

# TheatreEspresso

WAKE UP TO HISTORY!



## *JUSTICE AT WAR* **STUDY GUIDE**

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The *Justice at War* study guide is based on the play of the same name, written by Mimi Jo Katano, Wendy Lement and Jordan Winer.

The *Justice at War* study guide was written by Bethany Dunakin and Wendy Lement.

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## About Theatre Espresso

Theatre Espresso creates, produces, and performs interactive dramas that bring history to life for students, in order to foster a generation of critical thinkers and true citizens. Since 1992, Theatre Espresso has toured its educational dramas to schools, museums, libraries, and courthouses throughout New England. Inspired by the highly successful Theatre-in-Education teams of Great Britain and by the belief that drama is a potent teaching tool, Theatre Espresso'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*—inhabitants of 1706 Salem Village, members of the post-Civil War U.S. Congress, or Supreme Court Justices—the company engages students in examining contradictory events and testimony in order to reach their decision.

For more information about Theatre Espresso, visit our website at:

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

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## Learning Goals

- to explore the meaning of democracy through the eyes of those who had their freedom taken away
- to learn tolerance and respect for all ethnic groups
- to vocalize thoughts and feelings toward injustice
- to examine the root causes of prejudice against Japanese-Americans before, during and after World War II
- to explore the plight of 110,000 Japanese-Americans who were sent to internment camps following the bombing of Pearl Harbor

## About the Play

Mitsuye Endo, a young woman being held at the Topaz Internment Camp during W.W. II, declares that her detention by the U.S. government is unconstitutional. With the help of the American Civil Liberties Union, she takes her case all the way to the U.S. Supreme Court. Citing the government's constitutional right to suspend "the Writ of Habeas Corpus...in cases of Rebellion or Invasion," Solicitor General Fahey defends the existence of the camps. In the role of Supreme Court Justices, students hear testimony, interrogate witnesses and reflect on crucial questions raised by the case. Finally, students decide whether the internment camps are a matter of national security or a product of racism. (grades 5 – 12)

## What Happened in History

On 7 December 1941, the day that the Japanese bombed the U.S. naval base at Pearl Harbor, 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 the zones, but it did not authorize the detention of those who were forced to leave. General John L. Dewitt, Commander of the Western Defense, used Executive Order 9066 to justify the evacuation and internment of over 110,000 Japanese-Americans in ten permanent camps. No Japanese-American was ever convicted of sabotage or espionage against the United States. Still, men, women and children were forced from their homes and kept in harsh conditions for the remainder of the war. Mitsuye Endo's case against the government was the fourth such case to be brought before the Supreme Court, and the first to be decided in favor of the plaintiff. The narrow decision in *Endo v. Milton-Eisenhower* led to the eventual closing of the camps.

## Historical Timeline

**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.

**1886:** The Japanese government lifts its ban on emigration, allowing its citizens for the first time to make permanent moves to other countries.

**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.

**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.

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

**18 December 1944:** The U.S. Supreme Court rules that loyal citizens cannot be held in detention camps against their will—the first major step toward closing the camps.

**14 August 1945:** Japan surrenders, ending World War II.

**20 March 1946:** The last remaining detention center closes.

**June 1952:** Congress passes Public Law 414, granting Japanese aliens the right to become naturalized citizens.

## Vocabulary

**U.S.S. Arizona:** U.S. battleship that sank after being bombed by Japanese forces in Pearl Harbor killing 1102 crewmen

**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”

**Executive Order 9066:** Signed by President Roosevelt on 19 February 1942, it gave the Secretary of War the authority to designate certain areas of the U.S. as “military areas...from which any or all persons may be excluded.”

**Public Law 503:** In March 1942, President Roosevelt signed this law, making it a federal offense to violate any order issued by a designated military commander under authority of Executive Order No. 9066.

