

## Was it Constitutional?

In the 1940s World War II was raging. America was isolated from the rest of the world because we did not want to face the consequences that war brings. However, on December 7<sup>th</sup>, 1941, Pearl Harbor was attacked by the Japanese and America eventually entered the war. The bombing of our harbor in Hawaii created great political unrest in America. We started to perceive the Japanese race, including innocent Japanese Americans, as our enemies that were trying to spy on us and sabotage us in the war.

In response to our country's dismay, the President at the time, President Roosevelt, issued an executive order to "protect against espionage and against sabotage of our national defense material, premises, and utilities" in which he gave permission to the Secretary of War and other commanders to exclude any or all persons from specific military areas.

What eventually happened was we shipped approximately 120,000 innocent Japanese Americans to isolated internment camps for our "national security". They were forced to sell everything and live in terrible conditions like horse stalls. Our government took their former lives away and stripped them of their freedom, even though they were just American citizens like you and me who were persecuted for their race.

Was this constitutional? No! Amendment XIV of the Constitution states that "...no state shall deprive any person of life, liberty, or property, without due process of law" However, we deprived Japanese citizens of liberty and property, and all but few were given a chance to stand up for themselves.

One man who was given the chance to stand up for himself was Gordon Hirabayashi, who violated curfew and exclusion orders that were forced upon him. His case was sent all the

way up to the Supreme Court, where he was charged with two concurrent sentences for both violations. Since both of the sentences ran concurrently, the Supreme Court only ruled on the curfew violation and neglected the real problem – the exclusion order – to avoid controversy, which is unjust beyond imagination.

Another case, *Korematsu V. United States*, was caused by Fred Korematsu because he refused to follow exclusion orders. Ultimately, he was convicted, but there was finally a dissent to the court's decision by a Justice named Justice Murphy. Some of Justice Murphy's reasons for dissenting were that "no reliable evidence is cited to show that such individuals were generally disloyal", "...certain individuals actively aided the enemy, from which it is inferred that the entire group of Japanese Americans could not be trusted to remain loyal to the United States.", "They must all accordingly be treated at all times as the heirs of the American experiment and as entitled to all the rights and freedoms granted by the Constitution."

Decades later, in 1983, a federal court in San Francisco overturned Korematsu's conviction, stating that it was based false, misleading, and racially biased information, which proves Justice Murphy's statements.

Finally, in 1944, in the case *Ex parte Mitsuye Endo*, the court decided that "citizens who are concededly loyal" could not be held in internment camps. Mitsuye Endo was a DMV worker who was sent to an internment camp, even though she was a state worker who couldn't speak or read Japanese, had never been to Japan, and who had a brother in the United States Army. The Supreme Court ruled in the favor of her release, and Justice William Douglas stated that "...We conclude that, whatever power the War Relocation Authority may have to detail other classes of

citizens, it has no authority to subject citizens who are concededly loyal to its leave procedure.”

Endo’s release eventually lead to the release of all of the other interned Japanese Americans.

I find it so baffling that we would strip thousands of American citizens of their liberty just because of their race. It goes completely against our Constitution to deprive so many people of liberty without due process of law, which is exactly what we did.

I know that to this day we are struggling with the idea of restricting certain groups because of their nationalities and religions. That being said, I still hope that we realize how unconstitutional it is to do that to innocent people based on something they cannot change or should not have to change.

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