



Justice at War

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Justice at War

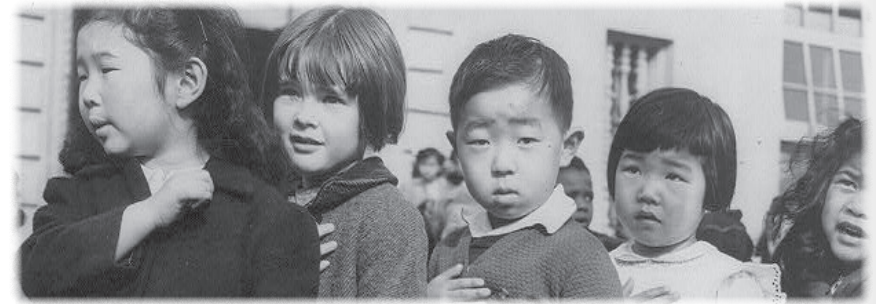
On 7 December 1941, Japanese warplanes bombed the U.S. naval base at Pearl Harbor. During the attack 2,403 people were killed and 80% of U.S. Naval warships in the Pacific were sunk. Many U.S. citizens feared a Japanese invasion and demanded action. In response to the attack, President Roosevelt issued 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.



正義戰爭



發生了什麼事？

1941年12月7日日本戰機轟炸在珍珠港的美國海軍基地。在攻擊期間2,403人死亡，和80%的美國海軍軍艦在太平洋被擊沉。許多美國公民擔心日本的侵略，並要求採取行動。為應對攻擊，羅斯福總統發行公告第2525號限制日裔美國人前往旅遊，以及授權拘留任何呈現危險的異客敵人。兩個月後，總統發行行政命令第9066號，沿西海岸建立軍事區。該命令把日裔美國人從這些區域排除在外。

援引進一步的攻擊，以及從西海岸可疑的無線電傳輸的威脅，戰爭搬遷管理局下令超過11萬日裔美國人的疏散和拘留到拘留營。雖然沒有日裔美國人對美國有過破壞或間諜活動被定罪，日本血統的男人，婦女和兒童從他們的房屋被強行關押在往往是惡劣條件下的難民營中。

由美國公民自由聯盟律師招募，Mitsuye Endo宣稱她在黃玉拘留營拘留是違憲的；她從來沒有被起訴或被判有罪。她使用所有的方式把她的案件送至美國最高法院。捍衛政府的行動，檢察長 Fahey援引憲法權利在叛亂或受到侵犯的情況去暫停一個人的審判權利（人身保護令）。在南北內戰期間，亞伯拉罕·林肯已有暫停人身保護令。在Endo小姐的案件之前，最高法院已曾聽過4宗關於日本拘留營。在每種情況下，他們決定政府的行動是符合憲法的。

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

正義戰爭 將你運送到1944年，當Mitsuye Endo的案件被帶到美國最高法院之時的關鍵時刻。作為最高法院法官，你會聽到證詞，審問證人和反思從案件提出的關鍵問題。最後，你將決定政府是否具有憲法權利在難民營扣留Endo小姐和日本裔的其他公民，直到戰爭結束。

要考慮的問題？

- 在什麼的情況下，政府應授予剝奪未經審判的公民人身自由權利？
- 在戰爭時期，個人權利應否為公眾安全的利益作犧牲？
- 鑑於入侵威脅，為國家安全的難民營有必要嗎？
- 種族歧視是否具有影響日裔美國人拘留營的決定作用？

為保留難民營的論據

為關閉難民營的論據

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: 第一個日本人定居美國本土抵達薩克拉曼多附近的黃金山，加利福尼亞州。

