

Opening Statement:

Good morning, my name is Destiny Smith, and I am the prosecutor in this case. It is my pleasure to represent Fred Korematsu a person of this state. On February 19 1942, the defendant in this case, the government of the United States of America, is guilty of unconstitutionally taking away Mr. Korematsu's civil liberties as an American citizen. Authored by War Department official Karl Bentsen—who would later be promoted to Director of the Wartime Civilian Control Administration and oversee the "evacuation" of Japanese Americans—the law made violations of military orders a misdemeanor punishable by up to \$5,000 in fines and one year in prison. As a result, approximately 120,000 men, women, and children of Japanese ancestry were evicted from the West Coast of the United States and held in internment camps across the country. Ladies and gentlemen of the court, this case is about an American citizen who was afraid of being prosecuted for something out of his control, his race. Never mind the fact that he is an American. Ladies and gentlemen of the jury, the prosecution will call nine witnesses to the stand. We will call J. Edgar Hoover he worked in the Alien Enemy Bureau in 1917 and was the director of the FBI by 1924 where he focused on organized crime. Fred Korematsu an American citizen fighting for his rights, Attorney General Francis Biddle, Curtis B. Munson an investigator hired by the president, Navy Officer Kenneth Ringle prewar investigation officer, Karl Bentsen served on the war department, John L. DeWitt, Mike Masaoka a journalist and Margaret D'ille Gleason. The defense may argue that the internment of the Japanese was all in the name of security. At the conclusion of the case we would ask you to find the defendant guilty of unconstitutionally taking Mr. Korematsu's rights based on his race going against the fourteenth amendment which states that "All persons born in the United States are United States citizens. No state shall make or enforce a law that abridges the privileges these citizens or deprive any person of life, liberty, and the property without due process of law." So I urge you ladies and gentleman if the law isn't there to protect us who does it stand to protect?

Destiny:

Direct Examination: Munson

- Wrote the Munson report
- Was an investigator working for the president

Questions:

1. Mr. Munson, what is your line of work involving the Japanese specifically?
 - I was hired by the current president of the United States as an investigator of where the loyalty of people of Japanese ancestry lies, I was sent to areas with military bases and there i spoke with the Japanese people.
2. Why were you hired by the president?
 - To investigate possible spies amongst the Japanese as war tension was growing they were suspected to plan possible sabotage to the United States.
3. So you would say you're experienced with this line of work?

- Yes, the president hired me and also a few times before in the same line of work.
4. What would you say the exclusion order would do for the Japanese?
 - I believe that this would endanger the Japanese vs them endangering us as a nation. You see putting them in internment camps would paint them as the enemy nationwide and what's to become of them with so much hatred coming from the nation.
 5. What were your findings about the loyalty of the Japanese to the United States?
 - The Japanese are very loyal to the United States 90-98% of them swear loyalty to the United States, they have all created a life here and it's their home. They wish to die here in peace.
 6. What were your findings on the Nisei?
 - The Nisei are second generation Japanese and they are about as American as anyone else in this courtroom, they were born and bred in the United States. Have no recollection of the Japanese culture and are for the most part not engulfed in it.
 7. From where you stand do you believe the Japanese are a danger in military zones?
 - No, absolutely not. Even if the Japanese wanted to bomb a base or kill some military equipment logically no one would let them near weaponry of mass destruction as distrust for the Japanese is growing already, therefore there is no danger.
 8. Mr. Munson you did provide a solution less harsh than internment camps in your report, if you kindly could read the solution out loud to the court from your report?
 - (reads quote about the solution)
 9. Why do you believe this solution would be more effective compared to Internment camps?
 - Putting the Nisei in charge of the Japanese in general world work out well because they are Americans and so the security of their nation in their hands would be more effective than stuffing all people of Japanese ancestry in camps shut away from the world. If anyone can tell the "spies" from the normal Japanese it would be the Nisei and considering the consequences following not turning in spies this method would otherwise be more effective.

The Munson Report

In October and November of 1941, Special Representative of the State Department Curtis B. Munson, under Roosevelt's orders, carried out an intelligence gathering investigation on the loyalty of Japanese Americans. His report concluded that Japanese Americans are loyal and would pose little threat. He wrote: "There is no Japanese 'problem' on the Coast ... There is far more danger from Communists and people of the Bridges type on the Coast than there is from Japanese."

These are excerpts from that report.

1. The ISSEI -- First generation of Japanese. Entire cultural background Japanese. Probably loyal romantically to Japan. They must be considered, however, as other races. They have made this their home. They have brought up children here, their wealth accumulated by

hard labor is here, and many would have become American citizens had they been allowed to do so. They are for the most part simple people. Their age group is largely 55 to 65, fairly old for a hard-working Japanese.

The Issei, or first generation, is considerably weakened in their loyalty to Japan by the fact that they have chosen to make this their home and have brought up their children here.

