

# **IN SEARCH OF NO-NO BOY: CLASSROOM EDITION**

## **Resources: Vocabulary, Documents, Court Cases**

### **VOCABULARY**

Students will need to research, define and understand the following terms in order to fully grasp the lessons.

Issei  
Nisei  
Expatriation  
Enlist (in the military)  
Draft (into the military)  
Civil rights  
Civil disobedience  
No-No boy  
Draft resister  
Draft dodger  
Loyal  
Disloyal  
Allegory  
Metaphor  
Assimilation  
Prejudice  
Bias  
Discrimination

### **DOCUMENTS**

"The Japanese American Creed" – 1940 declaration of loyalty by JACL's Mike Masaoka  
[http://www.pbs.org/itvs/conscience/compliance/better\\_americans/01\\_creed\\_t.html](http://www.pbs.org/itvs/conscience/compliance/better_americans/01_creed_t.html)

Executive Order 9066 – authorizing exclusion of Americans of Japanese ancestry  
<http://www.ourdocuments.gov/doc.php?flash=true&doc=74>

JACL letter to the War Relocation Authority – outlining a program of cultural indoctrination and behavior modification in the camps  
[http://www.pbs.org/itvs/conscience/compliance/collaboration/01\\_eisenhower01\\_i.html](http://www.pbs.org/itvs/conscience/compliance/collaboration/01_eisenhower01_i.html)

Leave Clearance Questionnaire – the "Loyalty Oath"  
[http://americanhistory.si.edu/perfectunion/non-flash/loyalty\\_questionnaire.html](http://americanhistory.si.edu/perfectunion/non-flash/loyalty_questionnaire.html)

JACL letter to the War Department – asking for Selective Service for the Nisei  
[http://www.pbs.org/itvs/conscience/compliance/the\\_draft/03\\_service\\_i.html](http://www.pbs.org/itvs/conscience/compliance/the_draft/03_service_i.html)

Nisei letter of protest to draft board  
[http://www.pbs.org/itvs/conscience/resistance/we\\_hereby\\_refuse/01\\_form\\_i.html](http://www.pbs.org/itvs/conscience/resistance/we_hereby_refuse/01_form_i.html)

"One for All – All for One" – Heart Mountain Fair Play Committee Bulletin #3  
[http://www.pbs.org/itvs/conscience/resistance/we\\_hereby\\_refuse/02\\_fpc\\_1\\_i.html](http://www.pbs.org/itvs/conscience/resistance/we_hereby_refuse/02_fpc_1_i.html)

"We Hereby Refuse" – Heart Mountain Fair Play Committee Bulletin #3  
[http://www.pbs.org/itvs/conscience/resistance/we\\_hereby\\_refuse/04\\_fpc\\_3.html](http://www.pbs.org/itvs/conscience/resistance/we_hereby_refuse/04_fpc_3.html)

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#### **COURT CASES**

##### ***Hirabayashi v. U.S.; Yasui v. U.S.; Korematsu v. U.S***

Gordon Hirabayashi was a student and conscientious objector at the University of Washington who, on moral grounds, violated the military curfew aimed only at Japanese Americans.

Minoru Yasui was a lawyer in Portland who challenged the curfew law on legal grounds.

Fred Korematsu of San Leandro had plastic surgery to make himself look less Japanese, and evaded the military expulsion in order to stay with his Italian-American girlfriend.

In each of their cases the U.S. Supreme Court upheld their convictions, bowing to the *"military necessity" for expulsion cited by the Justice Dept.*

But documents discovered in 1981 revealed that the government had burned reports and withheld evidence from the high court -- evidence that undermined the Army's claim of *military necessity*.<sup>1</sup> Hirabayashi, Yasui and Korematsu filed writs of error to have their convictions overturned.

Yasui's conviction was vacated in 1984. In a full evidentiary hearing in federal court in Seattle, Hirabayashi's conviction was vacated in 1986.

Korematsu's criminal conviction was vacated in 1983, but the case remains on the books and can still be used as a legal precedent to deny a person's constitutional rights on the basis of their race or ancestry.

For more information on Gordon Hirabayashi, see HistoryLink:

[http://www.historylink.org/essays/output.cfm?file\\_id=2070](http://www.historylink.org/essays/output.cfm?file_id=2070)

For more information on Fred Korematsu, see *Of Civil Wrongs and Rights*:

<http://www.pbs.org/pov/pov2001/ofcivilwrongsandrights/storyline.html>

For more information on Min Yasui, see *A More Perfect Union*:

<http://americanhistory.si.edu/perfectunion/collection/image.asp?ID=788>

##### ***Ex parte Endo***

Mitsuye Endo was a Nisei typist in Sacramento recruited for a test case that successfully forced the U.S. government to shut down the camps and allow the return of all Japanese Americans to the West Coast.

