

Volume 68 | Issue 4

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2018

# Resistance, Resettlement, and Redress

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## Recommended Citation

Frank Abe, *Resistance, Resettlement, and Redress*, 68 Case W. Res. L. Rev. 1085 (2018)

Available at: <https://scholarlycommons.law.case.edu/caselrev/vol68/iss4/5>

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# RESISTANCE, RESETTLEMENT, AND REDRESS

*Frank Abe*<sup>†</sup>

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## INTRODUCTION

The opportunity to speak at Case Western Reserve on the 75th anniversary of *Executive Order 9066*<sup>1</sup> was one I could not resist. It brought me full circle to examining the consequences of that Presidential edict on the course of my own life, which I’ve devoted to documenting the resistance to incarceration and helping secure redress for that injustice.

I was born in October 1951 just a block away from the Western Reserve campus, at what is now MacDonald Women’s Hospital. And while I was incapable of knowing it at the time, my very presence in Cleveland was no accident: it was a direct result of President Roosevelt’s reaction to fear and war hysteria with the racial exclusion of 110,000 persons of Japanese ancestry from the West Coast and their incarceration in American concentration camps, followed by the US Supreme Court ruling on the *habeas corpus* case of a clerical worker from Sacramento that compelled the closure of those camps.

Well-documented in these pages are the legal and political foundations of that executive order. Bending the arc of Japanese American history toward justice, however, would take a generation.

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† Writer, producer, and director of *CONSCIENCE AND THE CONSTITUTION*, a PBS documentary on the largest organized resistance to the WW2 incarceration of Japanese Americans. Co-editor of and a contributor to *JOHN OKADA: THE LIFE AND REDISCOVERED WORK OF THE AUTHOR OF NO-NO BOY* (University of Washington Press, 2018) and co-writer of a graphic novel dramatizing resistance to the incarceration (forthcoming 2019 from the Wing Luke Asian Museum).

1. Exec. Order No. 9066, 7 Fed. Reg. 1407 (February 19, 1942).

## I. RESETTLEMENT: THE HOUGH DISTRICT

Mind you, I'm not at all complaining about being born in Cleveland. It was an innocent and reasonably happy childhood. My whole world revolved around the handful of other families who had been incarcerated during the war and who resettled after the war in the Hough district. The Supreme Court ruling in the case of Mitsuye Endo<sup>2</sup> in December 1944 forced the civilian War Relocation Authority to scramble to empty out the ten concentration camps it had just as rapidly built in 1942, and to resettle tens of thousands who could not or would not return to the West Coast in the East and Midwest. The agency moved about 3,500 of us to Cleveland, the fourth-largest center of postwar resettlement after Chicago, Denver, and New York City.<sup>3</sup> My parents joined a number of other Nisei—second-generation Japanese Americans—in settling near East 79th and Hough, one of the few places where apartments could be found during the postwar housing shortage.<sup>4</sup> After I came along, we moved to a three-story boarding house at 1899 East 81st Street, straight across from the Cleveland Buddhist Church.

Ours was a tiny enclave on both sides of East 81st that extended no more than a half-block between Chester and Hough Avenues, anchored by the presence of the Buddhist Church—a “rather ordinary looking house” from the outside but one filled inside with dark mahogany woodwork and the bustle of Sunday School activity.<sup>5</sup> The War Relocation Authority connected my father to a job at what I knew only as some kind of factory. I accompanied my mother as she cleaned the rooms of the boarders on our second floor. I was sent to Hough Elementary School on East 89th Street, then to the newly-built Crispus Attucks Elementary School on East 71st, progressively named after the African American believed to be the first American killed in the American Revolution. There were picnics in Rocky River, excursions in the spring to see the cherry blossoms in downtown parks, and trips to the amusement park at Euclid Beach. At Municipal Stadium, I learned how to score baseball games watching the Cleveland Indians.

