite piblik?
- Eske konstriksyon kan relokasyon sa yo te nesèsè pou sekirite nasyonal anka peyi Japon ta deside anvayi peyi Etazini?
- Eske rasis avek prejije te jwe yon wòl nan desizyon pou yo deplase Japonè Ameriken nan kan relokasyon yo?

**Rezon pou kenbe kan relokasyon
yo ouvè**

**Rezon pou kenbe kan relokasyon
yo fèmen**

1869: The first Japanese to settle on the U.S. mainland arrive at Gold Hill near Sacramento, California.

1870: The U.S. Congress grants naturalization rights to free whites and people of African descent, omitting mention of Asian races.

1911: The U.S. Bureau of Immigration and Naturalization orders that declarations of intent to file for citizenship can only be received from whites and from people of African descent, thus allowing courts to refuse naturalization to the Japanese.

1913: The Alien Land Bill prevents Japanese aliens from owning land in California.

1924: Congress passes an Immigration Act stating that no alien ineligible for citizenship shall be admitted to the U.S. This stops all immigration from Japan.

7 December 1941: Japan launches a surprise attack on Pearl Harbor.

8 December 1941: The United States declares war on Japan.

11 December 1941: General John L. DeWitt is named commander of the Western Defense Command to protect the West Coast from further attack.

19 February 1942: President Roosevelt signs Executive Order 9066, giving the War Department authority to define military areas in the western states and to exclude from them anyone who might threaten the war effort.

18 March 1942: Executive Order 9102 establishes the War Relocation Authority to oversee the forced relocation of persons deemed dangerous to the security of the United States from exclusion zones. This order quickly leads to the establishments of relocation and internment camps.

21 March 1942: Public Law 503 is signed into law, providing penalties for persons who violate exclusion orders.

13 July 1942: A Writ of Habeas Corpus is filed in the name of Mitsuye Endo.

12 August 1942: The evacuation is complete; 110,000 people of Japanese ancestry are removed from the West Coast and placed in ten inland camps.

December 1944: Mitsuye Endo's case is heard before the U.S. Supreme Court.



1869: Premye sitwayen Japonè mete pye sou tè ameriken yon kote yo rele Gold Hill nan eta Kalifòni.

1870: Kongrè peyi Etazini bay moun blan ak moun nwa dwa pou yo vin sitwayen ameriken (natiralizasyon). Moun ki te desandan azyatik pat benefisye de lwa sa-a.

1911 : Biwo imigrasyon ak natiralizasyon pase yon règleman ki sèlman aksepte natiralizasyon moun blan ak moun ki desandan afriken. Tribinal yo te jwenn yon bon ekskiz pou yo refize sitwayen japonè dwa pou yo vin sitwayen ameriken.

1913 : Yon lwa yo te rele « Alien Land Bill » defann sitwayen japonè achte tè nan eta Kalifòni.

1924: Kongrè pase yon lwa “Immigration Act” ki te di konsa « Moun ki pa kalifye pou natiralizasyon pa otorize antre nan peyi-a ». Lwa sa-a te kanpe tout mouvman imigrasyon ki soti Japon.

7 desanm 1941: Japon lanse yon gwo atak sipriz sou Pearl Harbor.

8 desanm 1941 : Etazini antre nan gè ak Japon

11 desanm 1941 : Gouvènman-an nonmen jeneral John L. DeWitt kòmandan anchèf pou pwoteksyon kot lwès-la. Konsa peyi a-p pare anka yon lòt atak.

19 fevrye 1942 : Prezidan Roosevelt siyen yon dekrè #9066 ki te otorize depatman militè ak lagè pou-l militarize sèten zòn epi ampeche tout moun ki ta reprezante yon danje pou sekirite lagè-a vin nan zòn sa yo.

18 mas 1942 : Dekrè 9102 etabli yon depatman « War Relocation Authority » pou kontwòle depasman (relokasyon) moun ki se yon danje pou sekirite peyi-a. Dekrè sa-a te mennen konstriksyon yon seri de kan-prizon kote yo ka entène tout moun yo jije ènmi lapatri.

21 mas 1942 : Lwa Piblik 503 konsakre lwa. Lwa sa-a te prevwa pinisyon pou moun ki ta refize ekzekite lòd relokasyon.

13 jiyè 1942: Yon avoka mande tribinal pou-l tandè ka Mitsuye Endo

12 awou 1942: Otorite yo konplete gwo pwojè evakiyasyon sa-a. 110.000 kretyen vivan ki te gen kòd lonbrik yo nan peyi Japon te jwenn lòd pou yo kite lakay yo pou yo al viv sou siveyans nan dis kan

Desanm 1944: Tribinal Federal Etazini aksepte tandè ka Mitsuye Endo.

