

WE HEREBY REFUSE

JAPANESE AMERICAN RESISTANCE
TO WARTIME INCARCERATION

WRITTEN BY
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— WE HEREBY REFUSE —



MITSUYE ENDO

SACRAMENTO, CALIFORNIA * AGE 21

**LIVES WITH PARENTS AND TWO
SISTERS IN AN APARTMENT IN
SACRAMENTO'S JAPANTOWN.**

BROTHER IN U.S. ARMY.

**WORKS FOR A CALIFORNIA STATE
AGENCY AS A TYPIST.**

We were simply visible targets for retaliation. Here I was a *Nisei*, born in Seattle, a citizen by birthright under the Constitution - while my parents, *Issei* who emigrated from Japan, were denied by law to become naturalized U.S. citizens because of their race. This was their home too.

The nation was scared, sure, but I didn't see how that excused the venom and wild conspiracy theories from political leaders.

I'm for catching every Japanese in America and putting them in concentration camps. **DEPORT THEM ALL!**



Rep. John Rankin
(D-Mississippi)

The Japanese population of California is ideally suited to carry into execution a tremendous program of sabotage on a mass scale. Some of our airplane factories in this state are entirely surrounded by Japanese farms. The sabotage that we are to get is timed, just like Pearl Harbor was timed.



Pearl Harbor



Earl Warren
California Attorney General

If an American-born Japanese is really a patriotic citizen, he can prove it by permitting himself to be placed in a concentration camp.



Rep. Leland Ford
(R-California)

The leaders in our community left standing after Pearl Harbor, the only thing they protested was their loyalty.

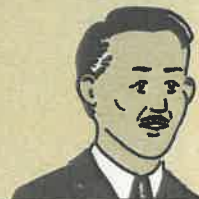
The Japanese American Citizens League was an organization open only to Nisei, younger and eager to prove we were nothing like the enemy. Some even led a witch-hunt to have us snitch on our own parents.

Seattle



James Sakamoto
Emergency Defense
Council, Seattle JACL

Our organization, both locally and nationally, has, let us say, 'turned in' people whom we thought should be checked into. We are actively cooperating to uncover all subversive activity in our midst. We are custodians over our parent generation to guard against danger to the United States.



Saburo Kido
National JACL president

National Headquarters has been collaborating with officials in the national defense program and is now re-urging members to cooperate in every way with civic and federal authorities.

San Francisco



Mike Masaoka
National JACL
field executive

To prove our loyalty, we propose a volunteer unit - a suicide battalion if you will - to spearhead the most dangerous missions, with their families held by the government as hostages.

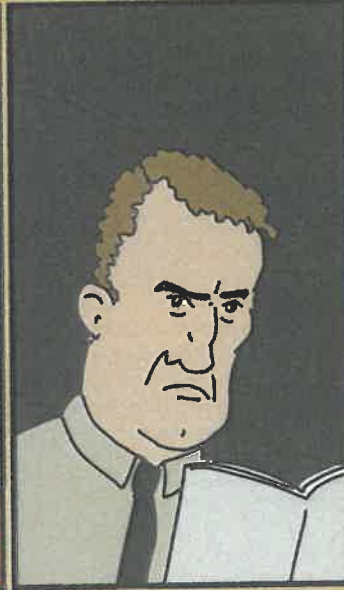
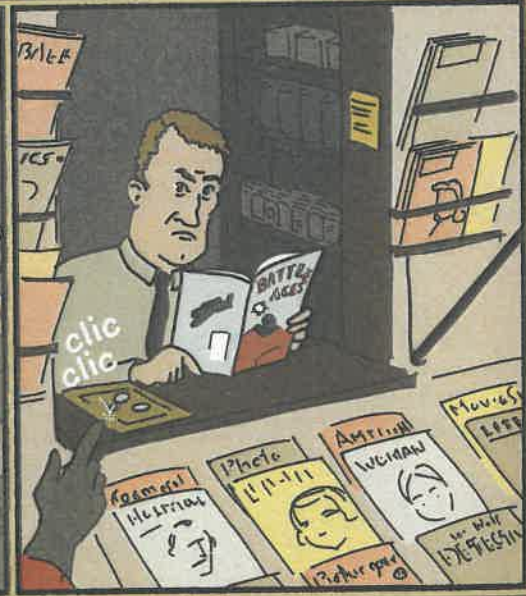
Los Angeles



Tokutaro "Tokie" Slocum
Anti-Axis Committee,
Los Angeles JACL

I myself went over the top to lead my buddies in the FBI and Naval Intelligence into the den of these disloyal and traitorous elements.

