

# Summary of Constitutional Rights Violated

(From: A Lesson in American History: The Japanese American Experience, Curriculum and Resource Guide)

*While the Supreme Court never ruled that the removal and incarceration of Japanese Americans was unconstitutional, historians and political analysts have described the violations which they believe occurred.*

## **RIGHTS AND FREEDOMS**

- **Freedom of religion**
- **Freedom of speech**
- **Freedom of press**
- **Right to assemble**

## **BILL OF RIGHTS AMENDMENT**

### **I. Restrictions on Powers of Congress**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

## **VIOLATIONS**

- *Japanese Americans' religious freedoms were violated with respect to the practice of Eastern religious beliefs. The practice of the Shinto religion was prohibited in the camps. Christianity was officially encouraged by camp administrators. At the same time, Buddhism was severely restricted by the ban on written materials in Japanese and the placement of Buddhist clergy in separate Department of Justice internment camps.*
- *Japanese Americans were denied the guarantee of freedom of speech and press with the prohibition of using the Japanese language in public meetings and the censorship of camp newspapers. The right to assemble was abridged when mass meetings were prohibited, and English was required to be the primary language used at all public gatherings.*
- *The guarantee of freedom to petition for redress was violated when a few Japanese Americans exercised their citizen rights and demanded redress of grievances from the government. The War Relocation Authority administration labeled them as "troublemakers" and sent them to isolation camps.*

## **RIGHTS AND FREEDOMS**

- **Freedom from unreasonable searches and seizures**

## **BILL OF RIGHTS AMENDMENT**

### **IV. Seizures, Searches, and Warrants**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and persons or things to be seized.

### **VIOLATIONS**

- *The FBI searched homes of Japanese Americans often without search warrants, seeking any items identified as being Japanese. Items that appeared as contraband such as short-wave radios were confiscated.*

### **RIGHTS AND FREEDOMS**

- **Right to an indictment or to be informed of the charges**
- **Right to life, liberty and property**
- **Right to be confronted with accusatory witnesses**
- **Right to call favorable witnesses**
- **Right to legal counsel**

### **BILL OF RIGHTS AMENDMENT**

#### **V. Criminal Proceedings and Condemnation of Property**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor private property be taken for public use, without just compensation.

### **VIOLATIONS**

- *The forced removal and subsequent detention of Japanese Americans resulted in the denial of witnesses in their favor, and the denial of assistance of counsel for their defense.*
- *Japanese Americans who were picked up in the FBI sweep were denied a speedy trial or access to any legal representative. They could not call upon witnesses nor confront accusatory witnesses.*
- *Japanese Americans were not told of their crime or the charges against them.*

### **RIGHTS AND FREEDOMS**

- **Right to a speedy and public trial**

### **BILL OF RIGHTS AMENDMENTS**

## **VI. Mode of Trial in Criminal Proceedings**

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district, wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

### **VIOLATIONS**

• *These rights could not be taken away except upon evidence of a criminal act and conviction in a court of law. Yet, Japanese Americans were deprived of their liberty and property by being forcibly removed from their homes and locked up in detention camps without the required statement of charges and trial by jury. How could this happen? The government adopted semantics to justify the act of imprisonment. Even though Japanese Americans were held against their will in barbed wire compounds under armed guard, the government euphemistically called the event an “evacuation” or “relocation.”*

#### **RIGHTS AND FREEDOMS**

Right to habeas corpus (to be brought before a court)  
Freedom from bills of attainder and ex post facto laws  
Right against involuntary servitude  
Right to equal protection under the laws

## **RIGHTS AND FREEDOMS**

- **Right to reasonable bail**
- **Freedom from cruel and unusual punishment**

## **BILL OF RIGHTS AMENDMENT**

### **VIII. Bails, Fines, Punishments**

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

### **VIOLATIONS**

• *The treatment of the Japanese Americans in the “assembly centers” and detention camps were a form of cruel and unusual punishment on the basis that conditions were “grossly inadequate.” Hospitals were understaffed, medical care poor and food was dietetically deficient.*

## **RIGHTS AND FREEDOMS**

- **Right to vote**

## **BILL OF RIGHTS AMENDMENT**

## **XV. Elective Franchise**

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

### ***VIOLATIONS***

• *The right to vote in public elections was essentially denied to Japanese Americans since they were prohibited from returning home to vote at their place of residence. No provisions were made to enable them to vote absentee. Although elections were held in the camps, the internee “self-government” had no power to regulate their own welfare or direct their own destiny.*

## **CONSTITUTIONAL ARTICLES**

### **ARTICLE I**

#### **Section 9. Limitations on Powers Granted to the United States**

### **RIGHTS AND FREEDOMS**

• **Right to habeas corpus (to be brought before a court)**

## **CONSTITUTIONAL ARTICLES**

### **2. Habeas Corpus**

The privilege of the writ of habeas corpus shall not be suspended unless when in cases of rebellion or invasion the public safety may require it.

### ***VIOLATIONS***

• *Japanese Americans were denied the right as detainees to be brought before a court at a stated time and place to challenge the legality of their imprisonment. Not only was this right violated, but the government attempted to suspend habeas corpus through legislation in response to Mitsuye Endo’s petition for freedom under habeas corpus. U.S. Intelligence reports showed no indication that Japanese Americans posed a threat to the U.S. defense or public safety.*

### **RIGHTS AND FREEDOMS**

• **Freedom from bills of attainder and ex post facto laws**

## **CONSTITUTIONAL ARTICLES**

### **3. Ex Post Facto and Bill of Attainder**

No bills of attainder, or ex post facto laws (legislative acts that inflict punishment without trial) shall be passed.

### ***VIOLATIONS***

• *Presidential proclamations and orders, such as Executive Order 9066 together with the enforcement bill, Public Law 503, made it a crime with penalties to violate curfew and not to*

*comply with the removal orders. Together, the orders and public laws constituted a Bill of Attainder which was unconstitutional enactments against Japanese Americans pronouncing them guilty without trial.*

## **RIGHTS AND FREEDOMS**

- **Right against involuntary servitude**

## **CONSTITUTIONAL ARTICLES**

### **XIII. Slavery**

Neither slavery nor involuntary servitude as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

### **VIOLATIONS**

- *Payment for work was way below the monthly average outside the camps. Inmates in the highest professions received only \$19 a month.*

## **RIGHTS AND FREEDOMS**

- **Right to equal protection under the laws**

## **CONSTITUTIONAL ARTICLES**

### **XIV. Citizenship Representation, and Payment of Public Debt**

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

### **VIOLATIONS**

- *The equal protection of Japanese American was violated because the government acted “solely on the basis of race and national ancestry” when identifying persons to be excluded from designated “military areas” along the West Coast states.*
- *In addition, the government failed to compensate or provided grossly inadequate compensation to the internees for losses of property rights when they were forced to leave within 48 hours to a couple of weeks.*
- *Japanese Americans were deprived of their liberty and property by the State when forced from their jobs, homes, and communities into barbed wire, guarded centers and camps.*