Rachel Maddow presents: Burn Order
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Episode 6: A Reckoning

'I feel it's the Constitution that was victimized.'

An incarceree-turned researcher and a federal inmate-turned Harvard educated lawyer comb through the archives and begin to peel back all of the layers of the government's program to mass incarcerate Japanese Americans. With their startling findings in hand, they and the Japanese American community set out to force the U.S. government to directly confront its actions.

Rachel Madow: Peter Irons was sitting in prison.

Peter Irons: I started serving my sentence on New Year's Eve in 1966, and I was released in February of 1969. It was 26 months between two different prisons, one in Michigan, one in Connecticut.

Rachel Maddow: Peter Irons was 26 years old. He had grown up in the Northeast and in the Midwest, but he had ended up in the South in the 1960s because of the Civil Rights Movement.

Peter Irons: I first started working with the Student Nonviolent Coordinating Committee in 1960 when the sit-ins began, and I went down to the first meeting of SNCC in Atlanta. And while I was there, I heard a speech by a minister named James Lawson. It struck me as he spoke. He said, "We have to stand up against the system that oppresses anyone, and the best way to do that is to cut your ties with the government as much as you can." And I started thinking, "What are my ties to the government?" One of them was my draft card. And so I wrote a very lengthy letter to my draft board in Cincinnati saying, you know, "I can't bear arms for a country that still requires segregation. It's not something that I feel I could take up arms to defend."

Rachel Maddow: When the U.S. ramped up its involvement in Vietnam, Peter Irons stuck to his pledge. When he received his draft summons, he refused to obey it, and so he was indicted.

Peter Irons: I had a trial in Cincinnati before a judge. He had a son serving in Vietnam at the time. He was ferociously hostile to me. I got on the stand to testify as to why I was doing this, and Judge Peck said, "We don't care about that! Did you go or didn't you go?" He said, "This is a serious matter, because it's not simply Mr. Irons, it's the whole principle that we owe our government our service, whatever that constitutes."

Rachel Maddow: Peter was convicted and he was sentenced to three years in federal prison.

Peter Irons: It was not because I personally didn't want to go. I told them I was never a dodger or an evader. I was a resister. Told them right up front, I'm not coming and here's why.

Rachel Maddow: Before he went to prison, Peter Irons had been planning to go to seminary. He wanted to become a minister. But after what happened to him, after his time in jail, he decided on a different career. He went from federal prison to Harvard Law School. He graduated from Harvard. He passed the bar. And then federal-prisoner-turned-Harvard-educated-lawyer Peter Irons decided he wanted to write a book — not about his own pretty unique experience with the law, but about the law itself, specifically about what happens when the government does things that are very clearly at odds with the Constitution.

Peter Irons: At the National Archives, there was a little cubicle that had reference books, and one of them was a history of the U.S. Supreme Court. And I picked it up and started just leafing through it and saw a footnote to the Hirabayashi case. And then I thought, "You know, maybe there's something here about those cases."

Rachel Maddow: When he says "those cases," he means the Gordon Hirabayashi case, but also the other Japanese American incarceration cases from the '40s — the cases from Fred Korematsu and Min Yasui and Mitsuye Endo. Peter asked one of the archivists if they had anything on those cases at the archives.

Peter Irons: And she said, "Actually, we do." So we went back there and looked up where they should be, and the shelf was empty. She said, "That's odd. Maybe somebody's using them," although it didn't seem too likely. So she looked at the log sheet and said, "There is somebody using them, down in the reading room."

Rachel Maddow: Peter Irons goes down to the reading room. And there, amid that forest of desks and papers and boxes and all these researchers ferreting away at all their work, there he finds what he's looking for.

Peter Irons: I looked around and over one stack of documents of boxes I saw a very petite woman, looked to be in her 60s, gray hair. And so I went over and very kindly said, "Excuse me, can I ask what you're doing with these?" And she looked up and she said, "Well, I'm from the Commission on Wartime Relocation and Internment of Civilians, and I'm researching the legal aspects of the internment of Japanese Americans." And she was obviously one of them. And I said, "Well, that's really interesting. That's what I'm interested in too." And she said — and I'll never forget this — Aiko looked up at me and said, "Can we work together?" I, I still get a little choked up about that because it changed my life.

Rachel Maddow: Peter Irons and Aiko Herzig-Yoshinaga strike up an instant friendship. And soon, a very, very important working partnership.

It's a partnership that will change both of their lives. It will change thousands of lives. It will change the lives of Gordon Hirabayashi, and Min Yasui, and Fred Korematsu. It will change the U.S. government. It will change U.S. history.

I'm Rachel Maddow, and this is the final episode of "Rachel Maddow Presents: Burn Order."

Reporter: These lawyers claim the government suppressed, altered, and destroyed key evidence to justify its actions.

Lori Bannai: It was that classic smoking gun evidence that every lawyer wants to find.

Norman Mineta: There is no statute of limitations on our shame, our damaged honor, or our violated rights.

Peter Irons: If, if we can do this, that can change American history.

Gordon Hirabayashi: While I feel wronged, victimized, I feel it's the Constitution that was victimized.

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Rachel Maddow: Episode 6: A Reckoning.

Peter Irons: So I took a look and I said, "You know, what would be really helpful is the original litigation files, the Justice Department files in these cases."

Rachel Maddow: Peter Irons requests the Justice Department's files on the Japanese American incarceration cases. That sets off a search for those files — maybe the first search for those files.

But it turns out they're not there. Those files are not where they're supposed to be.

Peter Irons: I'd copied down the file numbers from the archives. "Do you have these?" She said, "Let me see if I can find them." And I went back to the archives and she called over and said, "We don't have them here."

Rachel Maddow: Justice Department's records are supposed to be with the Justice Department records. But for some reason, these are not.

Peter Irons: Days later, I got a call from the FOIA person at Justice. Said, "We found the records!" They were in a warehouse in Maryland and they had been misfiled 40 years ago under another agency!