MITSUYE ENDO: American soldiers were being killed in the Pacific, and some people blamed us for it. My brother was drafted into the Army before Pearl Harbor, so I was worried for him too.



With so much discrimination against us, I was glad to have a position with the State of California. It hired Nisei as professionals, and the job came with civil service protections.



Can you believe all the rumors and lies about us?



Our parents weren't enemy aliens. But people were demanding we resign as a group.



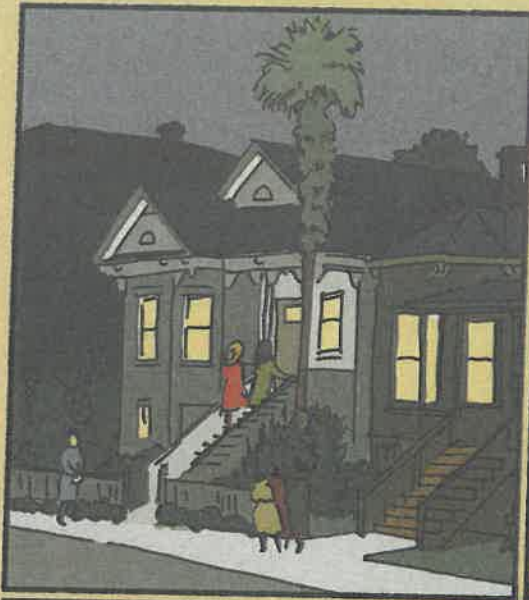
I hear a JACL big shot is coming up from San Francisco to tonight's meeting...

Well I hope he can do something to stop all this talk about making us quit.



I'm glad we're organizing.





We aren't working in defense factories for cryin' out loud!

Glad you could make it! We're just starting...



I spoke with Mr. Kido at JACL about suing to keep our jobs...

Maybe Mr. Masaoka can talk about that when he gets here...



Hi folks! Thanks for coming tonight. Wow - what a turnout!



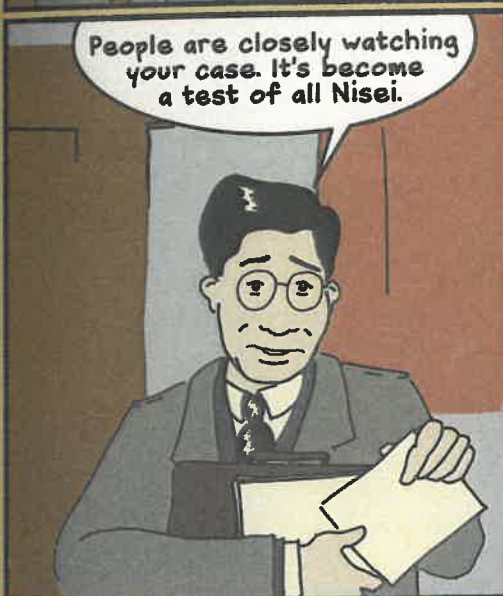
Sorry I'm late, but I bring good news!



The Personnel Board assures me there will be no summary or arbitrary dismissals.



All they ask is that you fill out a questionnaire attesting to your loyalty.



People are closely watching your case. It's become a test of all Nisei.

