



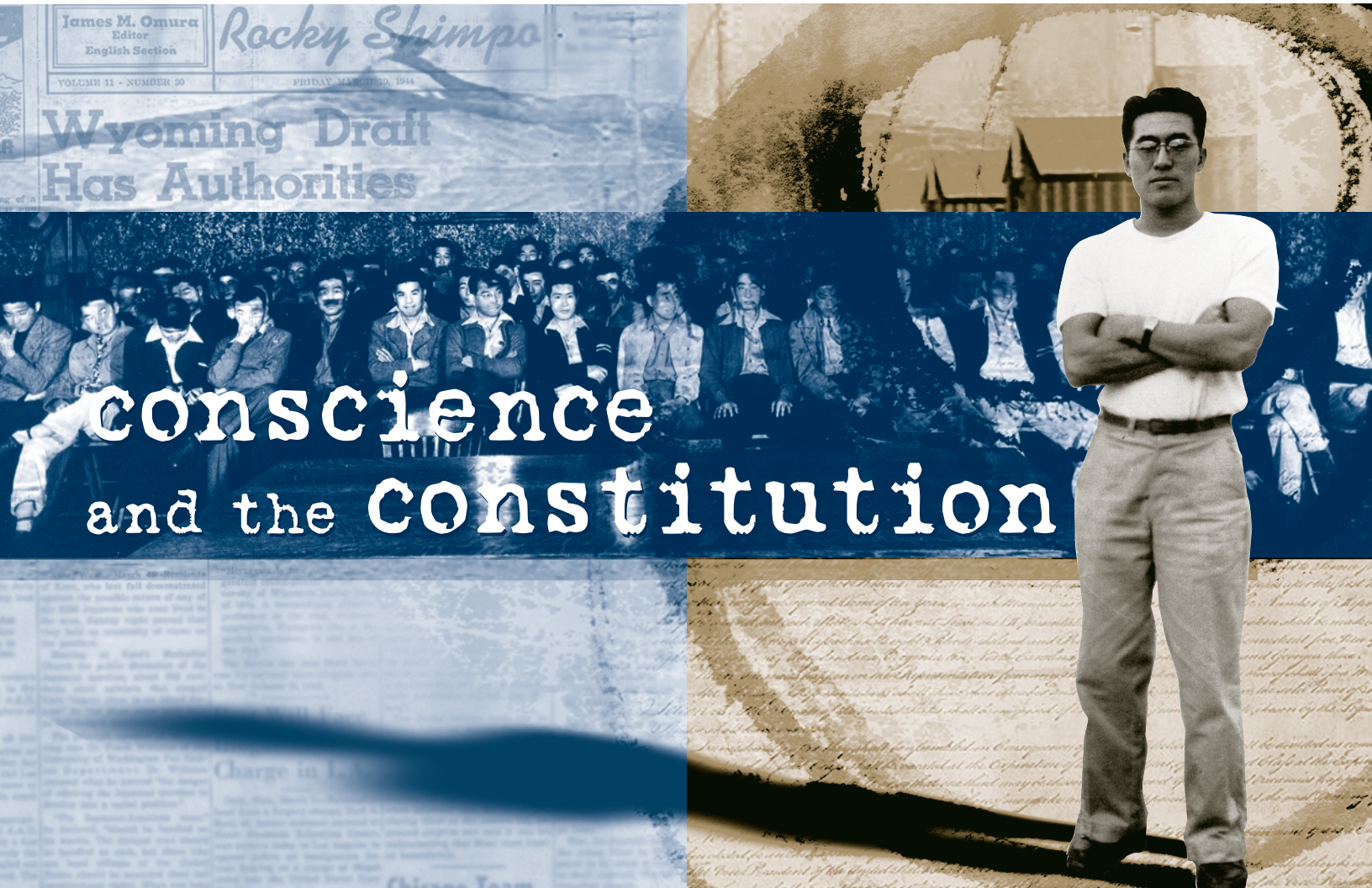
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Viewer's Guide

conscience and the constitution

Long before the civil rights marches of the 1960's,
another group of young Americans fought for
their basic rights as U.S. citizens.

Independent Television Service
51 Federal Street, First Floor
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conscience and the constitution



ABOUT CONSCIENCE AND THE CONSTITUTION

"Therefore, we members of the Fair Play Committee hereby refuse to go to the physical examination or to the induction, if or when we are called, in order to contest the issue."