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2. *Ex parte Mitsuye Endo*, 323 U.S. 283 (1944).
  3. Stephen Fugita, *The Japanese Americans, in ASIAN AMERICANS AND THEIR COMMUNITIES OF CLEVELAND* 55, 78 (1977); GREG ROBINSON, *AFTER CAMP: PORTRAITS IN MIDCENTURY JAPANESE AMERICAN LIFE AND POLITICS* 48 (2012).
  4. *Id.* at 79; CASE W. RES. UNIV., *Japanese*, *ENCYCLOPEDIA OF CLEVELAND HIST.*, <https://case.edu/ech/articles/j/japanese> [https://perma.cc/KLD2-56FN] (last visited Feb. 20, 2018).
  5. Fugita, *supra* note 3, at 84.

At the start of World War II only around twenty-five Japanese Americans lived in Cleveland, most of them servants and houseboys,<sup>6</sup> and in 1950 the Hough district was still a mostly white, middle-class community.<sup>7</sup> By 1960, however, the racial makeup reversed to nearly three-quarters African American.<sup>8</sup> In our own version of white flight, my playmates were moving east to suburban homes in far-away places with names like Willoughby, Willowick, and Wickliffe. After a break-in at the home of an older couple across the street, we left too. In 1961 my father moved my mother, sister, brother and I to a suburb in the Santa Clara Valley of California, in what is now known as Silicon Valley. After we'd left, four people were killed and 240 fires were set during the Hough race riots of July 1966, which was ignited at the former hub of the Japanese community at 79th and Hough. The Buddhist Church was firebombed, reportedly in August 1968.<sup>9</sup> The church building survived, but at some point, our boarding house was burned to the ground.

## II. RESISTANCE: “WE HEREBY REFUSE”

As an adolescent in California, I accepted my pre-history in Cleveland and our reasons for leaving as a natural part of our family narrative. Cleveland was the place of my birth, but over time I came to understand that the West Coast was our “psychological homeland.”<sup>10</sup> Over time I learned that my mother was born in San Jose, and that my father had originally worked in the fruit orchards of nearby Berryessa, but like most of my generation it wasn't until I was in college that I began to ask more challenging questions.

I grasped the idea of a larger context to our family story from a book owned by every family we knew at the time, a seemingly obligatory copy of Bill Hosokawa's 1969 popular history, *Nisei: The Quiet Americans*.<sup>11</sup> Only then did I piece together that the “camp” where my father spent the war years was not some kind of benign summer

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6. Workers of the Writers' Program of the Works Project Administration in the State of Ohio in W. RES. HIST. SOC'Y, THE PEOPLES OF CLEVELAND 75 (2001).

7. CASE W. RES. UNIV., *Hough*, ENCYCLOPEDIA OF CLEVELAND HIST., <http://case.edu/ech/articles/h/hough/> [https://perma.cc/9UFP-4VYC] (last visited Feb. 15, 2018).

8. *Id.*

9. CASE W. RES. UNIV., *Hough Riots*, ENCYCLOPEDIA OF CLEVELAND HIST., <https://case.edu/ech/articles/h/hough-riots> [https://perma.cc/AC58-FD2Z] (last visited Feb. 15, 2018); Fugita, *supra* note 3, at 84.

10. Fugita, *supra* note 3, at 92.

11. BILL HOSOKAWA, *NISEI: THE QUIET AMERICANS* (1969).

camp, as he made it sound, but was in fact an American concentration camp located in the high desert of Wyoming. I learned he was actually born in Japan and sent to the U.S. on the passport of a deceased relative, and he was more or less indentured as a teenager to working for the Berryessa orchard owner. After Pearl Harbor, he was evicted and incarcerated along with every other person of Japanese ancestry on the West Coast with at least one-sixteenth Japanese blood.