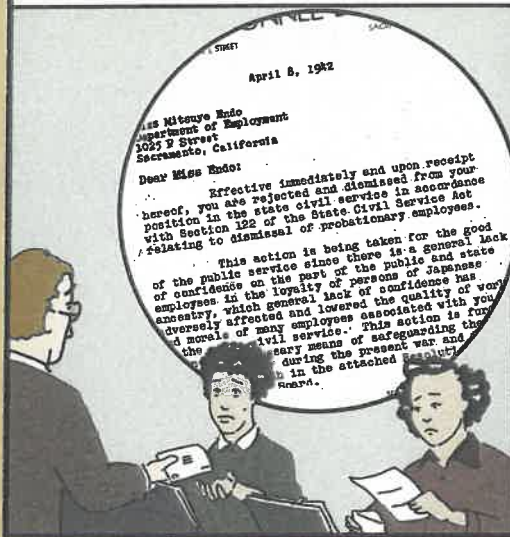


We're not looking to set an example. We just want to keep our jobs.

We all completed the loyalty questionnaire. What else could we do?



They suspended us anyway.



Hiding just delayed the inevitable.



Mr. Kido knew a lawyer in San Francisco willing to meet with us.



The State says we can't serve the public because the public doesn't trust us!



63 of us want to appeal, but Mr. Kido couldn't find anyone to represent us. Will you?



Yes, and we'll have no difficulty opposing your suspensions.



The attorney general is uneasy with the idea of evacuating citizens, but he has no choice now that the President has signed the order to move all Japanese off the Coast.



Western Defense Command
The Presidio, San Francisco

That's the beauty of this plan, General. We prescribe a military zone from which we **exclude** all persons and then **license back** those we permit to stay.

This gets us around any constitutional issues with citizenship or race.

Fine with me. There's no such a thing as a loyal Japanese. Born here or not...
A Jap's a Jap.



Col. Karl Bendetsen
assistant chief of staff,
Western Defense Command

Lt. Gen. John DeWitt
commander, Western
Defense Command

A lot of Japs say, "Oh yes, we want to go. We're good Americans," but those are the fellows I suspect the most.

Definitely. The ones giving you only lip service are the ones always to be suspected.



MITSUYE: We never did get a hearing on the awful accusations from the state. Then the federal government told us to pack up and leave, without a trial.



604 "O" Street Sacramento



We were just presumed guilty, and that was that.

It's just not fair.



We never got our day in court.

I know, dear.



Hi folks! Anything left in the house to sell?



GET OUT OF HERE!



Mills Tower, San Francisco

With the Japanese Americans under Army control, this has become more than a civil service case...

William E. Ferriter & James C. Purcell
Attorneys and Counselors-at-Law

Jim, the state will argue that our clients, while imprisoned, are unable to perform their duties at work.



Meanwhile the Army is denying due process to American citizens!

Persecution of any minority is a danger to us all.



The Constitution was written to prevail in times of war as well as peace. We have an obligation to challenge this.

We should start by identifying which of our clients have backgrounds that belie all these prejudices about loyalty...

Someone who doesn't speak or read Japanese...

...who never attended Japanese language school...

...who is not Buddhist or Shinto.



We need to find the perfect plaintiff.



MITSUYE: Mr. Purcell, the lawyer handling our civil service complaint, wrote me to say I was needed for a different kind of case.

It sounds ridiculous, but the Personnel Board claims it can fire you for not showing up to work.



Sacramento Assembly Center

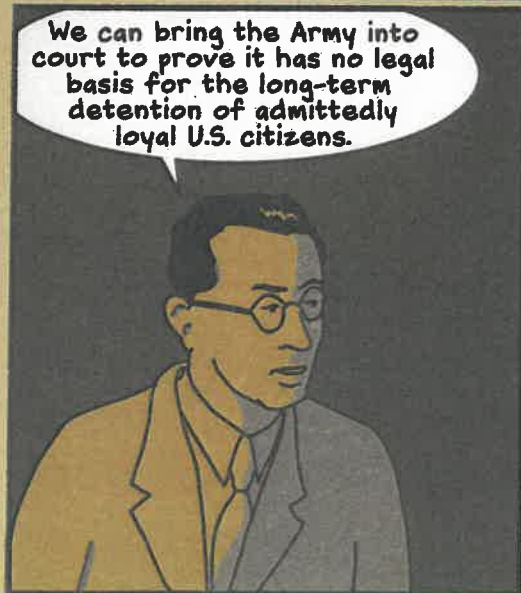
Well I want to go back, but I'm held here!