Rachel Maddow: Nobody knows why, but these Justice Department records — on the Japanese incarceration cases — they have been mislabeled as if they were from the Commerce Department. They've been stuffed away in a Commerce Department file warehouse in Maryland for 40 years. Which means they have been sitting there — misfiled and wrongly labeled, and therefore apparently undisturbed – for all this time.

Peter Irons: I said, "When can I see them?" And she said, "As soon as you can get here." And I took the train right down.

Rachel Maddow: Peter Irons doesn't know exactly what he is going to find in those records, but given the random location where these things have been stored, he thinks, well, whatever's in there,

there's a pretty good chance that nobody's laid eyes on it since it was all put away in the first place, in the 1940s.

Peter Irons: I went over to the Commerce Department and said, "I'm here to look at the records that were sent over to you." And somebody said, "Those boxes are what you're looking for, and here's an empty desk." Now, here are three cardboard boxes wrapped in twine. Not just regular string, but the old baling twine tied up. Obviously nobody had looked in them for 40 years.

So I undid them, opened it up, and the first file folder – literally! — the first file folder was a memorandum from a Justice Department lawyer, Edward J. Ennis, saying to the Solicitor General of the United States, Charles Fahy: "You are preparing to argue before the Supreme Court that the War Department had grounds to believe that Japanese Americans constituted a danger of sabotage and espionage and that justified their internment. And that is not true."

Rachel Maddow: It's the very first document he sees when he opens up these dusty, long-lost files. It's the first one sitting right there on top — and it's a banger. It is a constitutional flare.

Forty years earlier, when DOJ lawyer Edward Ennis had fired this thing off, Ennis was preparing the Justice Department to defend the incarceration policy in court when he found the Ringle Report, he found the military intelligence report that said we shouldn't mass incarcerate Japanese Americans. That to do so would hurt the war effort, not help it. That Japanese Americans were loyal.

Peter Irons: His concern was that there was evidence the Justice Department had in its possession that contradicted what the War Department had said in justification of the internment.

The concealment of those records was what Ennis complained about to Fahy. Ennis said not presenting that to the court would "approximate the suppression of evidence." And that's a verbatim quote. I've memorized that many times.

Rachel Maddow: Peter Irons realizes right away that what he's looking at is explosive. This is newly discovered evidence from the government's own files that directly contradicts the defense they presented in court for the Japanese American incarceration policy. And it includes a blunt warning that keeping that keeping that material from the court would approximate the suppression of evidence.

And now, here, 40 years later, that flare from Edward Ennis — it is sitting here, in black and white, on a little desk in the Commerce Department archives, pulled out of a pile of 40-year-old papers, in a dusty box wrapped up in baling twine. Here it is at last, in front of Peter Irons, who very quickly realizes that this is not something he's just gonna use for a book.

Peter Irons: Those documents made it clear that the decisions of the Supreme Court were tainted — were tainted with illegal and unethical conduct by our own government.

Rachel Maddow: This was clear evidence of government misconduct. Hidden for decades in these mislabeled files, yes, but still.

Peter Irons and Aiko Herzig-Yoshinaga discover: Ennis's memo about not disclosing Ringle's intelligence findings to the Supreme Court. They discover the burn order directing the destruction of every copy of Karl Bendetsen's report, which admits the real racial basis of the incarceration policy. They discover the one surviving copy of that report — the one that somehow wasn't burned.

Aiko Herzig-Yoshinaga: I recognized this particular book that was sitting on the corner of an archivist's desk. And I — oh my goodness! You know? This is one of the first versions and this is the one that they could not locate. And I told the archivist, I said, "Do you know what you have here?" And then I, I called Peter Irons right away.

Peter Irons: I do remember very vividly being with her in the Archives when Aiko picked it up and started leafing through. She immediately — her expression — "Oh my goodness. Look what I found!" There was a copy that did not get burned!

Peter Irons: We instantly realized if this gets out, the government is going to look really, really bad, because some of these people are still alive.

Rachel Maddow: Still alive at this point are Karl Bendetsen, and tens of thousands of Japanese Americans who had survived this policy, and Edward Ennis. And, most pressingly for Peter Irons, the Japanese Americans who lost these Supreme Court cases while the government lied to the court — they are still alive, too.

Peter Irons: I literally had an epiphany: Here is something we can use. Maybe there's a way to get these cases back in court.

Rachel Maddow: The convictions of Fred Korematsu, Gordon Hirabayashi and Min Yasui — those convictions remained on the books. One by one, Peter Irons begins tracking down each of those men.

Peter Irons: I contacted Min first because somebody had a connection with him. And then Gordon. Gordon was so excited. He said, "I've been waiting for you for 40 years!"

Rachel Maddow: Gordon was in. Min was in. Peter needed one more. He needed Fred Korematsu.

Peter Irons: I called Fred and I said, "Mr. Korematsu, this is Peter Irons calling. I'm going to send you some documents." Fred, I remember, sounded quite puzzled. "Who is this?" you know? And "What is this?" He thought it was actually some sort of joke.

Rachel Maddow: Peter explained that it was not a joke, that he had found documents that he thought Fred might want to see. He decided to fly out to San Francisco to try in person, to persuade Fred to give these documents a look.

Peter Irons: I remember going up to Fred's door, and Fred answered. And he still was a little bit not quite sure what I was there for. And so, he said, "Well, come in." And I came in. I sat on the couch. Fred had a pipe, and he was puffing on the pipe. And I said, "Mr. Korematsu, here are the documents

that I brought with me." And for 20 minutes, at least, Fred sat there, reading through these six or eight pages I'd given him, very carefully, didn't say a word. And I was sitting on the couch, literally sweating. "What is he thinking? What is gonna happen?" As Fred turned the thing over, the last page, handed it back to me. And I'll never forget this in my entire life. Fred said, "Are you a lawyer?" And I said, "Yes, I am." And he said, "Would you be my lawyer?"

