



# Justice at War

**ENGLISH**

**VERSION**

**WAKE UP TO HISTORY!**  
Participate • Debate • Decide

**TheatreEspresso** 

## 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.



*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**

**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.

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/>>.

**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

**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.

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.

My Questions

General Dewitt:

[Empty box for writing questions to General Dewitt]

Solicitor General Fahey, lawyer for the War Relocation Authority:

[Empty box for writing questions to Solicitor General Fahey]

Mitsuye Endo:

[Empty box for writing questions to Mitsuye Endo]

Attorney Purcell, lawyer for the American Civil Liberties Union:

[Empty box for writing questions to Attorney Purcell]



**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](http://www.TheatreEspresso.org)**