But reading Hosokawa's book was troubling, as it raised another question for me and other Sansei—third-generation Japanese Americans: if this was such a massive violation of civil liberties and constitutional protections, why didn't the Nisei protest and fight it? From the text, one would come to believe that Japanese America's response to the mass eviction and incarceration was embodied by two phrases: *shikaganai*—Japanese for “it can't be helped,” or passive resignation in the face of injustice—or *go for broke*, Hawaiian pidgin for “go all out, shoot the works,” patriotic self-sacrifice. Surely there had to be some among the 110,000 people across ten camps who spoke out in protest. But whenever we would ask, “Mom, Dad, why didn't you resist?”, we'd be patted on the head and told, “You weren't born yet, times were different then, don't go applying your Berkeley civil rights activism to the 1940s—you can't judge us.”

It was only through the making of our PBS film, *Conscience and the Constitution*,<sup>12</sup> that I would come to understand that resistance against the camps was not a figment of my privileged and overheated imagination; that the Constitution was not an invention of the 1960s; and that the only national organization of Japanese Americans at the time, the Japanese American Citizens League (“JACL”), had in fact waived the civil rights of the Nisei and collaborated with eviction as some kind of patriotic contribution to the war effort, and to secure better treatment for the inmates.<sup>13</sup> I learned the largest organized resistance to the government and to the JACL was at my father's camp, Heart Mountain. After two years of being imprisoned there, a group of young men intentionally broke the law in order to bring a test case into federal court.<sup>14</sup> These Nisei of draft age, many just out of high school, were willing to fight in combat, but they refused to be

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12. CONSCIENCE AND THE CONSTITUTION (Independent Television Service, 2000).

13. Arthur A. Hansen, *The 1944 Nisei Draft at Heart Mountain, Wyoming: Its Relationship to the Historical Representation of the World War II Japanese American Evacuation*, ORG. AM. HISTORIANS MAG. HIST., Summer 1996, at 48, 49.

14. *Id.*

drafted out of an American concentration camp until their rights were first restored and their families freed to return home.<sup>15</sup>

Under the leadership of the Fair Play Committee (“FPC”), the resistance at Heart Mountain was a last-ditch attempt to challenge the constitutionality of the eviction and their continued confinement.<sup>16</sup> The FPC held mess hall meetings attended by four hundred, where manifestoes were adopted that quoted the Fifth Amendment protection against loss of liberty or property without due process, and the Thirteenth Amendment prohibition against involuntary servitude<sup>17</sup>:

Thus, the members of the FPC unanimously decided at their last open meeting that until we are restored all our rights, all discriminatory features of the Selective Service abolished, and measures are taken to remedy the past injustices thru Judicial pronouncement or Congressional act, we feel that the present program of drafting us from this concentration camp is unjust, unconstitutional, and against all principles of civilized usage. 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.<sup>18</sup>

It was a classic act of civil disobedience in the American twentieth century. Sixty-three young men failed to report for their pre-induction draft physicals and were arrested in their barracks in front of their families. They were tried in U.S. District Court in Cheyenne, Wyoming, in the largest mass trial for draft resistance in US history.<sup>19</sup> But it was a bench trial, and Judge T. Blake Kennedy held that the only issue before the court was whether or not the men had violated the Selective Service Act of 1940 by failing to report.<sup>20</sup> He refused to hear any argument about the constitutionality of the mass eviction,

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15. CONSCIENCE & CONST., <http://resisters.com/conscience/index.html> [<https://perma.cc/K6SS-4SVE>] (last visited May 7, 2018).

16. See *Resistance*, CONSCIENCE & CONST., <http://resisters.com/conscience/resistance/index.html> [<https://perma.cc/3DKJ-YM68>] (last visited Mar. 8, 2018).

17. *Id.* Not mentioned, but equally applicable, were the Sixth Amendment right to a speedy trial, and equal protection under the law under the Fourteenth Amendment.