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

**Dual Citizen:** a person who holds citizenship in two countries

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

**Tanforan:** a race track that taken over by the U.S. Army and used as an assembly center for Japanese and other people who were evacuated from the Pacific Coast

**Topaz Detention Center:** a camp in Utah for Japanese-American detainees that opened in September 1942

**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

**Issei:** first generation Japanese immigrants born in Japan

**Nisei:** second generation Japanese-Americans born to Issei parents

## Key Players

**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. Throughout the War, he affirmed his mistrust of, and hatred toward, Japanese-Americans.

**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. (Note: In *Justice at War*, Endo reports that she was sent to the Tanforan Assembly Center, which processed more detainees than Tule Lake.) Because of her status as a model American citizen—she had worked for the State of California prior to the war and her brother was fighting in the U.S. Army in Europe—Endo was recruited by the American Civil Liberties Union to be the appellant in a test case against the Government. She filed a Writ of Habeas Corpus in July 1942. Her case was forwarded to the U.S. Supreme Court by the Ninth Court of Appeals. In December 1944, the Supreme Court decided by a five to four majority that the War Relocation Authority could not detain loyal citizens. The decision in her case led to the closing of the camps in 1945.

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

**GORDON K. HIRABAYASHI** was convicted of knowingly disregarding a curfew in California imposed by a military commander as authorized by an Executive Order of the President. His conviction was reaffirmed by the U.S. Supreme Court, which refused to address the issue of constitutionality raised in the case.

**TOYOSABURO (FRED) KOREMATSU** was arrested and convicted for failing to report to an assembly center and for remaining in San Leandro, California, a military area, contrary to the Civilian Exclusion Order No. 34 of the Western Defense Command. In December 1944, the U.S. Supreme Court upheld Executive Order 9066 and the evacuation in his case.

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

**FRANKLIN DELANO ROOSEVELT** was the thirty-second U.S. President (1933-1945). Following the attack on Pearl Harbor, Roosevelt signed Executive Order 9066, authorizing Secretary of War Stimson to define military areas from which any and all persons could be excluded.

**HARLAN FISKE STONE** was the U.S. Attorney General under President Calvin Coolidge. In 1925, he resigned to serve as an Associate Justice of the Supreme Court. Franklin D. Roosevelt appointed him Chief Justice of the Supreme Court in 1941. He held that office until his death in 1946.

**MINORI YASUI**, like Hirabayashi, was convicted of knowingly disregarding a curfew order in California. The U.S. Supreme Court reaffirmed his conviction.

## Pre-Performance Lesson Plans

### *Picturing Pearl Harbor*

*Goal:* to help students understand the circumstances that led to the internment of Japanese-Americans

#### *Objectives*

1. to review the facts surrounding the bombing of Pearl Harbor
2. to re-create and reflect on the terror felt by Americans during and immediately following the attack on Pearl Harbor

#### *Method*

1. Ask students to read a brief historical account of the bombing of Pearl Harbor. If photos of the attack are available, they can be included in this activity (see the *Additional Resources* section at the end of this study guide).
2. Discuss the reading in class. Which moments make strong impressions on the students?
3. Split the class into small groups of four or five. Ask students to choose a moment that is described in the reading and re-create it as a tableau.
4. Each group shares their tableau with the class. After each group presents, ask the rest of the students to share their observations. What do they think is happening in each tableau?
5. Discuss the activity with the class. What emotions were represented in these tableaux? Can the students recall a moment in their own lives when they felt similar emotions?

*Follow-up:* Explain to students that in the 1940s news did not travel as quickly as it does today. It took weeks for people across the country to learn details of the attack on Pearl Harbor. Ask each student to imagine that they are relative of an American who is stationed at Pearl Harbor. Several days have passed since the bombing, and they have not heard from their loved one. Ask them to write a letter to their relative expressing their concern.

## *The Shell Collection*

*Goal:* to put a human face on the plight of Japanese-Americans during World War II

### *Objectives*

1. to imagine what it was like to be a young Japanese-American facing internment
2. to create scenes based on the ordeal of a fictional Japanese-American girl

### *Method*

1. Hand out handwritten copies of Ikuko's fictional letter (below). Tell students that the letter was found in the former home of a Japanese-American girl named Ikuko, who was interned during World War II. Ask for a volunteer to read the letter to the class.