FRANK EMI, FAIR PLAY COMMITTEE BULLETIN #3, MARCH 1944

In World War II a handful of young Americans refused to be drafted from the American concentration camp at Heart Mountain, Wyoming. Heart Mountain was one of the ten American concentration camps located in 7 states—California, Wyoming, Idaho, Utah, Arizona, Colorado and Arkansas—where Japanese Americans on the mainland U.S. were incarcerated after Pearl Harbor. Two-thirds of them were native-born U.S. citizens. The draft resisters at Heart Mountain were ready to fight for their country, but not before the government restored their rights as citizens and released their families from camp. It was a classic example of civil disobedience—the deliberate breaking of a law in order to test it. But the government prosecuted them as criminals; Japanese American leaders ostracized them as traitors. The dissidents served two years in prison, and for the next fifty were written out of the popular history of Japanese America.

Over time the American public has come to understand that the forced expulsion and incarceration of 120,000 persons of Japanese ancestry in WWII was wrong, and the government in 1988 apologized and awarded token redress. This program takes the camp story a step further, by examining two different Japanese American responses to the injustice: compliance and resistance.

"When an immigrant becomes a patriot, he usually becomes a 200% patriot. I think the JACL leaders were trying to be 200% Americans."

ROGER DANIELS, UNIVERSITY OF CINCINNATI

The emergence in 1930 of the Japanese American Citizens League (JACL), like the earlier formation of the National Association for the Advancement of Colored People, was a response to racism and discriminatory treatment. Unlike African Americans, the Issei, or first-generation Japanese immigrants, were barred from naturalized U.S. citizenship. JACL membership was restricted to the Nisei, the second-generation born in the U.S. as citizens. After the Japanese attack on Pearl Harbor in 1941 cast unfounded suspicion on all persons of Japanese ancestry in the U.S. The JACL's response was to prove the loyalty and "Americanism" of its members by urging total compliance with the forced expulsion ordered by President Franklin Roosevelt, and by asking the Army to draft young Nisei men out of the camps so they could "spill their blood for America." JACL also initially opposed all constitutional challenges to the military, and worked in collaboration with civilian authorities to shape policy for the camps.

When the government in 1944 announced it would draft the Nisei in camp, some saw an opportunity to protest their continued incarceration. At Heart Mountain, they organized under the banner of the Fair Play Committee and typed bulletins, held meetings, and elected officers. In Denver, Colorado, the editor of the Rocky Shimpō newspaper, James Omura, supported the resisters via news stories and editorials. Eventually one of every nine young men drafted at Heart Mountain refused induction. In June 1944 at the Federal Courthouse in Cheyenne, Wyoming, 63 resisters from Heart Mountain stood trial for draft evasion. It remains the largest mass trial for draft resistance in U.S. history. The young men were found guilty and sentenced to three years in a federal penitentiary. The government then charged the 7 leaders of the Fair Play Committee and journalist James Omura with conspiracy to counsel draft evasion. A jury convicted the FPC leaders but acquitted Omura on First Amendment freedoms of the press; an appeals court later threw out the convictions of the 7 leaders. President Truman in 1947 pardoned all wartime draft resisters.



"The Nisei are well within their rights to petition the government for a redress of grievances. The Constitution gives us certain inalienable and civil rights. The government should restore a large part of those rights before asking us to contribute our lives to the welfare of the nation."

JAMES OMURA, 1944

For the next 50 years the resisters were nearly forgotten, and the Nisei soldiers were given credit for securing the postwar acceptance and assimilation of the Japanese American community. Frank Abe, the third-generation Japanese American who produced CONSCIENCE AND THE CONSTITUTION, grew up being told that his parents' generation had passively submitted to the wholesale denial of their rights during WWII without protest or resistance. Later, as first an advocate for government redress for the camps, and then as a journalist, Abe was astonished to learn that the area where he grew up, the Santa Clara Valley in Northern California, was the home of many former Heart Mountain resisters, several of whom did not wish to be identified. He and others organized ceremonial events in 1992 and 1993 to welcome the resisters back home. In 1999 a movement to have JACL apologize for its suppression of wartime resistance failed, but delegates to the JACL's national convention voted to apologize in July 2000.

AFTER VIEWING CONSCIENCE AND THE CONSTITUTION

CIVIL DISOBEDIENCE. Throughout the history of America, individuals have had themselves arrested to protest an unjust law, from writer Henry David Thoreau to women's suffragette Susan B. Anthony to civil rights leader Martin Luther King, Jr. Are dissenters always successful the first time? Are they recognized for their principles at the time? Would you break an unjust law in order to test it?

LOYALTY. Is civil disobedience an act of disloyalty? Bill Hosokawa has stated, *"If everybody in the camps, a hundred thousand of us had said, 'Hell, no. We won't go,' as they did during the Vietnam War, what would have been our chance of ever getting out of the camps during the conflict?"* When must the right to dissent take a back seat to the well-being of the community? Would you comply with unjust acts of government in order to prove your loyalty? Is loyalty something one must prove? How is the Nisei draft resistance similar to or different from draft resistance during the Vietnam War?