Rachel Maddow: And with that, Peter Irons had Fred and Gordon and Min all on board to challenge these cases.

Peter Irons: The main thing I thought is that if we can do this, that can change American history. Immediately I started to think of, "Now can I recruit people to help me with this?"

Rachel Maddow: Here's Lori Bannai. She's the law professor who you heard from earlier in this series.

Lori Bannai: So, Peter had initially called my law partner Dale Minami. Peter said that he had found this evidence and wanted to know if he could come out and talk to us about it.

Rachel Maddow: When Peter Irons made this call, Professor Bannai was a brand-new lawyer in San Francisco. She was fresh out of law school.

Lori Bannai: Dale called me into his office and said, "I just got this phone call from this guy who says he has evidence that could be used to set aside Korematsu." And we were at first extremely skeptical. We agreed to meet Peter. We read the documents and they were documents from the government's own files, the National Archives. They were admissions of the fraud that was committed on the court. It was absolutely stunning to see that these documents existed.

Rachel Maddow: Lori Bannai and her law partner Dale Minami and a team of mostly young, mostly Japanese American lawyers — they sign up. They take on this case.

Lori Bannai: Many of us were Japanese Americans whose parents and grandparents had been incarcerated. And so for the opportunity for us to bring a case that would try and address the injustice of their incarceration was an opportunity of a lifetime.

Rachel Maddow: The legal teams were now in place. Peter Irons also had an overarching plan for how to approach this. A plan that was unorthodox at best. He wanted to use an obscure provision in the law — called "coram nobis" — to open these cases back up.

Peter Irons: Coram nobis is a writ that is in the Constitution. If a person has been convicted of a crime, has exhausted all of his or her appeals, and has served the completion of their sentence, and subsequently discovers that the prosecution had either withheld significant exculpatory evidence or presented false evidence, then you can ask a court to reopen the case and to vacate the conviction on the ground that the government committed misconduct.

Rachel Maddow: This is coram nobis. This is a very rarely used legal principle in the United States. Peter Irons is an expert on it. And the reason he knows so much about it is because he used it himself in his own case about resisting the draft.

After he served his own federal prison sentence, Peter Irons discovered evidence that the government had unlawfully drafted him. They had changed his place in the line for getting a draft summons, basically to punish him for his activism, for his stance against the draft. And Mr. Irons didn't just suspect this or worry they might have done this — he proved it. He uncovered it in government records in his own case. Definitive evidence that they had done that to him. And then he filed a writ of coram nobis and got his conviction vacated.

Peter Irons: So I was probably one of the three or four people in the entire universe who'd heard of coram nobis. But that made it possible for me to say to Fred and Gordon and Min and all of the other lawyers, here's a tool we can use.

Lori Bannai: We had the documents from Peter, we had the documents from Aiko. It was really exciting. It was that classic smoking gun evidence that every lawyer wants to find. We decided we weren't gonna talk about it at all because we were afraid that evidence would start to get destroyed if people knew the case that we were bringing.

Peter Irons: By the time we were ready to file the petitions, they had gone through a rigorous, and I really mean rigorous, vetting of everything that was in it. We, we thought we had an airtight petition, but you never know. And so we were still a bit nervous. "What's gonna happen? Will it be rejected out of hand?" Will one of the judges say, "Sorry, too late"? And so we decided that when we filed the petition, we would all be there to see what happened. And so I remember that day because we were driving from Oakland over to San Francisco, and Lori Bannai was with us. And Dale said, "Well, who's gonna actually file the petition, you know, hand it to the clerk?"

Lori Bannai: And Dale said, "Gosh, you know, I always have the worst luck in the world." And Peter said, "Me too. I'm not a lucky person." And so Dale said, "We're not lucky. We should not be filing these papers. But Lori's lucky. She can file the papers." And I was really taken aback. That to me was a huge responsibility to file the papers. Because when you file the papers, you get the judge, and so you have to hope that you're lucky.

Rachel Maddow: These cases, which had already gone to the Supreme Court, they were now going to head back into court once again.

Peter Irons: Right after we left the clerk's office, we had a press conference. We didn't know if anybody would show up. You know, we'd sent out notices, "There will be a notice of a lawsuit filed." Did anybody care?

NBC News anchor: In San Francisco, three Japanese Americans have gone to court hoping to correct what they consider is a grave injustice back in the 1940s.

Peter Irons: All the major channels showed up. That press conference got so much publicity.

Reporter: These lawyers claim the government suppressed, altered, and destroyed key evidence to justify its actions.

Peter Irons: We were on all three major networks that night. Gordon was very professorial.

Gordon Hirabayashi: While I feel wronged, victimized, I feel it's the Constitution that was victimized.

Peter Irons: Min said, "They did me a tremendous wrong. I spent nine months in solitary confinement…"

Min Yasui: …rotting in a stinking cell in Multnomah County Jail, Portland, Oregon. And yet those 270 days that I stayed in that jail cell is perfectly justified if we can correct the grave injustices that were done in 19-hundred-and-42 and '43.

Peter Irons: And that was a launch that we couldn't have prepared any better.

Rachel Maddow: The petitions were filed with the court. What was the government going to do in response? What was the Justice Department going to do?

A DOJ lawyer named Victor Stone was assigned to work this. When Fred's case, the Korematsu case, came up and all the lawyers appeared in court before Judge Marilyn Patel in Federal District Court in San Francisco, this Victor Stone, the DOJ attorney, he had a really hard time figuring out what to say in court. And that wasn't because he was unprepared or he was an unskilled lawyer. It was just because he didn't know what to say about what the government was going to do here.

Peter Irons: Judge Patel keeps asking Mr. Stone, "Is the government going to oppose the petition or support it?" And he said, "Your Honor, I really can't tell you that." And she said, "Well, there's a telephone in my office. You've got 10 minutes to tell me." And Victor came back and said, "I'm sorry, Your Honor, I don't know what to say."