On the same day it handed down its decision in *Korematsu*, the U.S Supreme Court ruled that, regardless of whether the U.S. government had the right to exclude people of Japanese ancestry from the West Coast during World War II, it could not continue to detain a citizen that the government itself conceded was loyal to the U.S.

For more information, link to City University of New York:

[http://www1.cuny.edu/portal\\_ur/content/womens\\_leadership/mitsuye\\_endo.html](http://www1.cuny.edu/portal_ur/content/womens_leadership/mitsuye_endo.html)

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<sup>1</sup> [Justice at War: The Story of the Japanese-American Internment Cases](#), Peter Irons, Oxford University Press, 1983.

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#### ***U.S. v. Fujii***

When the government in 1944 announced it would draft the Nisei in camp, many answered the call and even welcomed it – but for others it presented one last chance to protest their continued incarceration and loss of rights.

Within a week, a Fair Play Committee was organized at the camp at Heart Mountain, Wyoming. It received editorial support from a journalist in Denver, James Omura. At a packed mess hall meeting attended by four hundred people, the Fair Play Committee crossed the line from protest to open resistance, and young men soon failed to appear for their pre-induction physicals.

Despite a government crackdown, one of every nine young men who received a draft notice at Heart Mountain refused induction.

On June 12, 1944, 63 resisters from Heart Mountain stood trial at the Federal Courthouse in Cheyenne, Wyoming, for violations of the 1939 Selective Service Act. It was the largest mass trial in Wyoming history, and the largest mass trial for draft resistance in U.S. history.

U.S. District Judge T. Blake Kennedy found the resisters guilty of draft evasion and sentenced them to three years in a federal penitentiary. Twenty-two more men resisted later on, bringing the total from Heart Mountain to 85.

The U.S. Supreme Court refused to hear their appeal. They served more than two years at the federal prison at McNeil Island, Washington, and were released in 1946.

On Christmas 1947, President Truman pardoned all wartime draft resisters.

For more information, see *Conscience and the Constitution*:  
[http://www.pbs.org/itvs/conscience/resistance/mass\\_trial/](http://www.pbs.org/itvs/conscience/resistance/mass_trial/)

#### ***U.S. v. Okamoto***

Following the convictions of the Heart Mountain resisters, the government then tried the seven leaders of the Fair Play Committee and journalist James Omura (who was born on Bainbridge Island) for conspiracy to counsel draft evasion.

A jury convicted the resistance leaders, which included Frank Emi, but acquitted Omura on the First Amendment freedom of the press.

On Christmas, 1945, the Tenth Circuit Court of Appeals in Denver threw out the convictions of the FPC leaders, ruling their jury improperly ignored civil disobedience as a defense.

For more information, see *Conscience and the Constitution*:  
[http://www.pbs.org/itvs/conscience/resistance/conspiracy\\_trial/](http://www.pbs.org/itvs/conscience/resistance/conspiracy_trial/)

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### **VISUALS & PHOTOGRAPHS**

*Conscience and the Constitution* – a PBS documentary

<http://www.pbs.org/itvs/conscience/>

- Compliance  
<http://www.pbs.org/itvs/conscience/compliance/>
- Resistance  
<http://www.pbs.org/itvs/conscience/resistance/>
- Who Writes History?  
[http://www.pbs.org/itvs/conscience/who\\_writes\\_history/](http://www.pbs.org/itvs/conscience/who_writes_history/)

Densho: the Japanese American Legacy Project

<http://www.densho.org/>

- Causes of Incarceration  
<http://www.densho.org/causes/default.asp>
- Learning Center  
<http://www.densho.org/learning/default.asp>
- Densho Digital Archive – free registration required  
<http://www.densho.org/archive/default.asp>
- Densho Activity 5-3: Perspectives of Resisters Through Editorials  
<http://www.densho.org/learning/spice/lesson5/5reading5.PDF>

National Archives: Related Documents and Photographs

<http://www.archives.gov/education/lessons/japanese-relocation/>

- Poster: Instructions to all persons of Japanese Ancestry  
<http://www.archives.gov/education/lessons/japanese-relocation/images/order-posting.gif>