

# Dissent in America

## *Voices That Shaped a Nation*

Concise Edition

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RALPH F. YOUNG  
*Temple University*



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I survived, though there were times, especially that night after the lights went out, when I didn't expect to. But it was more than a month before I made a request to be transferred to a cellblock, where I desperately needed the relative quiet of a cell after that noisy "fuck-up dorm." I waited that long because the one thing you can't do as a serious nonviolent activist, especially in prison, is to run away from threats or danger. If you do, the wrong reputation will follow you wherever you go or are moved.

This was only one of several times in Lewisburg when prisoners were asked to "take care of Dellinger," sometimes with the offer of parole if they did. But this was the most difficult occasion for me to handle because of my exhaustion from the long hunger strike. A few years later I wasn't surprised at something Dorothy Day, the cofounder of the Catholic Worker movement, said when she visited me and Elizabeth at our intentional pacifist community. It was the day after William Remington, a former commerce department official who was a victim of the McCarthy era, had been killed at Lewisburg. "You don't believe the official version, do you?" she asked. "That he was killed by a prisoner who was stealing his cigarettes when Remington came back to his cell and caught him?" Based on our similar prison experiences, we agreed that the officials had asked some prisoners to kill him, probably saying something like, "He's a dirty Communist, so why don't you get rid of him. If you do, we'll reward you with parole, or time off your long sentence."

Is it any wonder that in my resume I included under "Education" the following: "Three years' imprisonment at Danbury, Connecticut, Federal Correctional Institution (1940-41) and Lewisburg, Pennsylvania, Federal Penitentiary (1942-45). . . ."

## *Minoru Yasui (1916-1986)*

*In the panic following Pearl Harbor, anti-Japanese sentiment in the United States rose to a fever pitch. Washington's first reaction, in Public Proclamation Number 3, was to establish a curfew for all people of Japanese ethnic origin living on the West Coast. Subsequently, in February 1942, President Roosevelt signed Executive Order 9066, which authorized Secretary of War Henry Stimson to delegate to a responsible military authority the discretionary right to exclude or remove anybody from certain designated "military areas." Lieutenant General John L. DeWitt, commanding general of the Western Defense Command and of the Fourth Army, promptly did so. All people of one-sixteenth Japanese descent or more were evacuated and removed to internment camps. Thus, not only were the Issei (those who were born in Japan) subject to incarceration in the camps but so too were the Nisei (those who were born in the United States and were American citizens).*

*In 1943 and 1944, Japanese Americans protested the order by taking cases to the Supreme Court. The constitutionality of the order was upheld in three cases: Hirabayashi v. United States (1943), Yasui v. United States (1943), and Korematsu v. United States (1944). Minoru Yasui, who was born in the United States in 1916 and earned his law degree from the University of Oregon in 1939, broke the curfew law and refused to report for evacuation. He served nine months in solitary confinement and, in 1943, took his case to the Supreme Court. The Supreme Court upheld the evacuation order, and Yasui lost his case. Although wartime hysteria cost so many Japanese Americans their homes, occupations, and self-esteem, not one case of espionage or sabotage was brought against any of them.*

## REFLECTIONS ON EXECUTIVE ORDER 9066

The evacuation came out of Executive Order 9066. The thing that struck me immediately was that the military was ordering the civilian to do something. In my opinion, that's the way dictatorships are formed. And if I, as an American citizen stood still for this, I would be derogating the rights of all citizens. By God, I had to stand up and say, "That's wrong." I refused to report for evacuation. Sure enough, within the week, I got a telephone call from the military police saying, "We're coming to get you." I was thrown into the North Portland Livestock Pavilion where Japanese Americans had been put. In September, they started moving us into the desert camps. You were surrounded with barbed-wire fences. There were armed guards, search lights, and machine-gun nests. We wondered how long we were going to be there. What was going to happen? No one knew. By then, we had heard rumors of forced labor camps in Germany. Were they, indeed, as Westbrook Pegler and others were suggesting, going to castrate the men and ship them back to Japan? These things were in the paper constantly: Make them suffer. Make them hurt. *And you keep thinking, "What did I do?"*

## RESISTANCE

In mid-December, 1941, I received official orders to report for active duty with the United States Army at Camp Vancouver, Washington. I held a reserve commission as a second lieutenant in the U.S. Army. The instructions ordered me to report for duty on January 19, 1942. So I went down to the Union Pacific Railroad station to purchase a ticket back to Portland, Oregon. But the ticket agent wanted to know if I were a "Jap." When I foolishly answered truthfully that

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SOURCE: Retrieved on 7/26/2003 from [www.hcr.org/ccr/yasui.html](http://www.hcr.org/ccr/yasui.html).