Rachel Maddow: The Justice Department clearly just did not know what to do. Would they continue to defend these convictions, all these decades later, in the face of the evidence from their own files that showed not only that the Army had lied, but the Justice Department itself had lied, had knowingly deceived the Supreme Court? Were they going to stand by their actions? Were they going to try to defend that?

Lori Bannai: The government just delayed and delayed and delayed, and at one point, it offered Fred a pardon. And Fred said no. A pardon is given when someone does something wrong — and Fred had done nothing wrong." Judge Patel set a hearing date for us. Victor Stone, the government attorney, asked for further delay, and she said no.

Rachel Maddow: The government could not have the delays they kept asking for. And so, in November 1983, after 40 years, Fred Korematsu was back in court.

Peter Irons: The day of the hearing, we all went in and the courtroom was filled to capacity. Almost all of the people there were Japanese American. Most of them had been in the camps. There were a

lot of very elderly people. Judge Patel took the bench and says, “Good morning, you may be seated.” And for the next hour or so, the place was silent, dead silent. People were listening so intently.

Lori Bannai: It was the first time any court would address the incarceration in almost 40 years. And you could just feel the anticipation and tension in the room. Judge Patel heard arguments from my partner, Fred’s lead counsel, Dale Minami, and then allowed Fred to make a statement.

Peter Irons: It was astounding how much emotion over all those years went into what Fred had to say.

Lori Bannai: He said, “As long as my record stands in federal court, any American citizen can be held in prison or a concentration camp without a trial or a hearing, that is, if they look like the enemy.”

Peter Irons: “It’s not just about Japanese Americans, it’s about all Americans. Why did this happen? What can we do to make sure it doesn’t happen again?”

Lori Bannai: Then, the government argued and Judge Patel asked if there were any other further arguments. Normally when you have a case before the court, the judge does not rule from the bench. Judge Patel surprised all of us by starting to issue her ruling from the bench.

Peter Irons: Judge Patel said, “I will issue a written order later, but my decision is that this conviction is vacated.”

Lori Bannai: Everyone in the courtroom was just stunned because we hadn’t expected her to rule.

Peter Irons: There was a huge outpouring of people gasping, people yelling, people crying. Some couldn’t believe what had happened. They, they had been waiting their whole life for this.

Lori Bannai: Fred turned to my partner Dale and said, “What happened?” and he said, “You won, Fred. You won.”

Peter Irons: People came up and started hugging Fred. And you know, just — and I was standing there thinking, “Oh my God, what did I do? How did this happen?” [voice breaks] You want a little emotion? [laughs] I mean, really. You know, when you go back over these things, it brings back these feelings.

Fred Korematsu: I don’t feel anything special. Uh, I feel that a wrong has righted and that, uh, I’m involved in it and to have this, you know, not happen again.

Rachel Maddow: After nearly 40 years as a convicted felon, Fred Korematsu’s conviction was now vacated. Wiped off the books. And then came the others.

NBC Reporter George Lewis: Gordon Hirabayashi doesn’t seem like the fighting kind, but he has just won a battle which began four decades ago. Hirabayashi’s legal team argued in court that the War Department suppressed documents showing the Japanese community posed no threat at all, that other documents had been altered to create an atmosphere of urgency about the relocation. A

federal judge overturned Hirabayashi's conviction, and though it took the system 43 years to clear Hirabayashi's name, he says he is not bitter. He calls it a small price to pay to defend American values.

Gordon Hirabayashi: This is not only a great victory for me personally, nor just for the Japanese Americans. It is a great victory for America and for our system of justice.

Rachel Maddow: Gordon Hirabayashi. Fred Korematsu. Also Min Yasui. All their convictions were overturned. Thanks to Aiko Herzig-Yoshinaga and the evidence that she uncovered. Thanks to Peter Irons and the evidence that he uncovered. Thanks to Lori Bannai and Dale Minami and all the lawyers who worked pro bono on these three unlikely, remarkable, landmark coram nobis cases.

Peter Irons: That it could turn out the way it did, with all three of them having their records cleared, this was something that nobody could have foreseen in their entire life.

Rachel Maddow: You remember 10-year-old Norman. The 10-year-old in his Cub Scout uniform who was put on that train in San Jose. Norman from San Jose who became Mayor Norm Mineta of San Jose, who became Congressman Norm Mineta from California.

The congressional commission Norm Mineta had helped set in motion came out with its findings in 1983, just as the coram nobis cases were starting to reveal what the government had done.

Roger Mudd: It is not usual for a government to admit its mistakes publicly, but today the Commission on Wartime Relocation and Internment of Civilians said the U.S. government had committed a "grave injustice."

Jamie Gangel: The Commission found that there was no military justification for the internment. Instead, it was the result of racism, war hysteria, and politics.

Rachel Maddow: Once the commission had issued its findings, Congressman Norm Mineta got to work again. He put together legislation that would bind into law an apology, a government apology for what the United States had done. He worked for years to get it through.

Norman Mineta: We had the elements of the bill. We then introduced it in that Congress.

David Mineta: You know, drop the bill. It doesn't go through, bring it back.

Rachel Maddow: That's David Mineta, who watched his dad work on this year after year after year, reintroducing this bill in every Congress until finally it started to move. Until finally it got a hearing where Congressman Norm Mineta was one of dozens of people who gave testimony.

Norman Mineta: No one in this Congress is personally responsible for the decision to intern loyal Americans. But we are the leaders in the government of this nation here and now, and the burden has fallen on us to right the wrongs of 44 years ago.

Rachel Maddow: The testimony that he gave that day was about what had happened to more than 120,000 people in this country. But it was also about his own family. His parents. Himself. And also his own sons.

Norman Mineta: Records of our internment are stored in the National Archives. Among the names in those dusty files are Kunisaku Mineta, my father. He came here as a boy of 14, raised a family to be what he was, a loyal American. Yet he was imprisoned in camp at Santa Anita and at Heart Mountain, Wyoming. Also in the records is Kane Mineta, my mother. What right did the government have to lock this good woman up for two years without a trial? Two other names are important to mention here. David Mineta and Stuart Mineta are our sons. I do not want them to grow up with the same burden of guilt, suspicion, and shame that has sat on my shoulders.