They expect to die here. They are quite fearful of being put in a concentration camp. Many would take out American citizenship if allowed to do so. The haste of this report does not allow us to go into this more fully. The Issei have to break with their religion, their god and Emperor, their family, their ancestors and their after-life in order to be loyal to the United States. They are also still legally Japanese. Yet they do break, and send their boys off to the Army with pride and tears. They are good neighbors. They are old men fifty-five to sixty-five, for the most part simple and dignified. Roughly they were Japanese lower middle class, about analogous to the pilgrim fathers.

2. The NISEI -- Second generation who have received their whole education in the United States and usually, in spite of discrimination against them and a certain amount of insults accumulated through the years from irresponsible elements, show a pathetic eagerness to be Americans. They are in constant conflict with the orthodox, well disciplined family life of their elders. Age group -- 1 to 30 years.

There are still Japanese in the United States who will tie dynamite around their waist and make a human bomb out of themselves. We grant this, but today they are few. Many things indicate that very many joints in the Japanese set-up show age, and many elements are not what they used to be. The weakest from a Japanese standpoint are the Nisei. They are universally estimated from 90 to 98 percent loyal to the United States if the Japanese-educated element of the Kibei is excluded. The Nisei are pathetically eager to show this loyalty. They are not Japanese in culture. They are foreigners to Japan. Though American citizens they are not accepted by Americans, largely because they look differently and can be easily recognized. The Japanese American Citizens League should be encouraged, the while an eye is kept open, to see that Tokio does not get its finger in this pie -- which it has in a few cases attempted to do. The loyal Nisei hardly knows where to turn. Some gesture of protection or wholehearted acceptance of this group would go a long way to swinging them away from any last romantic hankering after old Japan. They are not oriental or mysterious, they are very American and are of a proud, self-respecting race suffering from a little inferiority complex and a lack of contact with the white boys they went to school with. They are eager for this contact and to work alongside them.

3. The KIBEI -- This is an important division of the NISEI. This is the term used by the Japanese to signify those American born Japanese who received part or all of their education in Japan. In any consideration of the KIBEI they should be again divided into two classes, i.e. those who received their education in Japan from childhood to about 17 years of age and those who received their early formative education in the United States and returned to Japan for four or five years Japanese education. The Kibei are considered the most dangerous element and closer to the Issei with special reference to those who received their early education in Japan. It must be noted, however, that many of those who visited Japan subsequent to their early American education come back with added loyalty to the United States. In fact it is a saying that all a Nisei needs is a trip to Japan to make a loyal American out of him. The American educated Japanese is a boor in Japan and treated as a foreigner...

4. The SANSEI -- The Third generation of Japanese is a baby and may be disregarded for the purpose of our survey....

...the Hawaiian Japanese does not suffer from the same inferiority complex or feel the same mistrust of the whites that he does on the mainland. While it is seldom on the mainland that you find even a college-educated Japanese-American citizen who talks to you wholly openly until you have gained his confidence, this is far from the case in Hawaii. Many young Japanese there are fully as open and frank and at ease with a white as white boys are. In a word, Hawaii is more of a melting pot because there are more brown skins to melt -- Japanese, Hawaiian, Chinese and Filipino. It is interesting to note that there has been absolutely no bad feeling between the Japanese and the Chinese in the islands due to the Japanese-Chinese war. Why should they be any worse toward us?

Due to the preponderance of Japanese in the population of the Islands, a much greater proportion of Japanese have been called to the draft than on the mainland. As on the mainland they are inclined to enlist before being drafted. The Army is extremely high in its praise of them as recruits... They are beginning to feel that they are going to get a square deal and some of them are really almost pathetically exuberant....

The story was all the same. There is no Japanese 'problem' on the Coast. There will be no armed uprising of Japanese. There will undoubtedly be some sabotage financed by Japan and executed largely by imported agents... In each Naval District there are about 250 to 300 suspects under surveillance. It is easy to get on the suspect list, merely a speech in favor of Japan at some banquet being sufficient to land one there. The Intelligence Services are generous with the title of suspect and are taking no chances. Privately, they believe that only 50 or 60 in each district can be classed as really dangerous. The Japanese are hampered as saboteurs because of their easily recognized physical appearance. It will be hard for them to get near anything to blow up if it is guarded. There is far more danger from Communists and people of the Bridges type on the Coast than there is from Japanese. The Japanese here is almost exclusively a farmer, a fisherman or a small businessman. He has no entree to plants or intricate machinery.

In case we have not made it apparent, the aim of this report is that all Japanese Nationals in the continental United States and property owned and operated by them within the country be immediately placed under absolute Federal control. The aim of this will be to squeeze control from the hands of the Japanese Nationals into the hands of the loyal Nisei who are American citizens... It is the aim that the Nisei should police themselves, and as a result police their parents.