

Ex parte Endo at the Supreme Court



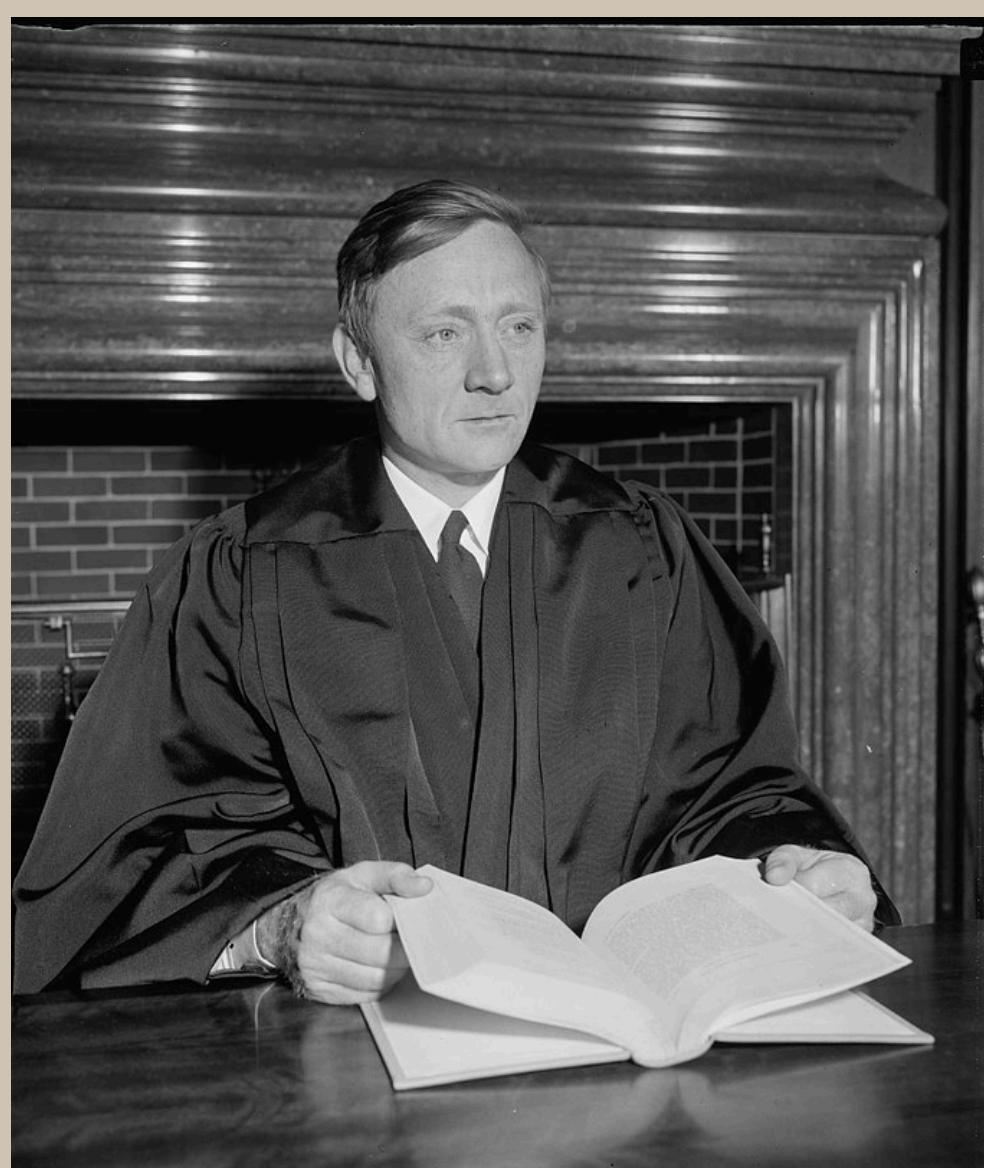
Mitsuye Endo working as a typist at the Central Utah Relocation Center in Topaz.
National Archives

Before the Supreme Court heard Mitsuye Endo's case, the War Relocation Authority offered her the chance to leave the camp, provided that she never return to California. It conceded that she is a loyal and law-abiding citizen and that it was "beyond the authority of the War Relocation Authority to detain citizens against whom no charges of disloyalty or subversiveness have been made for a period longer than that necessary to separate the loyal from the disloyal and to provide the necessary guidance for relocation." Mitsuye Endo chose to stay to keep her case alive. Had she left, she would have forfeited her ability to claim habeas corpus, and she no longer would have had a case. She wrote to her lawyer, James Purcell, "since this case has a 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." Her decision to stay cost her an additional two years in the camp.

The Arguments

The Supreme Court heard oral arguments for *Ex parte Endo* in October 1944. For the appellant (Mitsuye Endo), James Purcell argued that Ms. Endo was a loyal, law-abiding citizen of the United States, that she had no charges brought against her, and that she therefore was unlawfully detained.

The government argued that the evacuation and detention of Japanese Americans as a result of Executive Orders 9066, 9102, and Public Law 503 were essential to national security and preventing espionage and sabotage.



Justice William O. Douglas.
Library of Congress

"We must assume that the Chief Executive and members of Congress, as well as the courts, are sensitive to and respectful of the liberties of the citizen. In interpreting a war-time measure we must assume that their purpose was to allow for the greatest possible accommodation between those liberties and the exigencies of war."

-Justice William O. Douglas



The Supreme Court as composed in 1943. Collection of the Supreme Court of the United States.

The Supreme Court's Final Decision

In a unanimous decision issued on December 18, 1944, the Supreme Court ruled in favor of Mitsuye Endo. Justice William O. Douglas wrote the majority opinion, while Justices Owen Roberts and Frank Murphy provided concurring opinions. The ruling did not address the constitutionality of incarceration or the racial discrimination underlying the detentions. The Justices instead focused on the government's acknowledgment of Ms. Endo's loyalty. In his majority opinion, Justice Douglas noted that the Executive Orders and Acts of Congress that legally supported the detention program "must be narrowly interpreted." They could not apply them to Endo, who, along with her fellow loyal citizens, was to be released from the Topaz camp immediately.