1870: 美國國會授入籍權利予白人和非洲裔人，但並未提及到亞洲裔人。

1911: 美國移民和入籍局只能容許白人和非洲裔人去作出申請公民身份的聲明，從而使法院拒絕日本人入籍。

1913: 外籍人土地法案阻止日本的異客，在加利福尼亞州擁有土地。

1924年: 國會通過的移民法，說明沒有異客有資格申請公民身份被允許進入美國，這會停止所有來自日本的移民。

1941年12月7日: 日本發動珍珠港偷襲。

1941年12月8日: 美國宣布對日作戰。

1941年12月11日: John L. Dewitt被命名為西方國防司令，以保護西海岸的進一步攻擊。

1942年2月19日: 羅斯福總統簽署行政命令第9066號，在西方的州給陸軍部權力確定軍事的領域，並從他們排斥任何可能威脅到為戰爭努力的人。

1942年3月18日: 行政命令第 9102 號確立了戰爭搬遷管理局，監督強制從禁區搬遷視為危及美國安全的人。此命令很快導致了搬遷和拘留營的設立。

1942年3月21日: 公法第 503 號簽署成為法律，規定所有違反排除令的人受到懲罰。

1942年7月13日: Mitsuye Endo提交人身保護令。

1942年8月12日: 疏散完畢；110,000 日本血統的人從西海岸遷移到十個內陸難民營。

1944年12月: Mitsuye Endo 的案件在美國最高法院開審。

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. 在轟炸珍珠港之前，有什麼關於日本和其他亞洲移民的法則？這告訴我們什麼有關許多美國公民對在第二次世界大戰前來自亞洲國家人民的態度？
2. 行政命令第9066號都必須有什麼具體行動？羅斯福總統為什麼要簽署這個命令？
3. 雖然羅斯福的行政命令授權從西海岸去除日裔美國人，這些行政命令並沒有特別提到拘留他們在拘留營。有什麼原因政府採取這一行動？

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

Relocation Camps (搬遷營): 在戰爭搬遷管理局管理之下，從西海岸的日裔美國人被撤離家園走到美國偏遠地區的臨時住房。

Pearl Harbor (珍珠港) 1941年12月7日日本戰機轟炸珍珠港，煽動美國參加第二次世界大戰

War Relocation Authority (WRA) (戰爭搬遷管理局): 1942年3月 總統羅斯福建立的政府機構，以監督日裔美國人從西海岸有序的疏散

Internment Camp (拘留營): 搬遷營的 另一種叫法，特別是用於那些認為術語 “搬遷” 不準確的人，因為它意味著，日裔美國人是自願搬到那裡

Fifth Amendment (第五條修正案): 保證沒有美國公民可能 “未經正當程序被剝奪生命，自由或財產”

Prison Camp (戰俘營): 一個放置戰俘的陣營，或低度設防監獄，囚犯經常被投入到工作中

Dual Citizen (雙重國籍): 一個擁有兩個國家公民身份的人

Writ of Habeas Corpus (人身保護 令): (來自拉丁語: “你可能有身體”) 是法庭命令需要帶一個被逮捕的人到法官前或法庭上審判。

American Civil Liberties Union (美國公民自由聯盟): 一個組織的成立，以捍衛和維護受到美國憲法保障的個人權利和自由。

Relocation Center (搬遷中心): 一個對於日裔美國人被轉移到搬遷營的臨時處理中心

Concentration Camp (集中營): 一個戰俘營中，有著不同政見者，少數民族，民族，或戰俘的成員，通常在惡劣條件下被限制自由

Espionage (間諜): 間諜或政府使用間諜來學習另一種政府的軍事計劃

Sabotage (破壞): 破壞公共物業或故意阻塞公共服務

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 終身軍人，是第二次世界大戰期間西方國防司令。1942年3月，Dewitt將軍下令超過11萬日裔美國人從太平洋海岸和亞利桑那州的南部地區撤離。

MITSUYE ENDO 被勒令離開她在薩克拉曼多的家和發送到在莫多克縣，加利福尼亞州的圖利湖集會中心，後來還有發送到猶他州的黃玉搬遷中心。因為她是模範美國公民，美國公民自由聯盟招募 Endo 在一個測試案例作為上訴人反對政府。她的案件由第九上訴法院被提交給美國聯邦最高法院。

CHARLES FAHEY 華盛頓特區首席檢察官，在 Endo 案件為戰爭搬遷管理局辯護。

JAMES PURCELL 是一個年輕的美國民權律師，他招募 Mitsuye Endo 來作證，並把她帶到美國最高法院。



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:

作為美國最高法院大法官，你將有機會向以下關鍵人物發問問題。請你寫下一些你可能會問的問題。

General Dewitt:

Solicitor General Fahey, 戰爭搬遷管理局的律師:

Mitsuye Endo:

Attorney Purcell, 美國公民自由聯盟的律師:

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.



Cabot Family Charitable Trust, Catherine McCarthy Memorial Trust Fund, Friends of Lawrence Heritage State Park, Foley Hoag Foundation, Immigrant City Archives, National Endowment for the Arts, C. Pringle Charitable Foundation, Nathaniel and Elizabeth P. Stevens Foundation, and the White Fund

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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
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