18. *Fair Play Committee Bulletin #3 (March 1, 1944)*, CONSCIENCE & CONST., [http://resisters.com/conscience/resistance/we\\_hereby\\_refuse/04\\_fpc\\_3.html](http://resisters.com/conscience/resistance/we_hereby_refuse/04_fpc_3.html) [<https://perma.cc/UM97-8JHV>] (last visited Feb. 13, 2018).

19. Hansen, *supra* note 13, at 49.

20. *United States v. Fujii*, 55 F. Supp. 928, 932 (D. Wyo. 1944).

found the sixty-three men guilty of draft evasion, and sentenced each to three years in a federal penitentiary.<sup>21</sup> After the trial, twenty-two more refused induction and received the same sentence.<sup>22</sup>

None of their stories appeared in Hosokawa's then-definitive history of the Nisei, and Japanese Americans remained "quiet Americans" for thirty-five years.

### III. REDRESS: "AN ISSUE FOR ALL AMERICANS"

An entire generation—my generation—was effectively disinherited as a result of *Executive Order 9066*. The losses of real estate, property, and businesses, estimated at the time by the Federal Reserve Bank at \$400 million, would be worth well over three-to-six billion dollars today.<sup>23</sup> The Evacuation Claims Act of 1948 paid ten cents on the dollar for losses of personal property, derisively referred to at the time as "pots and pans money," and precluded any future attempt to seek meaningful restitution.<sup>24</sup> And with no legal or cultural consensus that the camps were wrong, our history was no more than opinion and hearsay, something easily shouted down in letters to the editor and on talk radio with cries of "Remember Pearl Harbor!"

By the 1970s however, a group of Nisei aerospace engineers in Seattle asked a simple question of their own: why not petition the government for redress of grievances under the Constitution and get the U.S. to apologize and provide individual compensation for the unconstitutional mass eviction and incarceration?<sup>25</sup> Engineer Henry Miyatake—as he would have done at his job at Boeing—methodically laid out the case for redress on a series of paper flip charts and took them around to churches and local lawmakers.<sup>26</sup> The new case would be based on loss of our freedoms and rights under the Constitution. The justice being sought was not just for us; this would be an issue

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21. *Id.* at 931; ERIC L. MULLER, *FREE TO DIE FOR THEIR COUNTRY* 90, 112–13 (2001).

22. *Resistance*, *supra* note 16.

23. Cindy K. Smith, *Wartime Internment of Japanese-Americans: An Examination of Current Reparations Proposals*, 6 U. PUGET SOUND L. REV. 97, 108 (1982).

24. Greg Robinson, *Japanese American Evacuation Claims Act*, DENSHO ENCYCLOPEDIA, [http://encyclopedia.densho.org/Japanese\\_American\\_Evacuation\\_Claims\\_Act/#cite\\_ref-ftnt\\_ref4\\_4-0](http://encyclopedia.densho.org/Japanese_American_Evacuation_Claims_Act/#cite_ref-ftnt_ref4_4-0) [<https://perma.cc/U939-HSZL>] (last visited Feb. 23, 2018).

25. Frank Chin, *How Shall Injustice Be Served?*, THE WEEKLY, Oct. 11, 1978, at 9.

26. ROBERT SADAMU SHIMABUKURO, *BORN IN SEATTLE: THE CAMPAIGN FOR JAPANESE AMERICAN REDRESS* 13, 16 (2001).

for all Americans. In researching the law, Henry's Seattle Evacuation Redress Committee discovered that *Executive Order 9066* was still on the books at the time, and in the bicentennial year of 1976 he and his group worked through Washington governor Dan Evans to get President Gerald Ford to rescind the wartime order.<sup>27</sup> His proclamation, titled "*An American Promise*," called the incarceration a "set-back to fundamental American principles" but stopped short of apologizing for it.<sup>28</sup> It did however provide momentum for redress, and delegates to the 1978 National JACL Convention adopted a resolution calling for reparations for each surviving incarcerated of \$25,000 each.<sup>29</sup>