Yes, and we believe the best way to get your job back is to fight your incarceration.

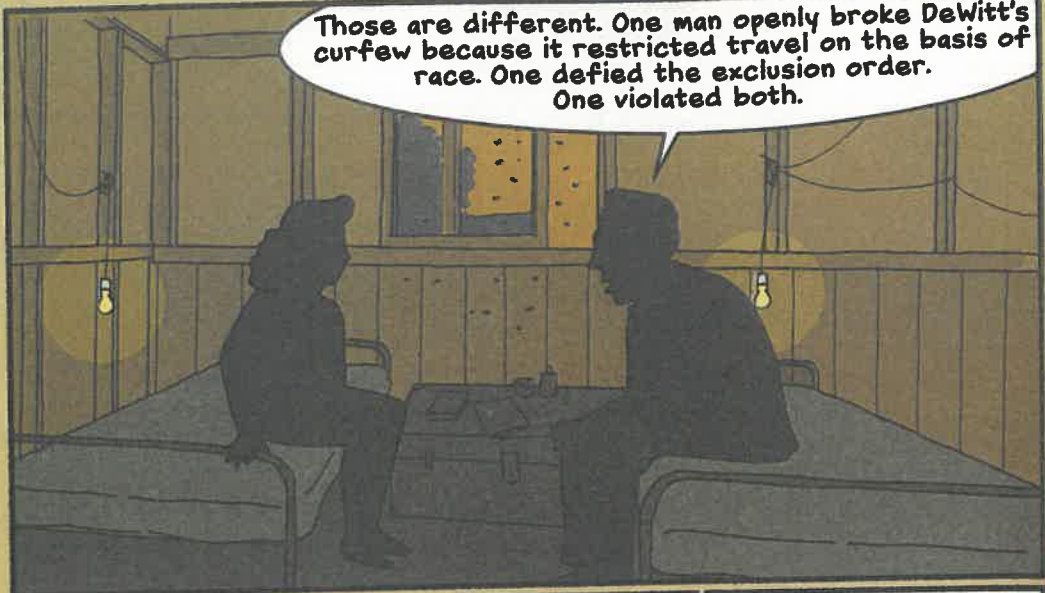


We can bring the Army into court to prove it has no legal basis for the long-term detention of admittedly loyal U.S. citizens.

But those other men. They're going to court. Aren't their cases enough?



Those are different. One man openly broke Dewitt's curfew because it restricted travel on the basis of race. One defied the exclusion order. One violated both.



Min Yasui demanded to be arrested for being out after curfew, the day it took effect.



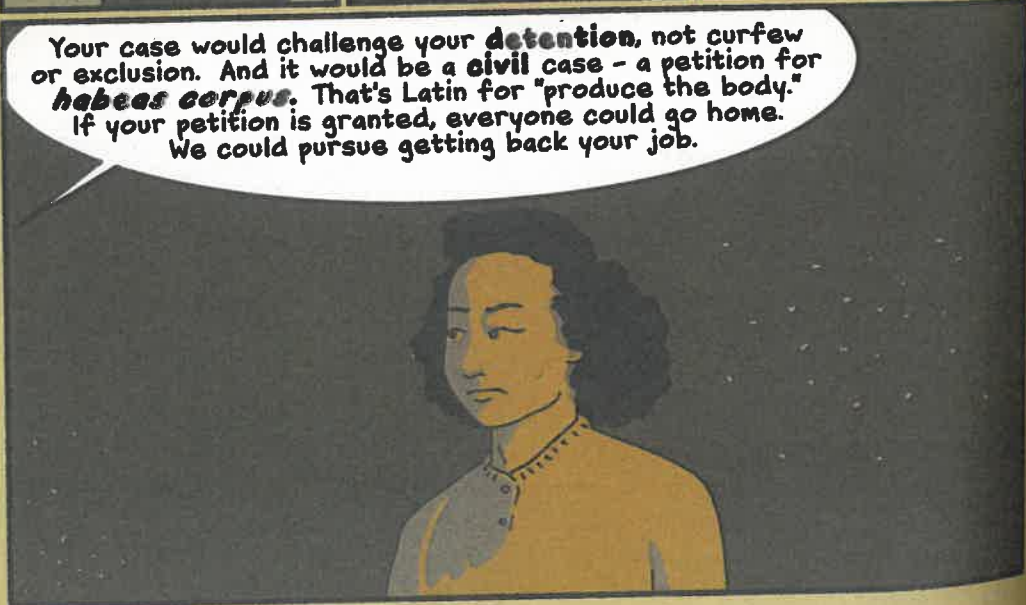
Fred Korematsu felt he had a right to stay with his fiancée, and had plastic surgery to pass for Spanish.