Dear Janice,

My mother says we have to leave tomorrow. I wasn't going to write because of what you said, but Mrs. Powell told me to. She promised to give this to you in class. I don't know if you can write to me where I'm going.

I can only take one suitcase, so I have to leave my photo album with the Halls. I took out the picture of you and me at the beach, the one where we are both buried in sand up to our necks. I laugh every time I look at it. I'm taking it with me.

Anyway, I'm not trying to start a war and I hope you are still my friend. I'm giving Mrs. Powell my shell collection. I told her you can keep it till I come back.

Ikuko

2. Ask students what they know about Ikuko from the letter. Next, ask students what they think might be true about Ikuko? Finally, ask students what questions they have about Ikuko and her situation. Write these questions on the board.
3. Divide the class into groups of three or four. Ask each group to select a question to explore. It's okay to have more than one group exploring the same question.
4. Ask students to make a list of characters they would like to interview in order to help answer their questions. From the list, select the top three or four choices (depending on how many students are in that group).
5. Each member of the group selects a character to play. The remaining members of the group interview each character, rotating until all characters have had an opportunity to speak. If a group finishes early, they can interview additional characters from the list.
6. Each group shares what they discovered with the rest of the class.

7. Based on the information learned in the interviews, students create a short scene that explores the question.
8. Students perform their scenes for the class.
9. Discuss what has been discovered about Ikuko from the scenes.

*Follow up*

1. Tell students that Ikuko and her family were ordered to go to a bus station. There, they were given tags to put on themselves and their luggage. The tags read “Tanforan,” which was the name of the detention center where they and other Japanese-Americans were being sent.
2. In a large open space, ask students to stand in a semicircle. Ask students what Ikuko might have seen when she arrived at the train station. Ask if anyone has an idea for a tableau of the scene. The student may use as many people as she needs to create the tableau. Once the scene is set, ask the student to stand back and look at it, and make any adjustments to the picture.
3. Now ask the student to place Ikuko into the picture. Tell students to relax.
4. Repeat the previous sequence with another student sculpting the tableau. This time, after the students relax, tell them that in a moment you will ask them to re-create that tableau. But this time, you will walk around the room and tap each of them on the shoulder. When they are tapped, they should speak one or two lines of their character’s thoughts.
5. Discuss what occurred.

## Post-Performance Lesson Plans

### *Redress for Japanese-Americans*

*Goal:* to explore the controversial subject of compensation to groups who suffered economic loss because of actions taken by the U.S. government

#### *Objectives*

1. to examine different sides of the debate over redress for Japanese-Americans
2. to develop arguments for or against redress
3. to debate the issues around redress in a clear and constructive manner

#### *Method*

1. Set up the situation for the students: The year is 1983, almost forty years since the internment camps closed. The following proposal will be submitted to Congress for redress for Japanese-American survivors of the internment camps during World War II.

#### *Commission on Wartime Relocation and Internment of Civilians Proposal for Redress Presented to the Congress of the United States June 1983*

##### **Recommendations:**

- Congressional acknowledgment and public apology for wrongs done in 1942
  - Presidential pardon for those who resisted relocation
  - benefits and status change for Japanese-Americans who were dishonorably discharged after the bombing of Pearl Harbor because of wartime prejudice
  - establishment of a foundation to sponsor research and education about the internment camps so that similar events can be prevented in the future
  - a one-time, tax-free compensation of twenty thousand dollars to each survivor of the camps.
2. Divide the students into four groups. Each group is given one of the following identities:
    - a. a Japanese-American who is presenting the proposal to Congress (Her aging mother was in the camps.)
    - b. a woman whose grandfather died in the attack on Pearl Harbor (Her grandmother suffered emotional and financial hardship. She wonders why Japanese-Americans should be awarded compensation when her grandmother didn't receive anything. She suggests that the Japanese government pay them, as Japan started the war. As a taxpayer, she doesn't want her money going to reimburse Japanese-Americans.)
    - c. a member of the House Budget Committee (He is concerned that if the Japanese-Americans receive redress, then the door will be open to African-