The idea was immediately denounced by the keynote speaker at the convention's closing night banquet, Republican Senator S.I. Hayakawa of California, a Japanese Canadian semanticist who had never himself been incarcerated. In words aimed at his conservative base, he declared the incarceration was "perfectly understandable" and done for our own safety, and that seeking redress would only rekindle old resentments.<sup>30</sup> The editorial page of the *Wall Street Journal* picked up his theme and decried the move for redress as "guilt mongering" by proponents "snapping at compensation for ancient wrongs under the guise of 'human rights.'"<sup>31</sup>

People in Seattle were outraged, and turned for advice to playwright Frank Chin, who had been interviewing them for a story. Chin envisioned a media event that could change the narrative by recreating the wartime eviction on Thanksgiving weekend with a car caravan to Seattle's hometown concentration camp at the Puyallup Fairgrounds. Chin recruited me, by then a struggling theater actor in Seattle, with the admonition, "if you lose Japanese American history, you can kiss Japanese American art goodbye." The community rallied around the event. We designed posters that resembled the old "Instructions to All Persons of Japanese Ancestry" notices, but with a new message to "Remember the concentration camps / Stand for redress with your families." We nailed the signs to telephone poles and invited all to assemble in a vacant lot next to the old Seattle Pilots baseball park, don replicas of the government's family-number tags, and board National Guard buses to lead the caravan.

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27. *Id.* at 30, 34.

28. Proclamation 4417, 41 Fed. Reg. 7741 (Feb. 19, 1976).

29. William Yoshino & John Tateishi, *The Japanese American Incarceration: The Journey to Redress*, JAPANESE AM. CITIZENS LEAGUE, <https://jacl.org/redress/> [<https://perma.cc/Q47X-QFQC>] (last visited Mar. 11, 2018).

30. Mike Carter, *JACL's Request 'Not Justified,'* SALT LAKE TRIB., July 23, 1978, B1.

31. *Guilt Mongering*, WALL ST. J., Aug. 11, 1978.

On the morning of November 25, 1978, we were stunned to see nearly 2,000 people show up, by far the largest single gathering of Japanese Americans in Seattle since the war itself.<sup>32</sup> The line of cars stretched for miles down Interstate 5. Inside the cars, many parents spoke to their kids for the first time about the camps and their feelings about it. The event struck a nerve. The story was picked up nationwide by the Associated Press and the Japanese American vernacular newspapers. And what Japanese America feared most, never happened: there was no white backlash, no angry mob. That first “Day of Remembrance” was an emotional breakthrough that burst open the tomb of Japanese American history. Anthropologist Yasuko Takezawa called it an invented tradition in which practices and symbols that have continuity with the past are reclaimed and reinterpreted to make sense in the present.<sup>33</sup> It was the spark that launched the popular campaign for redress.

Inspired by what he saw that day, one freshman congressman, Democrat Mike Lowry from Washington, vowed to introduce a bill calling for a government apology and individual compensation of \$15,000 and \$15 for each day of a person’s incarceration, and we joined with William Hohri of Chicago to form the National Council for Japanese American Redress (“NCJAR”) to lobby for it.<sup>34</sup> Alarmed at the speed with which we were moving, the four Japanese Americans then in Congress—Daniel Inouye, Spark Matsunaga, Norman Mineta, and Robert Matsui—led a countermeasure for a fact-finding commission to study the matter first and build support among their colleagues.<sup>35</sup> With our redress bill stalled by the commission hearings, Hohri led NCJAR in recruiting the Washington, D.C. law firm of