Gordon Hirabayashi broke curfew and refused to register for evacuation, as a matter of conscience.



Your case would challenge your **detention**, not curfew or exclusion. And it would be a **civil case** - a petition for ***habeas corpus***. That's Latin for "produce the body." If your petition is granted, everyone could go home. We could pursue getting back your job.



It's asking a lot, but you would need to remain in camp for however long it takes. The case could take months.

Maybe years.



I grew up in a prison. My father was a guard at Folsom. I know a prison when I see one.

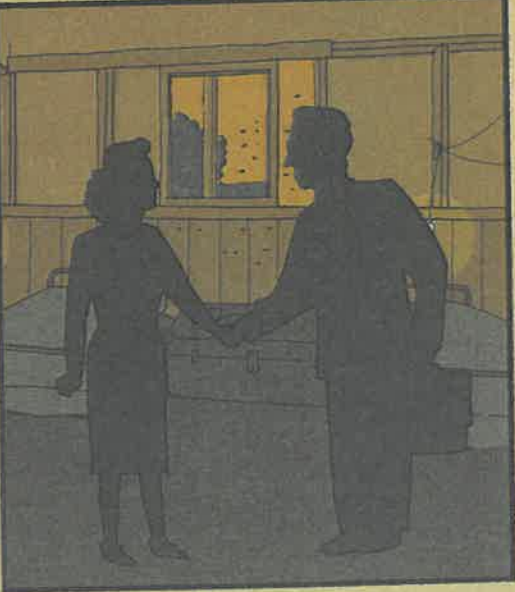
Prison convicts get better housing than this.



But why me? What about Eureka? Or Ruby?



You don't speak Japanese. You're not Buddhist or Shinto. You even have a brother in the U.S. Army.



MITSUYE: Tule Lake had 52 armed guards. I know because I counted them all for Mr. Purcell.

He wanted to know whether the barbed-wire fences extended all around. They sure did. And I confirmed that we were not free to walk out without being stopped, or shot.



Mr. Purcell filed the writ of *habeas corpus* as soon as I arrived. Then he said he got a surprise.



LAW OFFICE OF
FERRITER AND PURCELL
HILLS TOWER
230 BRYAN STREET
SAN FRANCISCO

Miss Mitsuye Endo
Block 5, Bldg. 2916, Apt. C
Tule Lake Relocation Center
Newell, California

Dear Miss Endo,

I appeared before the federal judge in San Francisco for what I thought was a calendar hearing. Instead, he asked to hear my argument.

"Instead, he asked to hear my argument."

...Throwing into concentration camps people whose sole offense is to follow the example of Nazi Germany...



U.S. District Court
San Francisco



If this precedent is established, any minority group may land in a concentration camp under the guise of an emergency, just because some military dictator pronounces them dangerous.



When I first considered this matter, I thought it was frivolous. I am now convinced it is a matter of considerable importance.



I will hear from the government this afternoon.

"When we reconvened after lunch, most of the spectator seats were occupied by Army officers from the grade of colonel on down."