CITIZENSHIP. The test case of the Nisei draft resisters was directed at clarifying their rights as citizens. What are the rights of United States citizens? Which of those rights were violated by the expulsion and incarceration? Who or what determines what those rights are and how are they protected? How do the rights of citizenship differ from its privileges? Would you have resisted as they did?

UNPOPULAR BELIEFS. There were 315 resisters compared to 26,000 Nisei soldiers. The resistance has been dismissed as the act of a "relatively small number of dissidents." Does the number matter? Would you take an unpopular stand if you knew you would be in the minority? Does an unpopular stand ever become a popular one?

COOPERATE OR RESIST? Professor Roger Daniels has stated, *"The policy of the JACL was to collaborate with the government, to collaborate with some of the chief oppressors of the Japanese American people. And you can certainly justify this as a political tactic. It's very difficult to justify it as a moral position."* Why do you think the JACL chose collaboration, instead of cooperation under protest? If it had been up to you, which choice would you make?

WHO WRITES HISTORY? Mike Masaoka has stated, *"All the historians in their ivory towers who were never there! Or people who want to write scenarios for books and scripts for plays! They weren't there. We were."* Others have said you have to understand the racial hysteria of the times, that it is wrong to apply the standards of today to events of the past. Does one need to witness history in order to understand it? Can our understanding of history change?

CONTINUED CONTROVERSY. The wartime legacy of Mike Masaoka and the JACL is still debated among Japanese Americans today. A widespread protest emerged when it was announced an excerpt from Masaoka's "JACL Creed," written in 1940, was to be carved in stone on the National Japanese American Memorial to Patriotism During World War II in Washington, DC:

"I am proud that I am an American of Japanese ancestry. I believe in this nation's institutions, ideals and traditions; I glory in her heritage; I boast of her history; I trust in her future."

MIKE M. MASAOKA, CIVIL RIGHTS ADVOCATE, STAFF SERGEANT, 442ND REGIMENTAL COMBAT TEAM

Does Masaoka's quote reflect the feelings of other Japanese Americans who lived through the war? Why is Masaoka still a controversial figure? How would you rank him as a community leader? Research his life and actions. Would you characterize him as a civil rights advocate?

TIMELINE

- 1868:** The 14th Amendment to the U.S. Constitution makes citizens of anyone born in the U.S.
- 1870:** Congress makes “persons of African descent” eligible for naturalized citizenship, but Asians remain “aliens ineligible for citizenship.” This forms the basis for statutory discrimination against the Issei, first-generation Japanese immigrants, at both the federal and state levels until 1952.
- 1924:** The Immigration Act of 1924 bars entry to any person “ineligible to citizenship,” thereby stopping further immigration from Japan to the U.S.
- 1930:** The Japanese American Citizens League (JACL) holds first national convention in Seattle, Washington. Only the Nisei, second-generation Japanese Americans born in the U.S. as citizens, can belong.
- 1940:** Congress enacts Selective Service Act for first-ever peacetime draft. 3,500 Nisei drafted in first year.
- 1941:** JACL appoints Mike Masaoka as its national spokesman. ■ On December 7th, the Japanese attack on Pearl Harbor draws the United States into war. The FBI immediately arrests 1,300 Issei leaders identified as potentially dangerous enemy aliens. Some JACL leaders boast of turning in the names of Issei as proof of their loyalty to America.



BOOKS

“Come All Ye Asian American Writers of the Real and the Fake” by Frank Chin, in *The Big Aiiieeeee*, edited by Jeffrey Paul Chan, Frank Chin, Lawson Fusao Inada, and Shawn Wong (Meridian, 1991)

Concentration Camps North America: Japanese in the United States and Canada During World War II

by Roger Daniels (Krieger, 1993)

Heart Mountain: The History of an American Concentration Camp by Douglas W. Nelson (State Historical Society of Wisconsin, 1976)

JACL: In Quest of Justice by Bill Hosokawa (William Morrow, 1982)

Japanese American History: An A-to-Z Reference from 1868 to the Present edited by Brian Niiya (Facts on File, 1993)

Keeper of Concentration Camps: Dillon S. Myer and American Racism by Richard Drinnon, (University of California, 1989)

1942: All Nisei draft registrants are reclassified from draft-eligible 1-A to 4-C, or aliens ineligible for the draft. Most Nisei already in the Army are discharged or assigned menial duties. ■ President Roosevelt signs Executive Order 9066, allowing the forced exclusion of all persons of Japanese ancestry from the West Coast solely on basis of race. ■ Test cases of Min Yasui, Gordon Hirabayashi and Fred Korematsu challenging the constitutionality of military regulations are “unalterably opposed” by JACL’s Mike Masaoka. ■ Ten American-style concentration camps enclosed with barbed wire and armed guards are built to incarcerate 120,000 people.