1. Prior to the attack on Pearl Harbor, what rules were put in place regarding Japanese and other Asian immigrants? What does this say about attitudes of many U.S. citizens towards people from Asian countries before World War II?
2. What specific actions were required under Executive Order 9066? Why did President Roosevelt sign this order?
3. While Roosevelt's executive orders authorized the removal of Japanese Americans from the West Coast, they did not specifically mention detaining them in internment camps. What reasons may the government have had in taking this action?



A Shakuhachi player and a young girl, Jul. 1945, Topaz concentration camp, Utah.

Courtesy of the National Archives and Records Administration

"en-denshopd-i37-00866-1." Densho Encyclopedia. 30 May 2013, 21:26 PDT. 9 Apr 2015, 22:56
<<http://encyclopedia.densho.org/sources/en-denshopd-i37-00866-1/>>.



1. Avan Japon te atake Pearl Harbor, ki politik Etazini te genyen pou imigre ki soti au Japon ak nan lot peyi azyatik yo ? Kisa sa di sou konpòtman sitwayen ameriken avek moun ki te soti nan peyi azyatik yo avan 2zyèm gè mondyal.
2. Kisa dekrè nimewo 9066 la te mande ? Poukisa prezidan Roosevelt te siyen dekrè sa-a ?
3. Si dekrè prezidan Roosevelt yo te klè sou koze depasman Japonè Ameriken, yo pa te di anyen sou detansyon nan kan kote moun sa yo te entène. Ki rezon ki ta kapab pouse gouvènman-an pran aksyon sa yo ?

Relocation Camps: temporary homes in remote areas of the United States administered by the War Relocation Authority for the Japanese Americans who were evacuated from their homes on the West Coast

Pearl Harbor: U.S. Naval base bombed by Japanese forces on 7 December 1941, inciting the U.S. to join World War II

War Relocation Authority (WRA): government agency created by President Franklin D. Roosevelt in March 1942 to oversee the orderly evacuation of Japanese Americans from the West Coast

Internment Camp: another term for the relocation camps defined above, particularly used by those who consider the term “relocation” inaccurate as it implies that Japanese Americans moved there voluntarily

Fifth Amendment: guarantees that no American citizen may be “deprived of life, liberty, or property without due process”

Prison Camp: a camp for prisoners of war, or a low-security prison where prisoners are often put to work

Dual Citizen: a person who holds citizenship in two countries

Writ of Habeas Corpus: (from the Latin: “you may have the body”) is a court order that requires a person under arrest to be brought before a judge or into court.

American Civil Liberties Union: an organization founded to defend and preserve the individual rights and liberties guaranteed by the U.S. Constitution.

Relocation Center: a temporary processing center for Japanese Americans who were being moved to relocation camps

Concentration Camp: a prison camp in which political dissidents, members of the minority, ethnic groups, or prisoners of war are confined—usually under harsh conditions

Espionage: spying or a government’s use of spies to learn another government’s military plans

Sabotage: the willful destruction of property or obstruction of public services

Kan Relokasyon: Yon kote an atandan yo te mete Japonè Ameriken ke administrasyon-an (War Relocation Authority) te fè kite lakay yo nan lwès peyi-a.

Pearl Harbor: Baz naval ameriken ke fòs militè peyi Japon te bonbade le 7 desanm 1941. Aksyon sa-a te fòse Ameriken antre nan 2zyèm gè mondyal-la.

War Relocation Authority (WRA): An mas 1942, prezidan Franklin D. Roosevelt kreye depatman sa-a. Se ajans ki te responsab deplase Japonè Ameriken yo nan kan relokasyon gouvènman-an te bati pou sa.

Kan Entènman : Se yon lò ekspresyon pou kan relokasyon. Yo itilize-l pou montre vrèman kisa kan sa yo te ye. Japonè Ameriken yo pa-t al nan kan sa yo paske yo te vle. Yo te fòse yo ale.

Senkyèm Amendman: se yon atik ki garanti libète pèsònèl kretyen vivan. Pèsòn pa kapab pran lavi (touye) yon moun, vòlè libète-l ousnon pran tout sa li posede sanke yon pwosè legal pa otorize aksyon sa yo.

Kan Prizon: yon kan pou sòlda, ousnon yon prison kote yo fè prizonye pansyonè yo travay di.

Doub Nasyonalite: Lè-w genyen nasyonalite nan de peyi

Writ of Habeas Corpus: (Ekspresyon sa-a soti nan lang laten e li vle di “ou kapab pran kò-a ») se yon lòd tribinal ki di tout moun ke yo arete dwe parèt devan yon jij ousnon yon tribinal.