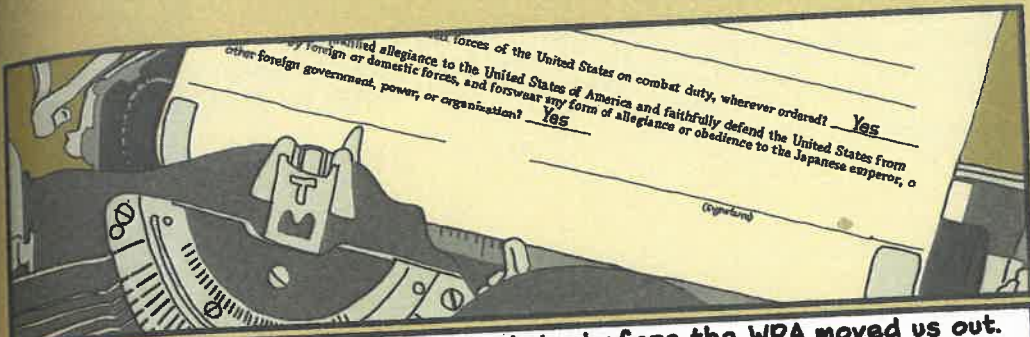
To what do we owe the honor of this array of military presence? Maybe we really are impeding the war effort!



You know Jim, we can get rid of this case real fast. We can just have you inducted!

"The government argued its case. Now we just have to wait."





MITSUYE: We spent one year at Tule Lake before the WRA moved us out. We had answered "yes-yes," and were told we had to make room for the "no-no" segregants coming in.



At Topaz, the Army had cleared the dry lakebed by pulling up native greasewood by the roots.



That churned the ground into a mass of clay silt, which blew in everywhere.



Janet and I got good jobs in the central camp office. I became secretary to the relocation program officer.



The judge in my case waited a full year before he finally dismissed it. Mr. Purcell quickly appealed.



Then he said the WRA was sending its top lawyer to offer me a settlement - I could leave camp, and forget about my case. Mr. Purcell said he would come represent me.

FEK
370 WASH
SAN FRANCISCO

Mitsuye Endo
9-9-B Central Utah Relocation Center
Topaz, Utah

Dear Miss Endo,

The United States Attorney called me to ascertain whether or not we can settle this case by permitting an immediate release for you, so that you can go to any part of the United States save and except restricted areas. I informed Mr. Zirpoli that it was my impression that it was your desire to return to Sacramento.

I also informed him that in the event that they so desired, there was no way to prevent the government for such an order for your release, but in that event, I would follow my instructions resulting from a prior conference with you many months back to bring a mandate proceeding, requiring the commanding general of this area to permit your admission into and your return to your Sacramento residence.



The government must be worried about losing.

How are you doing?

Fine. It's just hard to sit and wait.



My sister is leaving for a job in Illinois. I wouldn't mind going with her.

That's what Mr. Glick will be counting on. He hopes to get you to abandon your challenge to your imprisonment.



And it's only by their keeping you in camp that we can bring the government into court to show cause.



Miss Endo, you're clearly a person who has been loyal to the United States. The FBI report on you gives you complete clearance.

We'd like to offer you an immediate "leave permit."

So I can return to Sacramento?

Phillip Glick, chief solicitor, War Relocation Authority

No, you won't be able to return to the restricted area, but we'll help you relocate anywhere else in the United States.

There's the catch. Once you leave camp, our case is moot.

Mr. Glick, I'm sorry, but I must refuse. This is about more than me and my freedom.

This has a bearing on all Japanese Americans who are eager to go back to their homes.

I am willing to go as far as I can on this case.

"...and then return to my argument."

...the Government has no evidence of espionage or sabotage by any Japanese American citizen on the West Coast...

...and there is no question of Miss Endo's loyalty to the United States.

While Congress authorized removal of Japanese Americans, it did not envision their continued detention.

Once she was cleared as loyal, the government has no right to hold Mitsuye Endo.

Even if Congress did not grant authority for detention, the WRA had the best interests of Miss Endo at heart in refusing to let her return to the West Coast... where the situation is explosive and she could face repercussions.

Charles Fahy,
Solicitor General, Department of Justice

But what is the time limit on temporary detention? Could she be held for, say, 25 years if the WRA considered it to her best advantage?



No, your honor.

Why not? She might be a danger to the community for 25 years, as a result of the original evacuation.

So a little violation of the Constitution might be winked at, but not a violation for 25 years?



Your honor, a great deal has been accomplished under this program for the resettlement of these people.