1943: Secretary of War Henry L. Stimson restores Nisei privilege to volunteer for service. The War Department creates a segregated Army unit, the 442nd Regimental Combat Team, which is later joined with the 100th Battalion from Hawaii. ■ Government administers failed loyalty oath questionnaire. ■ Kiyoshi Okamoto forms the “Fair Play Committee of One” at camp at Heart Mountain, Wyoming, to protest existence of the camps.

1944: U.S. re-institutes the draft for all Nisei, including those in camp. ■ Fair Play Committee (FPC) formally organizes. As many as 400 attend FPC public meetings. ■ James Omura publishes editorials supporting the constitutional challenge by the draft resisters. ■ 63 Nisei stand trial for draft evasion in Federal Court in Cheyenne, Wyoming. They are convicted and sentenced to 3 years in a federal penitentiary. 22 more later convicted. ■ Conspiracy trial for 7 FPC leaders and Omura. Jury convicts FPC leaders, acquits Omura. FPC leaders sentenced to two to four years. ■ After his re-election, President Roosevelt ends the exclusion of Japanese Americans from the West Coast.

NISEI: The Quiet Americans by Bill Hosokawa (William Morrow, 1969)

Personal Justice Denied: Report of the Commission on Wartime Relocation and Internment of Civilians (The Civil Liberties Public Education Fund and the University of Washington, 1997)

Prisoners Without Trial: Japanese Americans in World War II by Roger Daniels (Hill and Wang, 1993)

Repairing America: An Account of the Movement for Japanese-American Redress by William Minoru Hohri (Washington State University, 1988)

They Call Me Moses Masaoka by Mike Masaoka with Bill Hosokawa (William Morrow, 1987)

Years of Infamy: The Untold Story of America’s Concentration Camps by Michi Weglyn (University of Washington, 1996)

1945: Japanese Americans return to West Coast or resettle in East and Midwest. ■ U.S. Supreme Court declines to hear the appeal from the mass group of 63 resisters. ■ The Tenth Circuit Court of Appeals reverses convictions of the seven FPC leaders, ruling the jury should have been allowed to consider the defense of civil disobedience.

1947: President Truman pardons all wartime draft resisters, including the Nisei resisters from Heart Mountain and other camps.

1952: Congress enacts the Cold War-era McCarran-Walter Immigration Act, which was criticized for continuing racial quotas and enabling easier deportation and/or internment of political dissidents. JACL's Mike Masaoka supports the bill after attaching a section that allows for naturalized citizenship for the Issei.

1988: President Reagan signs into law the Civil Liberties Act, which provides for a formal apology by the government and redress of \$20,000 to each survivor of incarceration under Executive Order 9066.

2000: JACL votes at its national convention to formally apologize for its suppression of wartime resistance. Several old-timers walk out in protest.



WEBSITES

The Bancroft Library, University of California, Berkeley

www.oac.cdlib.org/dynaweb/eac/calher/jvac/@GenericBookView

Download 7,000 War Relocation Authority photographs from all ten camps and many detention centers, via the California Heritage Digital Image Access Project.

“Conscience and the Constitution” website

www.itvs.org/conscience

Experience the choices of compliance versus resistance through interactive lesson links and extensive video clips, photos and documents.

CLPEF Network

www.clpef.net

The online community of projects supported by the Civil Liberties Public Education Fund, created by Congress to sponsor research on the incarceration. Download images of the camps, maps, posters, and the text of Executive Order 9066.

Japanese American Voice

www.javoice.com

Website for the Committee for a Fair and Accurate Memorial, which protested the perspective and point of view of the National Japanese American Memorial to Patriotism During World War II. Download a long-suppressed JACL internal investigation into its own wartime actions.

“Rabbit in the Moon” Facilitator’s Guide

www.pbs.org/pov/tvraceinitiative/rabbitinthemoon/take_action/rabbit_guide.pdf

Download classroom lesson plans on the camp experience developed by the Ford Foundation’s Television Race Initiative for the 1999 “P.O.V.” documentary memoir by filmmakers by Emiko and Chizuko Omori.

ORGANIZATIONS

Densho: The Japanese American Legacy Project

(206) 320-0095 www.densho.org

A digital "library in a computer" of videotaped interviews with survivors of incarceration, accompanied by more than 1,500 photos, rare documents and private memorabilia.

Heart Mountain, Wyoming Foundation

(307) 754-2689 www.heartmountain.org

Educational group sponsoring preservation of the former camp site, an interpretive center, and regional teacher training.

Japanese American Citizens League

(415) 921-5225 www.jacl.org

The largest and one of the oldest Asian American organizations in the U.S. with more than 24,500 members in 112 chapters located in 25 states.

National Japanese American Memorial Foundation

(202) 861-8845 www.njamf.org

Backers of a memorial to Japanese American patriotism during World War II, commemorating the sacrifice of the Nisei soldiers and the loyalty of those incarcerated in camp.



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