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32. Jennifer Ott, *First Day of Remembrance (of World War II Incarceration of Japanese Americans) Is Held at the Puyallup Fairgrounds on November 25, 1978*, HISTORYLINK.ORG (Oct. 23, 2010), <http://www.historylink.org/File/9464> [<https://perma.cc/46DW-LHMC>].
  33. See Yasuko I. Takezawa, *Children of Inmates: The Effects of the Redress Movement Among Third Generation Japanese Americans*, 14 QUALITATIVE SOC. 39, 45–46 (1991); see also YASUKO I. TAKEZAWA, BREAKING THE SILENCE: REDRESS AND JAPANESE AMERICAN ETHNICITY 161–64 (1995) (discussing the first Day of Remembrance in 1978); WILLIAM M. HOHRI, REPAIRING AMERICA: AN ACCOUNT OF THE MOVEMENT FOR JAPANESE-AMERICAN REDRESS 47–50 (1988); SHIMABUKURO, *supra* note 26, at 41–54 (describing the planning and events of the first Day of Remembrance in 1978).
  34. Martha Nakagawa, *National Council for Japanese American Redress*, DENSHO ENCYCLOPEDIA (Jun. 15, 2014), <https://encyclopedia.densho.org/National%20Council%20for%20Japanese%20American%20Redress/> [<https://perma.cc/F7MR-NHSV>].
  35. Dale Minami, *Japanese-American Redress*, 6 BERKLEY J. OF AFRICAN-AMERICAN L. & POL’Y 27, 32–33 (2004).

Landis, Cohen, Singman and Rauh to research a class-action lawsuit against the government for the Constitutional violations of camp.

The Commission on Wartime Relocation and Internment of Civilians held twenty days of hearings in ten locations in 1981, and the outpouring of facts and emotion from the three generations of Japanese Americans who testified led to publication of a final report in December 1982 that concluded:

In sum, Executive Order 9066 was not justified by military necessity, and the decisions that followed from it – exclusion, detention, the ending of detention and the ending of exclusion – were not founded upon military considerations. The broad historical causes that shaped these decisions were race prejudice, war hysteria and a failure of political leadership.<sup>36</sup>

The commission study had another, unexpected result. In gathering the tens of thousands of documents needed to bolster the study, lead researcher Aiko Herzig-Yoshinaga stumbled across an uncensored version of the War Department's Final Report which showed that race, and not military necessity, was the Army's motive for carrying out the mass exclusion—evidence the Army suppressed from the Supreme Court.<sup>37</sup> At the same time, professor and attorney Peter Irons discovered archival memos revealing misconduct by government officials to withhold this and other damning evidence from the Court.<sup>38</sup> Based on these remarkable discoveries, Sansei lawyers whose families had been incarcerated formed three legal teams to file writs of error *coram nobis* in January 1983 in federal courts in Seattle, Portland, and San Francisco. The writs filed on behalf of Gordon Hirabayashi, Min Yasui, and Fred Korematsu sought to reopen their old cases challenging the wartime curfew and exclusion orders.<sup>39</sup> In March 1983, William Hohri and NCJAR cited twenty-two causes of action in a lawsuit claiming a total of \$27 billion of violations of civil and constitutional rights. In *Korematsu*, the judge granted the *coram nobis* petition and vacated his conviction; in *Yasui*, the conviction was

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36. THE CIVIL LIBERTIES PUBLIC EDUC. FUND, PERSONAL JUSTICE DENIED: REPORT OF THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS 459 (1997).

37. Thomas Y. Fujita-Rony, "Destructive Force": Aiko Herzig-Yoshinaga's Gendered Labor in the Japanese American Redress Movement, 24 FRONTIERS 38, 49–51 (2003).

38. *Id.* at 48.

39. Peter Irons, *Introduction: Righting a Great Wrong, in* JUSTICE DELAYED: THE RECORD OF THE JAPANESE AMERICAN INTERNMENT CASES 9–16 (1989).

vacated; and in *Hirabayashi*, the judge vacated the conviction for removal, but not for violating the military curfew.<sup>40</sup>

Taken together, all these related actions paved the way for Congress to adopt the Civil Liberties Act of 1988,<sup>41</sup> providing camp survivors with a formal apology, individual reparations of \$20,000, and a public education fund. The bill was careful to include language extinguishing the claims of the NCJAR lawsuit, which some lawmakers cited in their reasoning for backing the legislation, and President Reagan signed it into law in 1988.<sup>42</sup>