I think not, your Honor. I think no violation of the Constitution should be winked at.

The war has done a great deal of injury to all of us. Can the Government take charge of me for preventive detention, if I do not care to be detained?



No, your Honor, I think not.

Well, the Chief Justice was never evacuated!



"I will advise you when we get a ruling from the Court."





The Supreme Court is announcing its ruling on the Japanese cases tomorrow. We have orders to revoke the exclusion order before the court acts. I know it's a Sunday, but...



We need to get out a statement, fast...

The Western Defense Command today terminated mass exclusion of persons of Japanese ancestry from the Pacific coastal area. At the same time, the War Relocation Authority is signaling plans to close all relocation centers within six months to one year...





Janet!
We did it!

You mean...?



The Supreme Court
ruled in my favor.
We can all go
back home!



WESTERN UNION

AN EXTREMELY JOYOUS OF RESULTS
APPRECIATE VERY MUCH YOUR LONG EFFORT!
IN RESTORING OUR RIGHTS

MITSUYE ENDO

MITSUYE: I was free to leave Topaz once my case was decided, but it took months to arrange for my parents to move too.



There was no point in going to California. The hearing on our state employment was on hold until after the war.



I went to join my family in the Midwest. The headlines about my case did have one benefit.



The mayor of Chicago offered me a job as office manager for his Committee on Race Relations.



But when reporters asked to talk about my case, I just said no.



I showed people what I can do. That was enough.



I arrived at American city an alien ...

... but not an Since we we the Justice D invent a new "native Amer

It meant I was nation, an alie of my birth. Ar long struggle renunciation a my citizenship.

My unfinished business?
Getting the State of California
to give us back our
civil service jobs.



We won!
And with some
back pay!

It was the principle that was
important, to prove that we were
loyal. But my family was in Chicago,
and that was now my home.

Not many knew all this
happened to me. I didn't go
around broadcasting it.



I never even told my children until
they asked.

Why did you let them
put you in camp?



We wouldn't go.

When I think about it now - that we
took our case all the way to the
United States Supreme Court -
I'm awed by it.



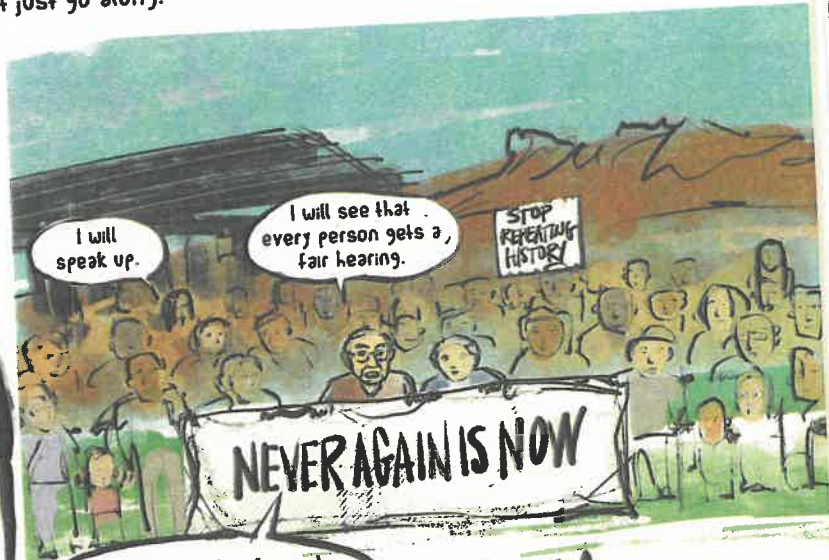
But it wasn't just for me.
I did it for everyone...

... so the government will
think twice before detaining
an American citizen in
concentration camps.



The government was wrong to single us out for exclusion based solely on our race. It was wrong then, and it would be wrong now.

And whenever we see America turn against a people because of their race, or their religion, or their whatever, we won't just stand by. We won't just go along.



I will be the friend we didn't have when we needed one the most.



**IT HAPPENED TO US.
WE REFUSE TO LET IT HAPPEN AGAIN.**