Americans, American Indians, Chinese-Americans who worked on the railroads, and so on. Paying sixty thousand Japanese-American survivors twenty thousand dollars each would cost U.S. taxpayers \$1.2 billion. If other groups start asking for redress, the country would go bankrupt. Who is to say who deserves it more?)

d. a Rabbi from the World Jewish Congress (He helped Jews in Germany obtain redress after World War II, and believes that the Japanese-Americans deserve more than the twenty thousand dollars proposed.)

2. Provide each group with background materials and ask them to prepare their arguments. Their goal is to convince a Congressional committee to vote according to the views of their character. They should prepare a brief opening statement and a list of arguments. Ask each group to select a representative to present the opening statement.
3. Invite another class or colleagues to play the Congressional committee. Direct each of the groups (a, b, c, and d, as listed in step #1) to stand in one corner of the room. The teacher, in role as the chair of the Congressional committee, invites representatives from each group to make their opening statement.
4. Under the supervision of the chairperson, students participate in an open forum debate on the proposal. Any group member playing a character can ask another character a question. The question can be answered by any member of the group playing that character. Colored dots on the floor will mark where each character should stand when they speak.
5. The chair then encourages members of the Congressional committee to ask questions of the characters. Again, any member of a group can respond as that character.
6. The chair then leads the committee in a vote and the decision is announced
7. Post-drama questions:
  - a. Are we responsible for wrongs done in the past?
  - b. Can we compensate a group who has been wronged in the past? How?
  - c. How does what happened to the Japanese-Americans compare with what happened to Native American Indians, African-Americans or other groups?
  - d. Should these groups be redressed? If so, how? Who is going to pay for it?
  - e. Why was one group of people suddenly denied their constitutional rights?
  - f. Could this kind of thing happen again? If so, what steps could be taken to prevent it?

*Follow up:* In role as Japanese-Americans recently released from the camps, students write a letter to President Roosevelt expressing their feelings and opinions about what happened to them. If students wish to be compensated for their losses, they must give reasons to support their claim.

## *Write an Essay*

*Goal:* to explore modern-day parallels to the internment of Japanese-Americans during World War II.

### *Objectives*

1. to utilize and strengthen research skills
2. to write a persuasive essay

### *Method*

1. Ask students if they can remember a modern-day incident when ethnic or racial groups claimed that they had been subjected to civil liberties violations (see #6 under *Topics for Further Research and Discussion*, below). Make a list on the board.
2. Ask students to choose one of these examples and conduct further research into the background of the alleged civil rights violation, if it was challenged, and the end result.
3. Ask students to write a persuasive essay that addresses whether the civil rights of the ethnic or racial group were indeed violated.

## Topics for Further Research and Discussion

1. conditions in the relocation camps
2. scope of the wartime relocation camps (number, location and capacity of U.S. camps and those in Mexico and Canada)
3. 442<sup>nd</sup> division of Japanese-American soldiers fighting in Europe
4. root causes of prejudice against Japanese-Americans before, during and after World War II
5. fate of Japanese-Americans after the camps were closed
  - a. economic hardships
  - b. loss of property and possessions
  - c. those who returned to the West Coast
  - d. those who remained in the camps
  - e. those who settled in other parts of the U.S.
  - f. those who repatriated to Japan
  - g. continued prejudice
  - h. establishment of societies to help Japanese-Americans return to civilian life
  - i. fight for redress
6. other times in history when ethnic or racial groups have been subjected to civil liberties violations
  - a. Palmer Raids after World War I
  - b. Korean War (the McCarran Act)
  - c. Vietnam War Era (repression of Civil Rights activists)
  - d. Oklahoma City bombing
  - e. attack on the World Trade Center (11 September 2001)
7. process by which a court case reaches the U.S. Supreme Court
8. U.S. Supreme Court cases (other than Mitsuye Endo's) that dealt with the treatment of Japanese-Americans during World War II
  - a. Hirabayashi
  - b. Yasui
  - c. Korematsu