David Mineta: Wow, hmm [groans]. Yeah, you know, really not something that he would talk about with us. It's just so powerful to hear him speak those words. Just sort of that legacy for him of guilt that he would carry, and I guess there was a shade of that maybe for me, too. Like, what did our community do wrong, you know, that would've made this a reality?

Norman Mineta: There is no statute of limitations on our shame, our damaged honor, or our violated rights, and it has fallen on this subcommittee to set us free.

Rachel Maddow: Norman Mineta worked year after year after year to get that bill, that bill for an apology, onto the House floor for a vote. Evenutally, thanks to his persistence, it finally worked. He did it. The House Speaker at the time — Jim Wright — he scheduled the vote in September 1987 on a day of symbolic importance.

Norman Mineta: Jim Wright said, "I want that bill on the House floor on the 200th anniversary of the signing of the Constitution." Just thinking about it makes me cry now. And, um, he said, "I want you in the chair." So he gave up the chair as Speaker of the House and had me as the Speaker pro tem when we took up the bill. That's a day I'll always remember.

Rachel Maddow: Norman Mineta went from a 10-year-old boy being forced onto a train and into a prison camp by his own government, to serving as Speaker pro tem of the House of Representatives, presiding over this vote for the Government of the United States of America to formally apologize for that wrong.

David Mineta: I think for Dad, showing that that wrong can be righted, it proves what the country could be about.

Rachel Maddow: This bill to provide a formal apology for mass incarceration – and a small payment of restitution to the survivors — it passed the House. And it passed the Senate. And then it went to the President for his signature.

President Reagan: Members of Congress and distinguished guests, my fellow Americans, we gather here today to right a grave wrong. It is not for us today to pass judgment upon those who may have

made mistakes while engaged in that great struggle. Yet we must recognize that the internment of Japanese Americans was just that, a mistake.

Norman Mineta: That was my signature on the bill as Speaker pro tem. And, you know, I thought where else but only in a country like the United States could something like this happen?

David Mineta: I think Grandpa would have been so proud of Dad.

President Reagan: The legislation that I am about to sign provides for a restitution payment to each of the 60,000 surviving Japanese Americans of the 120,000 who were relocated or detained. Yet no payment can make up for those lost years. So, what is most important in this bill has less to do with property than with honor. For here we admit a wrong; here we reaffirm our commitment as a nation to equal justice under the law.

David Mineta: It's fascinating to me to see how a democracy can apologize for a mistake. To know that Dad took his blows and, you know, hung in there, and was able to help be a part of that moment, you know, I think Grandpa, the belief and bet that he put on the nation actually was a good bet.

President Reagan: Thank you and God bless you, and now let me sign H.R. 442. [applause]

Rachel Maddow: When President Ronald Reagan signed that bill into law, the executive branch had made amends. Congress had made amends. The courts had made amends. Even the Census Bureau eventually apologized.

But what about the architects of this policy? What about those who had dreamed it up, who had pushed for it, who had lied about the justification for it?

Karl Bendetsen: I have never given an interview on this subject. This is the first one I've ever given.

Kenneth Ringle: Who's that?

Mike Yarvitz: That's from your interview with Karl Bendetsen.

Kenneth Ringle: It is?

Rachel Maddow: Kenneth Ringle – who was the son of Naval intelligence officer Ken Ringle — by the 1980s, he had become a beat reporter at the Washington Post. And Ken Ringle, the younger, the reporter, he secured a sit-down interview with Karl Bendetsen, even though Bendetsen had never before agreed to talk to a reporter on this subject.

It's an interview that Ken himself had not heard in more than 40 years.

Kenneth Ringle: Where did you find this?

Mike Yarvitz: Have you not heard this before?

Kenneth Ringle: Well, I have — I made the tape obviously. Where did you get it?

Rachel Maddow: That is coming up next.

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Mike Yarvitz: Can I play you something?

Kenneth Ringle: Yeah.

Mike Yarvitz: OK. Let's see here. All right, here we go.

[distant voices from an old tape: That's all right with me, if it's all right with you. Fine with me. OK. (unintelligible)]

Rachel Maddow: Ken Ringle is sitting with producer Mike Yarvitz, who's playing him a tape that he hasn't heard in decades.

Kenneth Ringle: Jesus, you're really taking me back.

Mike Yarvitz: [laughs] I'm sorry.

Kenneth Ringle: No, no, it's interesting.

Rachel Maddow: The tape is of an interview that Ringle did years before with a former U.S. Army official named Karl Bendetsen, architect of the U.S. government's mass incarceration policy for Japanese Americans. It was the first time that Bendetsen ever agreed to speak on the record with a journalist on that issue.

Kenneth Ringle: I went there very well armed. I mean, I'd done my homework on Bendetsen. But I didn't expect him to be quite as obtuse as he was. I mean, he was just in denial, denial, denial.

Rachel Maddow: The interview was in December 1982. And Karl Bendetsen by then was in his 70s, and he was definitely in damage-control mode. By that time, the congressional commission on Japanese American incarceration was looking into Bendetsen's actions when he had been at the War Department. The movement to get some sort of redress for Japanese Americans, that movement was gaining momentum. And Karl Bendetsen agreed to do this interview apparently because he wants to explain that, actually, it wasn't him. He didn't have anything to do with it.

Karl Bendetsen: I didn't engineer it. I wouldn't have. I didn't recommend it. You might say I was the central figure, and you might interpret that to mean that I invented the whole thing, but I didn't.

Kenneth Ringle: I remember he was tremendously dismissive of the whole issue. He was dismissive of his role in this thing.

Rachel Maddow: Karl Bendetsen went to great pains to explain that none of it had been his idea. None of it was his fault. He was only following orders.