SOURCE: John Tateishi, ed. *And Justice for All* (New York: Random House, 1984). Retrieved on 7/26/2003 from [www.geocities.com/Athens/8420/memories.html](http://www.geocities.com/Athens/8420/memories.html).

I was of Japanese ancestry, he responded that he could not sell transportation to a "Jap." Despite my showing him travel orders from the U.S. Army, I could not persuade him to issue me a railroad ticket. I finally had to make an appointment to see one of the attorneys in the general counsel's office for the Union Pacific Railroad in Chicago to obtain authorization for me to buy a ticket to report for active duty with the U.S. Army. I had to point to the Fourteenth Amendment to the Constitution of the United States to persuade that lawyer that I was a citizen of the United States, on the basis of my birth certificate alone.

... at 8:00 p.m., March 28, 1942, after having asked Rae Shinojima, my assistant, to notify the FBI and the local Portland police, I started to walk the streets of Portland in deliberate violation of Military Proclamation No. 3. The principle involved was whether the military could single out a specific group of U.S. citizens on the basis of ancestry and require them to do something not required of other U.S. citizens. As a lawyer, I knew that unless legal protest is made at the time of injury, the doctrine of laches or indeed the statute of limitations would forever bar a remedy....

So on March 28, 1942, I began to walk the streets of Portland, up and down Third Avenue until about 11:00 p.m., and I was getting tired of walking. I stopped a Portland police officer, and I showed him a copy of Military Proclamation No. 3, prohibiting persons of Japanese ancestry from being away from their homes after 8:00 p.m.; and I pulled out my birth certificate to show him that I was a person of Japanese ancestry. When I asked him to arrest me, he replied, "Run along home, sonny boy, or you'll get in trouble." So I had to go on down to the Second Avenue police station and argue myself into jail. I pulled this thing on a Saturday and didn't get bailed out until the following Monday.

... At the end of April 1942, military orders were posted for all residents of Japanese ancestry, aliens and nonaliens (a euphemism for citizens), calling for them to report for evacuation and processing at the North Portland Livestock Pavilion.

... So before the deadline to report to the North Portland Livestock Pavilion, I packed my files and my few belongings and left for Hood River. I had given the military my address and invited them to arrest me... After I was home for a few days, I received a call from the military offices in Portland saying that the MPs would be coming to get me on May 12, 1942, and that they would escort me to the North Portland Livestock Pavilion. I indicated that I would cooperate but would go under coercion only. Sure enough, on May 12, 1942, a sedan with a second lieutenant, a driver, and a jeep with four MPs came to our home in Hood River at the appointed time. The lieutenant said, "Let's go," and I complied in my 1935 Chevy.

... At the North Portland Assembly Center I... remember Benny Higashi's and Don Sugai's families. Both men were married to local Chinese American women, and both had two children. The wives, Lalun Higashi and Pil Sugai, endured camp with us. Even though they themselves would have been exempt, their children would not, because they were half Japanese. The children, in each case, were two and four years old.

... Judge [James Alger] Fee sentenced me to one year in jail and a five-thousand dollar fine. . . . I wanted my attorneys to apply for an appeal bond so I could be free pending appeal. (They subsequently did, and it was refused.)

... At first the guards would not let me out long enough to take a bath or to get a haircut or shave. At the end of several months I was stinking dirty, although I tried to wash myself in the washbasin with rags. My hair was growing long and shaggy, unkempt and tangled. My facial hair was growing in all directions, untrimmed. And my nails were growing so long that they began to curl over on themselves, both on my hands and feet. I found I could chew off my fingernails, but the nails on my toes gave me trouble. It was not until after Christmas that I was given permission to take a bath and get a haircut and shave, and that seemed like such a luxury then. Thereafter, they permitted me monthly baths and monthly hair trims.