American Civil Liberties Union: yon òganizasyon ki defann libète pèsònèl kretyen vivan ak libète ke konstitisyon peyi Etazini garanti.

Sant Relokasyon: Yon kote yo mete Japonè Ameriken anatandan yo voye yo nan yon kan relokasyon.

Kan Konsantrasyon: yon kan-prizon kote lavi di, kote yo mete prizonye politik, manm yon minorite, gwoup etnik ak prizonye yo fè nan lagè.

Espyonaj: Aksyon yon moun kap espyone ousnon yon gouvènman kap itilize espyon pou-l kapab konnen plan militè yon lòt peyi genyen.

Sabotaj: lè-w kraze, detwi pwopriyete leta ousnon lè-w anpeche sèvis piblik fonksyone kòmsa dwa.

JOHN L. DEWITT, a lifelong army man, was commander of the Western Defense during World War II. In March 1942, General Dewitt ordered the evacuation of more than 110,000 Japanese Americans from the Pacific Coast and southern areas of Arizona.



Mitsuye Endo

MITSUYE ENDO was ordered to leave her home in Sacramento and sent to the Tule Lake Assembly Center in Modoc County, California and later to the Topaz Relocation Center in Utah. Because of her status as a model American citizen, Endo was recruited by the American Civil Liberties Union to be the appellant in a test case against the Government. Her case was forwarded to the U.S. Supreme Court by the Ninth Court of Appeals.

CHARLES FAHEY, Solicitor General of Washington D.C., defended the War Relocation Authority in the Endo case.

JAMES PURCELL was a young American Civil Liberties attorney who recruited Mitsuye Endo to testify, and took her to the U.S. Supreme Court.

JOHN L. DEWITT, li fè prèske tout vi-l nan lame. Li te kòmandan anchèf pou defann tout kot lwès-la pandan 2zyèm Gè Mondyal. An mas 1942, li bay lòd deplase pase 110.000 Japonè Ameriken ki tap viv sou kot lanmè Pasifik-la, epi nan zòn Arizona.

MITSUYE ENDO te resevwa lòd pou-l kite kay li nan Sacramento. Yo te mete-l , anatandan nan yon sant nan conte Modoc nan eta Kalifòni e pita, yo te voye-l nan yon kan relokasyon nan eta Utah. Paske li te yon Ameriken epi yon manm nan American Civil Liberties Union te sezi ka sa-a pou-l pote devan gouvènman-an. Yo te gen siksè paske 9vyèm tribinal Kou Dapèl te refere ka-a devan manman tribinal peyi-a: Lakou Siprèm.

CHARLES FAHEY, Expert jiridik nan Washington D.C., epi prokirè jeneral nan ka “War Relocation Authority” kont Mitsuye Endo.

JAMES PURCELL li te yon jenn avoka manm “American Civil Liberties”. Se li ki te pouse Mitsuye Endo pou-l ale temwaye nan tribinal. Li te pote ka devan manman tribinal peyi-a.



As Justices of the U.S. Supreme Court, you will have the opportunity to ask questions of the following key players. Write down some questions that you may ask.

General Dewitt:

Solicitor General Fahey, lawyer for the War Relocation Authority:

Mitsuye Endo:

Attorney Purcell, lawyer for the American Civil Liberties Union:

Antan ke jij nan manman tribinal peyi-a, ou pral gen chans pou poze keksyon a tout aktè prensipal yo. Tanpri, ekri kèk keksyon ou vle poze.

General Dewitt:

Solicitor General Fahey, avoka “War Relocation Authority”:

Mitsuye Endo:

Attorney Purcell, avoka pou “American Civil Liberties Union”:

TheatreEspresso performs at the John Adams Courthouse in Boston (in collaboration with the Supreme Judicial Court), at the Lawrence Heritage State Park Visitors Center, and in schools and museums throughout New England. The company thanks Mass Humanities and the following foundations for their generous support.



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Since 1992, **TheatreEspresso** has toured its educational dramas to schools, museums, libraries, and courthouses throughout New England. **TheatreEspresso's** work challenges students to make critical judgments, explore social relationships, reflect on the role of law and human rights in our society, and question accepted truths about the history of America. These plays confront students with complex situations, based on actual historical events, that provoke a variety of opinions and solutions. By asking students to consider themselves participants in the drama, the company engages students in examining contradictory events and testimony in order to reach their decisions.

TheatreEspresso does not advocate any one viewpoint, but hopes to compel students to relate historical events to contemporary issues. **TheatreEspresso** is in residence at Wheelock Family Theatre.



For further information, visit our website at
www.TheatreEspresso.org