

From the Director: Tom Ikeda

Was the Japanese American incarceration constitutional? This is a question that I get when I talk with teachers and students about the exclusion and incarceration of Japanese Americans during World War II. To address this issue we discuss the 1944 U.S. Supreme Court ruling in *Korematsu v. United States*, where a 6-3 majority upheld the constitutionality of Fred Korematsu's conviction for disobeying government orders which excluded Japanese Americans from the West Coast and had them report to concentration camps. I tell students and teachers that during World War II the courts ruled the Japanese American incarceration was legal, which helps me make the point that "in times of war, the laws are silent."

I further illustrate the story by explaining that information uncovered in the 1970s showed wartime U.S. attorneys knowingly withheld evidence from the courts that damaged the government's military necessity argument for the Japanese American incarceration. With this new information, Fred Korematsu reopened his case through the writ of *coram nobis* and in 1983 was awarded a victory when the Ninth District Circuit Court of Appeals overturned his 1942 conviction. Legal proceedings stopped there as U.S. government attorneys decided not to appeal their loss to the U.S. Supreme Court which prevented our country's highest court from reconsidering and possibly overturning its 1944 ruling.

The lower court's reversal of its *Korematsu* ruling weakens the use of the Supreme Court's 1944 *Korematsu* decision as a precedent, but it doesn't remove the ambiguity of whether today "suspicious" U.S. citizens and lawful residents can be detained indefinitely without trial in the United States. This is why the attorneys from the *Korematsu*, *Hirabayashi*, and *Yasui coram nobis* legal teams wrote a letter to the Solicitor General urging that he argue for the Supreme Court to explicitly overturn its *Korematsu* decision or repudiate the precedent as it pertains to the National Defense Authorization Act (NDAA). In their letter, the attorneys said:

"We also make this request in light of the prophetic warning, in the *Korematsu* dissent of Justice Robert Jackson, that the Court's approval of the indefinite detention of American citizens established a 'principle [that] lies about like a loaded weapon, ready for the hand of any authority that can bring a claim of an urgent need.'"

I applaud the *coram nobis* attorneys, Dale Minami, Lorraine Bannai, Donald Tamaki, Peter Irons, Eric Yamamoto, Leigh Ann Miyasato, Peggy Nagae, Rod Kawakami, Karen Kai, Kathryn A. Bannai, and Robert Ruskey for remaining vigilant on our behalf. These dedicated attorneys remind me of the Margaret Mead quote:

"Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has."



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Archive Spotlight

Peter Irons: Discovering Evidence of



Governmental Misconduct

In the 1980s, Dr. Peter Irons was a law professor at the University of California at San Diego. While conducting research at the National Archives and Department of Justice in Washington, D.C., he discovered evidence of governmental misconduct during World War II, which refuted the U.S. government's rationale of "military necessity" for the mass incarceration of persons of Japanese ancestry in 1942. Using this information, he was instrumental in filing petitions using the writ of error *coram nobis*, resulting in the reconsideration of the wartime "internment cases": *Hirabayashi*, *Korematsu*, and *Yasui*. In this clip, Dr. Irons describes finding the "smoking gun" memo. Peter Irons's full interview is available in the Densho Digital Archive.

- >> [View the interview excerpt](#)
- >> [Register for the free Densho Digital Archive](#)



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Densho News

New Online Photograph and Document Repository Available

Densho is pleased to announce the launch of its new online repository of historic photographs and documents centered on the World War II Japanese American experience. This repository is compatible with social media tools like Facebook and Twitter, and the descriptions of its 50,000 images, documents and newspapers are searchable by Google and other search engines. Funding for this 2-year project was provided, in part, by a grant from the Department of the Interior, National Park Service, Japanese American Confinement Sites Grant Program.

- >> [Visit the new Densho Digital Repository](#)



625 Educators Trained at Densho Workshops

Densho is pleased to announce the completion of 17 teacher training workshops for over 625 educators. Participants came from the District of Columbia, 22 different states (Alaska, Arizona, California, Colorado, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Maryland, Massachusetts, Montana, New York, North Carolina, Oregon, South Carolina, Tennessee, Vermont, Virginia, Washington, Wyoming), and 3 countries outside of the United States (Japan, Canada, and England.) The average workshop rating for all participants collected in an anonymous survey was 4.9 out of 5. Funding for this 2-year project was provided, in part, by a grant from the Department of the Interior, National Park Service, Japanese American Confinement Sites Grant Program.



A Huge Thank You to Matching Donors and Volunteers!

The successful completion of the new online repository and the teacher training workshops described above happened because of the generosity of over 1,500 donors contributing \$349,000 and 400 hours of volunteer support. To fund these two projects, community donors needed to provide the initial funding before we could request the additional two-for-one competitive matching funding from the Department of the Interior, National Park Service, Japanese American Confinement Sites Grant Program. We are incredibly thankful and honored to receive this support!



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Community News and Events

Registration Open for the 2014 Tule Lake Pilgrimage

Registration is open for the 4-day Tule Lake pilgrimage, which will be held from Friday, July 4 through Monday, July 7, 2014. The registration fee is \$475 per person. For those on low or fixed incomes, the fee is \$375. For former Tule Lake incarcerated over 80 years of age, the fee is \$250. The registration fee is all-inclusive and covers charter bus transportation, lodging, meals, and all activities during the four-day pilgrimage. The deadline for registration is March 31st, 2014.

>> For more information



Manzanar Facing Threat from Construction of Large-Scale Alternative Energy Plant

Inyo County, where the Manzanar National Historic Site is located, is considering designating more land near Manzanar for large-scale renewable energy development. This is in addition to the Los Angeles Department of Water and Power proposal to build a 1,200 acre solar energy generating station 3.5 miles east of Manzanar. The Manzanar Committee has a [website](#) with more information and links to petitions to stop these developments.

>> For more information



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