... I learned that during my absence the military draft had been reopened for Nisei, and further volunteers were being sought for both the 442nd Infantry Combat Team and for the Camp Savage military intelligence school in Minnesota. Because of my infantry training, I immediately volunteered for the infantry, and many months later was advised that I had been rejected.

... I had not seen my father since February 1942, nor my mother and younger brother since May 1942, or my younger sister since Christmas of 1939. . . . I applied for a temporary leave from Minidoka for thirty days to visit them.

My official records at the Minidoka WRA [War Relocation Authority] administration evidently indicated I was not a very desirable individual. . . . A charade of a hearing was held for me, and the result was mixed, with the civilian hearing officer recommending that temporary leave be granted and the two military officials recommending that I be kept in custody. I offered to test this matter by a habeas corpus proceeding, and the project director relented by issuing me a thirty-day temporary leave in October 1943.

... I remember going with Joe Grant to the FCI [Federal Correctional Institution] and meeting a young Nisei who had just turned eighteen years of age, who had refused to register and refused to conform to draft-board orders. He had been indicted, arrested, and was being held, pending trial.

We said to him, "Son, you're ruining your life. You're still a young man, and you'll have a criminal record that will hold you back for the rest of your life. Please reconsider and cooperate with your draft board."

He replied, "Why should I when the government has taken away our rights and locked us up like a bunch of criminals anyway?"

We responded, "But, you've got to fulfill your obligations to the government. When you fulfill your responsibilities, you'll be in a much stronger position to demand your rights."

To which he said, "Look, the government took my father away, and interned him somewhere. My mother is alone at the Granada camp with my younger sister who is only fourteen. If the government would take care of them here in America, I'd feel like going out to fight for my country, but this country is treating us worse than shit!"

## STATEMENT UPON SENTENCING, 1942

Your Honor—if the Court please, I should like to say a few words. There is no intent to plead for leniency for myself or to request a mitigation of the punishment that is about to be inflicted upon me.

Despite the circumstances, I am compelled to pay tribute and give my unserved respect to this honorable court for its clear-cut and courageous reaffirmation of the inviolability of the fundamental civil rights and liberties of an American citizen.

As an American citizen, it was for a clarification and the preservation of those rights that I undertook this case, confident that the American judiciary would zealously defend those rights, war or no war, in order to preserve the fundamental democratic doctrines of our nation and to perpetuate the eternal truths of America.

My confidence has been justified and I feel the greatest satisfaction and patriotic uplift in the decision of this honorable court, for it is full of significance for every American, be he humble or mighty.

I say that I am glad, regardless of the personal consequences to me, because I believe in the future and in the ultimate destiny of America. Ever since I was a child, I have been inculcated in the basic concepts and the traditions of those great patriots who founded our nation.

I have lived, believed, worked and aspired as an American. With due respect to this honorable court, in all good conscience, I can say that I have never, and will never, voluntarily relinquish my American citizenship.

The decision of this honorable court to the contrary notwithstanding, I am confident that I can establish in law and in fact that I am an American citizen, who is not only proud of that fact, but who is willing to defend that right.

When I attained majority, I swore allegiance to the United States of America, renouncing any and all other allegiances that I may have unknowingly owed. That solemn obligation to my native land has motivated me during the past 12 months upon three separate and distinct occasions to volunteer for active service in the United States army, wheresoever it may be fighting to preserve the American way of life.

For I would a thousand times prefer to die on a battlefield as an American soldier in defense of freedom and democracy, for the principles which I believe, rather than to live in relative comfort as an interned alien Jap.

The treacherous attack on Pearl Harbor, the bombing of Manila, the aggressor policies of the warlords of Japan are just as reprehensible to me as to any American citizen.

If America were invaded today, I and 70,000 other loyal American citizens of Japanese ancestry would be willing, eager, to lay down our lives in the streets, down in the gutters, to defend our homes, our country, and our liberties!

Be that as it may, I reiterate, regardless of the personal consequences, even though it entail the sacrifice of my American citizenship which I regard as sacred and more dear than life itself I pay homage and salute this honorable court and my country, the United States of America, for the gallant stand that has been taken for the preservation of the fundamental principles of democracy and freedom!