Karl Bendetsen: I didn't propose any methods. I didn't propose anything to General DeWitt. He gave me his orders. This decision had been made. I couldn't change it. My position was I really don't want this task, but as I've been ordered to do it, I'm an officer of the Army, the orders are legitimate, and I will carry them into effect with great care.

Rachel Maddow: As Ken Ringle mentioned, though, he had done his homework before sitting down for this interview. He also had an unusually deep, personal understanding of this story because of his father's own role in it. He knew about Bendetsen refusing to meet with his dad when his father was assigned by military intelligence to investigate Japanese American communities and their loyalty to the United States.

Karl Bendetsen: I never knew your father.

Kenneth Ringle: We have, uh —

Karl Bendetsen: He never asked for an audience with me, ever. I learned later your father was a very wonderful man and a splendid Naval officer, but you stated as a fact that he tried to get to me. I didn't know him, and he certainly didn't. Now —

Kenneth Ringle: We have, this, there's, in the archives, there's three taped phone calls where you refer to him by name.

Karl Bendetsen: Well, I, I, I don't understand that. I do not remember it.

Kenneth Ringle: Well, my father not only remembers, my mother remembers him going up there and I think it was more than once. It was like three times I think he went up there, all the way to San Francisco just to try to get to see Bendetsen, and Bendetsen wouldn't even, wouldn't do anything.

Rachel Maddow: In this interview, Karl Bendetsen also says that the incarceration of Japanese Americans wasn't so bad. He said there weren't prisons or prison camps. He said there was no barbed wire keeping anyone in. He said that little kids were not put on trains. He said Japanese Americans now claiming that they had all been imprisoned, that they couldn't leave the camps, he said they were all just lying about that.

Karl Bendetsen: Any member of a relocation center or resident of it was free to go anytime he, his family, his children, and none of them were retained against their will.

Rachel Maddow: "None of them were retained against their will."

That, of course, would be news to Norman Mineta and his family, to Satsuki Ina and her family, to Aiko Yoshinaga. To everyone.

Kenneth Ringle: You are saying that they could just get up and walk out?

Karl Bendetsen: Absolutely. Absolutely.

Kenneth Ringle: Saying this about the Japanese Americans? I had forgotten that! None of them were retained against their will. I do remember him saying that there were no barbed wire and there were no machine guns or anything like that.

Kenneth Ringle (on tape): Well, why do we have pictures of the machine gun towers and the barbed wires?

Karl Bendetsen: Your pictures do not relate to any single relocation center that ever existed. No relocation center, not Manzanar, had any towers, soldiers, or barbed wire. Not a single one.

Kenneth Ringle: Unbelievable. Unbelievable. He was trying to cover his tracks there. And maybe he was able to, I don't know.

Rachel Maddow: Ken Ringle also put to Karl Bendetsen the question of his legacy — of how he will be remembered by history for what he did.

Kenneth Ringle: One book refers to you essentially as "the Adolf Eichmann of the American Japanese." Obviously no one died, but to the extent that you and Eichmann had this in common —

Karl Bendetsen: What?

Kenneth Ringle: You and Eichmann.

Karl Bendetsen: Eichmann?

Kenneth Ringle: Adolf Eichmann, you've been one of these —

Karl Bendetsen: Are you equating me with Adolf —

Kenneth Ringle: I'm not, I'm telling you —

Karl Bendetsen: You just did! That I have something in common with him, and I can tell you I very deeply resent what you said.

Kenneth Ringle: I appreciate that.

Karl Bendetsen: And you have no basis for it.

Kenneth Ringle: I appreciate that.

Karl Bendetsen: And if you use it in the paper, I will be compelled to do something about it.

Kenneth Ringle: I appreciate that. I'm telling you that one historian used, referred to you as "the Adolf Eichmann of the American Japanese."

Karl Bendetsen: On what did he base his statement?

Kenneth Ringle: He said that you had, A) presided over the transportation of a people, a forced transportation of a people by racial decree, and B), that when, that you said, you had simply excused it by saying you were simply following orders.

Karl Bendetsen: Are you saying that I was following my own inclinations rather than following orders?

Kenneth Ringle: No, I don't say that. I'm saying —

Karl Bendetsen: Do you, are you saying that I could have done otherwise?

Kenneth Ringle: I'm not trying to make an argument about it, I'm trying —

Karl Bendetsen: No, but you're saying something because you're hitting at Adolf Eichmann and one man's opinion.

Kenneth Ringle: That's right. And I'm saying —

Karl Bendetsen: And it has impressed you enough to bring it up.

Kenneth Ringle: It has.

Karl Bendetsen: Yes.

Kenneth Ringle: It has.

Karl Bendetsen: And now we're talking about it.

Kenneth Ringle: That's right.

Karl Bendetsen: So, he's equating me with the Nazi experience.

Kenneth Ringle: He is.

Karl Bendetsen: And all of the barbarous cruelties of death and destruction. It is so ugly, and I cannot imagine that you would seriously entertain that!

Kenneth Ringle: I don't, I don't because it's —

Karl Bendetsen: Well, you are! You're seriously entertaining it because you're bringing it up, and just what is your purpose of bringing it up? Is that what you think?

Kenneth Ringle: It is not what I think. I know that no one was killed —

Karl Bendetsen: How much weight do you give this misguided man? Do you think I'm that kind of a person?

Kenneth Ringle: I don't know you, sir.

Karl Bendetsen: You know me now. You've been here for two hours. What's your opinion?

Kenneth Ringle: I figure that I know you two hours out of your life, sir. Uh, uh, I don't know. I'm trying to find out the truth as best I can tell it.

Karl Bendetsen: Well, if you —

Kenneth Ringle: And truth is very seldom simple.

Karl Bendetsen: Hmm?

Kenneth Ringle: One thing that I've learned is truth is very seldom simple.

Karl Bendetsen: No, I don't agree with that. The truth is very simple and very clear.

Rachel Maddow: "The truth is very simple and very clear."