## Additional Resources

- Armor, John and Peter Wright. 1989. *Manzanar*. Vintage Books.
- Come See the Paradise*. 1990. Directed by Alan Parker. 139 min. Fox Studios. Videocassette.
- Dower, John W. 1986. *War Without Mercy: Race and Power in the Pacific War*. New York: Pantheon Books.
- Farewell to Manzanar*. 1976. Directed by John Korty. 120 min. Universal Studios. Videocassette.
- Fine, Sidney. 1984. *Frank Murphy*. Ann Arbor, MI: University of Michigan Press.
- Guterson, David. 1990. *Snow Falling on Cedars*. New York: Vintage Books.
- Hiraoka, Leona and Ken Masugi. 1994. *Japanese-American Internment: The Bill of Rights in Crisis*. Amawalk, NY: Jackdaw Publication Div. of Golden Owl.
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- Irons, Peter. 1983. *Justice at War: The Story of Japanese American Internment Cases*. Berkley, CA: University of California Press.
- McEvoy, J.P. "Our 110,000 New Boarders." *The Reader's Digest* (March 1943): 5-68.
- Mochizuki, Ken. 1993. *Baseball Saved Us*. New York: Lee & Low Books.
- Natkiel, Richard and Robin L. Sommer. 1985. *Atlas of World War II*. New York: Barnes and Noble, Inc.
- Okimoto, D.J. 1970. *American in Disguise*. New York: Walker/Weatherhill.
- Otsuka, Julie. 2002. *When the Emperor was Divine*. New York: Random House.
- Robinson, Gerald H. 2002. *Elusive Truth: Four Photographers at Manzanar*. Nevada City, CA: Carl Mautz Publishing.
- Sides, Hampton. 2001. *Ghost Soldiers*. New York: Doubleday.
- Slackman, Michael, ed. 1986. *Pearl Harbor in Perspective*. Honolulu, HI: Arizona Memorial Museum Association.

*Snow Falling on Cedars*. 1999. Directed by Scott Hicks. 125 min. Universal Studios. Videocassette.

Takahashi, Kazuyuki. "The Nisei and Selective Service." *The New Republic* (March 1944): 382.

Tateishi, John. 1984. *And Justice for All: An Oral History of the Japanese-American Detention Camps*. New York: Random House.

Weglin, Michi. 1976. *The Untold Story of America's Concentration Camps*. New York: Morrow.

Yarborough, Tinsley E. 1988. *Mister Justice Black and His Critics*. Durham, NC: Duke University Press.

### **Websites:**

[www.askasia.org/teachers/Instructional\\_Resources/Lesson\\_Plans/Asian\\_American/LP\\_asianam\\_1.htm](http://www.askasia.org/teachers/Instructional_Resources/Lesson_Plans/Asian_American/LP_asianam_1.htm)

[www.library.arizona.edu/images/jpamer/execordr.html](http://www.library.arizona.edu/images/jpamer/execordr.html)

[www.topazmuseum.org/topaz.html](http://www.topazmuseum.org/topaz.html)

[www.bcn.boulder.co.us/government/national/speeches/spch2.html](http://www.bcn.boulder.co.us/government/national/speeches/spch2.html)

[www.parentseyes.arizona.edu/wracamps/index.html](http://www.parentseyes.arizona.edu/wracamps/index.html)



### ***Booking a Program***

To bring *Justice at War*, *The Trial of Anthony Burns*, *Uprising on King Street*, *The Nine Who Dared*, *American Tapestry*, *Secret Soldiers* or our teacher development workshop “Drama Across the Curriculum” to your school, please contact our Managing Director, Kortney Adams:

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**For more information about Theatre Espresso,**

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