## LETTERS FROM JAIL TO HIS SISTER YUKA YASUI, 1942-1943

Min (to Yuka, in Denver)  
Multnomah County Jail

*April 5, 1942*

... Anyway, I'm sure that the case is now in good hands. I've been re-reading "The Federalist" written by Alexander Hamilton, John Jay and James Madison in 1787-1788, and I find much which is encouraging, so far as the theories of government are concerned. And too, I'm particularly thankful for Jefferson's democratic principles and safeguards that were included in the first 10 amendments. The more I think about the fundamental issues involved, the more sure I feel that the principles advanced in my case are *RIGHT*, and the more confident I am that the Supreme Court will re-affirm my beliefs.

It seems funny that a Nihonjin should be the instrument for bringing about a supreme judicial declaration of Americanism. I guess that's only possible in America....

Min (to Yuka, in Denver)  
Multnomah County Jail

*November 30, 1942*

... I am glad to read Mom's concept of America. I realize all that she and Dad has [*sic*] done for our country, and particularly for Hood River. It is my proud boast that Dad is a better American than I am, and I consider myself a pretty fine American too! I know too that both Dad and Mom raised us to be good American citizens, and I felt that as an American, I should personally do something to prevent the deterioration of the fundamental principles which made America great. I felt that I was compelled to do so if I were to be a worthy son of a worthy father.

The insidious danger of creating a precedent of confining American citizens behind barbed wire fences and machine guns when they have committed no crime seemed reprehensible to me. Perhaps the analogy is far fetched, but surely as the attack on Pearl Harbor endangered our democracy, evacuation of American citizens on the basis of race is just as dangerous a threat to democracy!

I have always contended, and shall continue to maintain, that if it be repugnant to the Constitution of the United States of America, then it is tyrannical, dictatorial and unreasonable to impose restrictive and discriminatory measures upon the basis of race, and moreover, it is just as shameful and disgraceful for proud and loyal American citizens to submit to such dictatorial measures without a legal reservation [?] of their rights!

I feel and I know that Caucasian Americans are no better nor worse than I, for we are all human beings. It is only the principles of liberty, democracy and justice, and the adherence to these principles that made America great, and as a loyal American who can suffer his native land to do no wrong, I must hold true to those principles.

Obviously, we are regarded with suspicion and distrust, but can we call ourselves worthy Americans if we tolerate the destruction of those eternal truths of America without an effort to preserve them?

But, all of this you know and fully appreciate. I only wish that 130,000,000 [other] Americans would too!...

Min (to Yuka, in Denver)  
Multnomah County Jail

*March 5, 1943*

... Nope, I've been here in the Multnomah County "College for Criminals" as per usual. Suma Tsuboi was mistaken about my going to San Francisco. All of my hopes and prayers were there though! [This was in reference to a hoped-for appeal to the U.S. Ninth Circuit Court of Appeals.] Gee, I wish I could have gone to argue my case! But no such luck, I'm still sitting here like a canary in a bird cage only I can't sing.

Because my attorney went back East on another case, I'm probably going to be here for some little time yet. Aw, if I left now, the cockroaches might miss me! But, I'm still hoping for some type of conditional release, either on bail, or by parole to the relocation center. After all, I'm not going to run away anywhere! Besides, instead of sitting here like bump on a log (and twice as useless) I could be doing something worthwhile elsewhere. As for the Circuit Court decision, I'm afraid that it will be a long time before they will come to any conclusion. Probably, it will be some 3 or 4 months. But, cheer up, if I lose there, it will be about a year before the U.S. Supreme Court will get around to it. Meanwhile, I'd hate to be sitting in jail. I'd rather be packing a rifle for Uncle Sam, somewhere out in the deserts of the Sahara, just to prove to Judge Fee that, by golly, I'm a man! And not only that, an American that has a stake in America too! This case, I hope, will secure legal recognition of that fact. Yep, and it's for you too, Punkus, as well as for every American, white, yellow, or black, that these principles *must* be recognized. I think that they will be.

But, my ideas aren't very interesting. I generate them looking at the same 4 walls every day... Anyway, Yuka, when you're going to school, learn well the lessons of democracy; learn them well so that you will love them too, and be



prepared to defend them. After going through Pinedale, and Tule Lake, you might be inclined to think that all the idealistic principles of democracy are hooeey, but that isn't so! Some of those principles in practice have been distorted by men who have not thought deeply enough, who have failed to appreciate their full significance; but those principles, I believe, are true. At least, that is what I'm trying to establish by my case.