Ken Ringle sat with Karl Bendetsen for two hours. He put those issues to him. He challenged him. He let him speak. And for those two hours, Karl Bendetsen — the man who conceived, and designed, and then ran the policy of mass incarcerating Japanese Americans on the basis of their race, Karl Bendetsen who got babies out of orphanages and put them in prison because they were thought to have some fraction of Japanese ancestry — Karl Bendetsen sat there for two hours, on the record, and denied that any of it had been his idea. Denied that it had been him. And besides, none of it was that bad anyway. No one was really locked up in the camps. There were no soldiers with guns. There was no barbed wire. Anybody who said otherwise — well, it was just a hoax.

Karl Bendetsen: I certainly did not enjoy any minute of it. Not one. But I was resolved to do it with the least possible impact on the individuals. I had no satisfaction out of it whatever.

Rachel Maddow: Karl Bendetsen died in 1989 at the age of 81. And despite everything else he did in his career — including rising to the level of Under Secretary of the Army and a very successful career in business — ultimately, the first line of his obituary described him as "one of the chief architects" of the U.S. government's mass incarceration program for Japanese Americans.

John McCloy, who told Bendetsen to change his report, to get rid of the evidence that it had ever existed, McCloy also denied that he'd had anything to do with the incarceration policy. He claimed that he had had no choice but to follow orders. That said, in testimony to the congressional investigation in 1981, McCloy lost his temper and blurted out, on the record, that the prison camps had been retribution against Japanese Americans for Japan's attack on Pearl Harbor.

You'll recall that no one inside the Justice Department would write a legal memo saying that the incarceration policy was constitutional. To get that legal permission slip, they had to go to government lawyers outside DOJ. The lawyers who wrote that memo — their names were Benjamin Cohen, Oscar Cox, and Joseph Rauh — they all spent the rest of their days denying that they had ever meant for that memo to greenlight mass incarceration.

Charles Fahy, the Solicitor General who suppressed evidence from the Supreme Court, he died in 1979, but because of the coram nobis cases exposing what he had done, there was a rare and remarkable apology from the Solicitor General's office at DOJ in 2011. President Obama's acting Solicitor General Neal Katyal issued a formal "Confession of Error" on the part of the Solicitor General's office for suppressing evidence from the Court. Katyal called it a "mistake" and said those actions did not live up to the "duty of absolute candor" that is required of that office.

The "Confession of Error" from the Justice Department. The official apology signed by Ronald Reagan. Restitution payments.

This past April, thousands of people gathered at the Manzanar incarceration camp in the California desert, as part of the annual pilgrimage that's held there every year, to remember what happened there.

Male speaker: Our elders knew our story as a cautionary tale, one that exposes the flaws in our democracy, and it exposes how dangerous it is to us all when xenophobes and white nationalists are allowed to toss aside our constitutional rights. [applause] We have returned for 56 years to this site to honor our families. But today, in addition to honoring all those who endured life behind barbed wire, we are here to say "Never again is now. No more Manzanars."

Rachel Maddow: During the Manzanar pilgrimage this past April, a memorial service was held at the cemetery there for the Japanese Americans who died while they were imprisoned at that camp. During that very moving service, survivors of Manzanar also recognized Americans who had been on the right side of history when all this happened — the few Americans who did try to stop it. Or at least who tried to mitigate the harm.

Second male speaker: Although 62% were citizens, we were called "enemy aliens." While everybody called us enemy aliens, the Quakers called us friends. Hooray for the brave Quakers! Governor Ralph Carr of Colorado advocated for Japanese Americans and fought against the internment. Hooray for Governor Ralph Carr!

Rachel Maddow: You should know that in Colorado, these days, practically everything is named for Ralph Carr.

Adam Schrager: Today, Ralph Carr is known to a generation of Coloradans that had never heard of him before. His story is taught in schools. His name is on the state's Justice Center. His name is on a state highway that travels across southwestern Colorado. And the Denver Post, which spent every day in the early part of 1942 mocking, criticizing his every move, would in 1999 name him Colorado's

person of the century. The newspaper wrote that "Ralph Carr gave Colorado courage, dignity, and grace."

Rachel Maddow: That's journalist Adama Schrager.

Today, in Sakura Square, the heart of Denver's Japanese American community, there is a bronze bust of Governor Ralph Carr there. It says on it: "Governor Ralph L. Carr had the wisdom and courage to speak out on behalf of the persecuted Japanese American minority…Thousands came seeking refuge from the West Coast's hostility…Those who benefited from Governor Carr's humanity have built this monument in grateful memory of his unflinching Americanism, and as a lasting reminder that the precious democratic ideals he espoused must forever be defended."

Kenneth Ringle, the Naval Intelligence officer who did what he could to stop the policy, died in 1963.

Kenneth Ringle: When Dad died, he was only 63 years old and my mother, she was devastated. The funeral was in Louisiana, but after that we all went back to where we were living. And she told me, she said, "After you children left, I had to drive back alone." And she said, "I wasn't sure I could face it, the house, alone." And she said, "When I got back there, there were stacks of flowers on the stoop. And they all said, 'From your Japanese American friends in Palos Verdes.' And they still remembered." She was just amazed by that. The fact they've never forgotten him is moving beyond words, you know? He would be just amazed."

Rachel Maddow: California Attorney General Earl Warren…

Earl Warren: This is the easiest country in the world in which to have a fifth column.

Rachel Maddow: Earl Warren would go on, of course, to become the chief justice of the United States Supreme Court, a liberal lion of the Court, a champion of civil rights. Earl Warren was haunted for the rest of his life by the position he took on Japanese American incarceration, his demagoguery and lies about Japanese Americans that he rode to political power in California. Warren wrote in his memoir, quote: "I have … deeply regretted the removal order, and my own testimony advocating it, because it was not in keeping with our American concept of freedom and the rights of citizens. Whenever I thought of the innocent little children who were torn from home, school, friends … I was conscience-stricken. It was wrong."