And with the help of a WRA incarcerated case file released under the Freedom of Information Act, I can now trace the movements that led my own father to Ohio. When he was freed from Heart Mountain on Dec. 13, 1944, like an inmate released from prison, he was given \$25 and \$7 for meals to last him seven days, and put on a bus for Cleveland and a job as a factory worker at Phil-Mar Products, making a new postwar product called “TV lamps:” garish, ceramic, backlit statuettes set atop early low-luminosity televisions to provide a faint, ambient room light that helped reduce eye strain.

#### IV. EXECUTIVE ORDER 13780: A MORAL RESPONSIBILITY

Flash forward to the present, and the story of Japanese American resistance to incarceration in the American twentieth century is regrettably no longer academic history in the twenty-first. At this moment, the same prejudice and hysteria are being normalized at the highest levels of government to criminalize minorities based on religion, race, or immigration status. The limits on presidential authority examined by the Supreme Court in *Executive Order 9066* are the same ones the high court is now being called upon to review in connection with the sitting president’s *Executive Order 13780*, banning travel by nationals from six Muslim-majority nations—and the Sansei attorneys who fought to overturn the legal precedents set in

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40. HOHRI, *supra* note 33, at 191–202; *Korematsu v. United States*, 584 F. Supp. 1406, 1420 (N.D. Cal. 1984); *Yasui v. United States*, 772 F.2d 1496, 1498 (9th Cir. 1985) (explaining that Yasui’s writ of *coram nobis* was denied); *Hirabayashi v. United States*, 627 F. Supp. 1445, 1457 (W.D. Wash. 1986), *aff’d in part, rev’d in part*, 828 F.2d 591 (9th Cir. 1987).

41. Pub. L. No. 100-383, 102 Stat 904 (1988) (codified as amended at 50 U.S.C. § 4201 et seq.).

42. Daryl J. Maeda, *Reviews*, 5 J. OF ASIAN AMERICAN STUD. 73, 75 (2002) (reviewing MITCHELL T. MAKI ET AL., *ACHIEVING THE IMPOSSIBLE DREAM: HOW JAPANESE AMERICANS OBTAINED REDRESS* (1999); ROBERT SADAMU SHIMABUKURO, *BORN IN SEATTLE: THE CAMPAIGN FOR JAPANESE AMERICAN REDRESS* (2001)).

*Hirabayashi*, *Korematsu*, and *Yasui* are the same ones who have filed an *amicus* brief in the travel ban cases.<sup>43</sup>

*#Resistance*, a hashtag on social media, has become part of the national discourse. The analogies are not precise, but the mass evictions ordered in the name of national security by the Western Defense Command in 1942 are disturbingly echoed by the deportations carried out today by Immigration and Customs Enforcement. The experience of mass incarceration was not one pursued by Japanese Americans, but with the moral authority of that experience comes the moral responsibility to stand in defense of others threatened today by the same prejudice, hysteria, and failed political leadership.

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43. Brief of Karen Korematsu, Jay Hirabayashi, Holly Yasui, The Fred T. Korematsu Center for Law and Equality, Civil Rights Organizations, and National Bar Associations of Color as *Amici Curiae* in Support of Respondents, *Trump v. Int'l Refugee Assistance Project*, 137 S.Ct. 2080 (Sept. 18, 2017) (No. 16-1436). The Supreme Court heard oral arguments on the third version of the travel ban on April 25, 2018, with a decision expected in June. Andrew Hamm, *Afternoon Round-Up: Today's Oral Argument in Trump v. Hawaii*, SCOTUSBLOG (Apr. 25, 2018, 5:15 PM), <http://www.scotusblog.com/2018/04/afternoon-round-up-todays-oral-argument-in-trump-v-hawaii/> [<https://perma.cc/38HM-4VLY>].