

# A Stand Against Injustice

1942-1943

## Mitsuye Endo in the Incarceration Camps

### Second Stop: Tule Lake

After the Walerga Assembly Center, the Endos were moved on July 13, 1942 to the Tule Lake Relocation Center, which was 300 miles away near the Oregon border. There, her family, along with many other Japanese Americans, completed a "loyalty questionnaire" for the U.S. government. The central, most important questions—numbers 27 and 28—altered the lives of many. Those who answered "yes-yes" agreed to serve in the U.S. armed forces if called, swore allegiance to the United States, and renounced loyalty to the Emperor of Japan. Those who answered "no-no" were deemed disloyal and moved to a segregated incarceration camp. The Endo family all answered "yes-yes."

### Third Stop: Topaz

Since Tule Lake became the segregated camp, the Endos were forced to move to the Topaz Relocation Center in Utah in September 1943. In all of the camps, the living conditions were grim: the food lacked nutrition, and privacy was extremely limited. Armed guards and barbed wire fences surrounded the properties.



A group of evacuees arrives at Tule Lake in July 1942.  
Calisphere/University of California Libraries

*"If you can abrogate certain sections of the Constitution and incarcerate any person without trial or charges just because you do not like his nationality, what is to prevent you from abrogating any or all of the Constitution?"*

-James Purcell



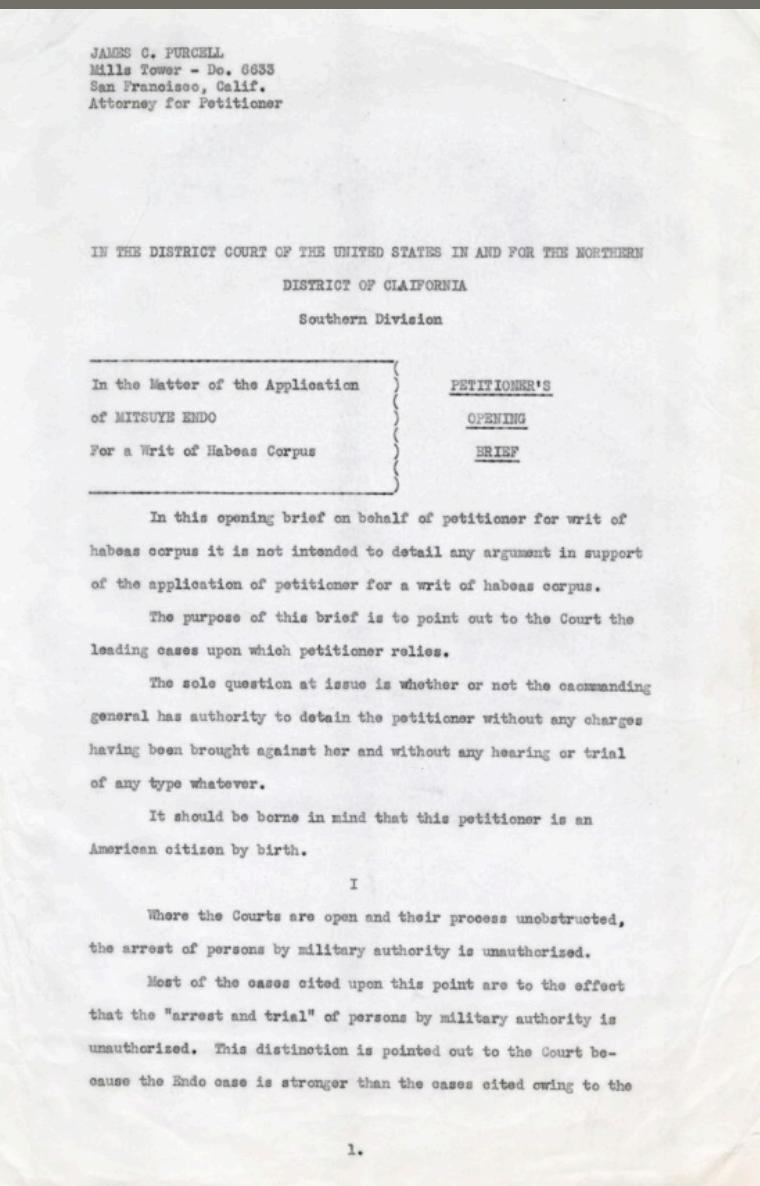
**James C. Purcell**  
Mitsuye Endo's lawyer in the case of *Ex Parte Endo*  
Densho Encyclopedia

### The Lawyer Who Spoke Up

James Purcell was raised on the grounds of Folsom Prison, where his father served as a prison guard, and he witnessed the harsh treatment of the prisoners. Purcell later attended Stanford University, where he received his undergraduate and law degrees. In 1942, the Japanese American Citizen League hired him to pursue the wrongful termination of Japanese Americans from the State of California. As part of his case, Purcell visited Tule Lake and, upon viewing the gruesome conditions the internees had been subject to, decided to challenge the incarceration of all Japanese Americans instead. James Purcell took Mitsuye Endo's case because she represented a loyal American: she practiced Christianity, had never visited Japan, and only spoke English.

### A Petition for a Writ of Habeas Corpus

On July 12, 1942, James Purcell petitioned the U.S. District Court in San Francisco for a writ of habeas corpus (a civil action by a prisoner asking the federal court to review their case) on behalf of Mitsuye Endo. In court, Purcell argued that the Habeas Corpus Suspension Clause of Article I, Section 9 of the Constitution states that "the privilege of the writ of habeas corpus shall not be suspended unless in cases of rebellion or invasion, the public safety may require it." Purcell's argument essentially stated that the United States government had wrongfully imprisoned Japanese Americans; therefore, they all had the right to file a petition for habeas corpus. Almost a year later, on July 2, 1943, Judge Roche denied Purcell's writ, citing that Ms. Endo had not exhausted all of her possible options. As a response to the District Court, Purcell quickly appealed to the Ninth Circuit Court of Appeals. Unsure of what course of action to take, the Ninth Circuit sought assistance from the Supreme Court of the United States, leading to the case of *Ex parte Endo*.



James Purcell's opening brief for Mitsuye Endo's application for a writ of habeas corpus.  
California Historical Society Digital Library

39-9-B  
Topaz, Utah  
October 9, 1943

Mr. James C. Purcell  
Mills Tower  
San Francisco, California  
Dear Mr. Purcell:  
This is in reply to your letter of September 29, 1943.  
Since this case has an bearing on not only those who were formerly employed by the State of California but on all Japanese-Americans who are eager to go back to their homes in the Western Defense Command Area, I am willing to go as far as I can on this case.  
I would like your advise on one problem which is troubling me. Would it be necessary for me to return to Sacramento alone should Writ of Habeas Corpus be granted me, or would it be possible for me to wait until there are sufficient number of people who will be able to return with me to Sacramento.  
Sincerely yours,  
Mitsuye Endo

Letter from Mitsuye Endo to James Purcell committing to see the case all the way through to the Supreme Court. Courtesy of Frank Abe