Attorney General Francis Biddle — he knew the policy was wrong, too. He knew it at the time, but he capitulated to the Army anyway. He, too, wrote about his regrets, his guilt. He said, "If I had urged the Secretary [of War] to resist the pressure … the result might have been different." He also said: "In tense times such as these, a strange psychology grips us … we are likely to vent our dammed-up energy on a scapegoat … someone who speaks with a foreign accent." Biddle said, "That sort of psychology is the very essence of totalitarianism."

The DOJ lawyers working under Francis Biddle — Edward Ennis and James Rowe — they opposed the mass incarceration, they worked hard to stop it, but once it was in place, they. too, capitulated. Ennis signed the false briefs to the Supreme Court that lied about what the government knew.

Edward Ennis told Peter Irons in the 1980s that he, too, was conscience-stricken by his actions.

Peter Irons: When I asked Ennis why he had not taken more definitive action, he said to me, "Watergate hadn't happened yet." And what he meant by that was that the idea of resigning in protest, which happened of course during Watergate — Ennis said, "We hadn't even thought of that. We were doing our jobs. We were overruled." But, he says, in retrospect, of course, that was a terrible decision.

After leaving government service, Edward Ennis went on to lead the ACLU for decades. He also worked to help overturn those convictions in the 1980s. Edward Ennis personally testified in the Gordon Hirabayashi case. He also testified in Congress, in favor of Congressman Mineta's bill.

Edward Ennis: The removal of the Japanese American population was the greatest deprivation of civil liberties since slavery.

Rachel Maddow: James Rowe — the other Justice Department lawyer who fought this policy alongside Ennis — died in 1984, in the midst of the movement for redress for Japanese Americans. In the years before his death, James Rowe said this about everything that had taken place back then:

James Rowe: It was really hysteria and somewhat shared hysteria by everybody. We've done it several times. We've done it to the Indians, we've done it to the Japanese. It's in our blood somewhere, but then after we do it, we get damned ashamed of ourselves.

Rachel Maddow: "It's in our blood somewhere, but then after we do it, we get damned ashamed of ourselves."

The brave, principled Japanese Americans who challenged this incarceration policy in court — Fred Korematsu, Gordon Hirabayashi, Min Yasui, Mitsuye Endo — they would all eventually receive the Presidential Medal of Freedom or the Presidential Citizens Medal.

Hirabayashi and Yasui and Endo all received their awards posthumously. But Fred Korematsu was still alive to receive his, from President Bill Clinton.

President Clinton: In the long history of our country's constant search for justice, some names of ordinary citizens stand for millions of souls: Plessy. Brown. Parks. To that distinguished list, today we add the name of Fred Korematsu. [applause]

Lori Bannai: It meant an enormous amount to him. It was recognition for what he stood for. It was recognition for what he had fought for.

Rachel Maddow: In 2010, the state of California officially declared that every January 30th would be known as Fred Korematsu Day in the state. Since then, six other states have followed suit.

For Gordon Hirabayashi, the site in Arizona where he was imprisoned — the place he hitchhiked to in order to serve out his sentence — that piece of land is now named in his honor.

In the city of Denver, there is now a plaza named after Min Yasui. His alma mater, the University of Oregon, just recently christened a new building on campus, Yasui Hall.

As for the Supreme Court decisions upholding the incarceration policy — in 2018, Supreme Court Chief Justice John Roberts finally publicly proclaimed that the Korematsu decision was, quote, “gravely wrong the day it was decided.”

That said, Chief Justice Roberts made that declaration as part of his ruling upholding President Donald Trump’s Muslim travel ban.

“It’s in our blood somewhere.”

This isn’t the whole story of Japanese American incarceration. Nowhere near.

It’s not the story of the 442nd Infantry Regiment, the segregated, all-Japanese-American combat unit that — man for man — became the most decorated unit in U.S. military history.

It’s not the story of the draft resisters in the prison camps, who were ultimately pardoned by President Truman.

It’s not the story of the insane loyalty questionnaire forced on people in the camps, and the way it was used to inflict additional punishment on thousands of people who were already incarcerated.

It’s not the singular story of Hawaii after Pearl Harbor, with its years of martial law, and its arrests and evictions of Japanese Americans, but no mass incarceration of its whole Japanese-American population, like there was on the West Coast.

It’s not the story of FDR’s administration souring on the incarceration policy over time and then replacing General John DeWitt at the Western Defense Command with the commander from Hawaii, the one who had decided to not mass incarcerate there.

It’s not the story of FDR’s weird rich-guy private spy network, which was secretly run out of the National Press Club in DC — and the report sent through that network, too, on Japanese Americans and their loyalty to this country.

It’s not the story of the rabid, rabid lies told in the press about Japanese Americans by famous journalists like Damon Runyon and Walter Lippmann and Westbrook Pegler.

It’s not even the full story of the legal treachery that supported the incarceration policy in court — the lies about whether the U.S. government believed Japan was capable of attacking the U.S. West Coast.

And there’s so much more. Honestly, I could give you a whole six more hours about one really consequential botched footnote in the Korematsu briefs.

This is also not the story of the bizarre denialists who said in the 1980s and ’90s that Japanese American incarceration was a conspiracy theory — that it hadn’t really happened at all. Three years before he died, after that interview with Ken Ringle, Karl Bendetsen contributed a glowing foreword to a book that claimed the prison camps had never existed — and besides, even if they did, Japanese Americans deserved it.

This isn’t any of those stories, and I commend all of them to you.

This is just one story about our government going wildly wrong. The power of the government harnessed to a racist, false crusade.

One voice you didn’t hear in this story is the voice of Mitsuye Endo. We don’t have her on tape. But in a transcribed interview that she did in the 1970s, Mitsuye Endo was asked: “What was your reaction when you learned of the Supreme Court decision?”

She said: “Oh, I was very happy.”

She was asked: “How do you feel today about having been the principal in Ex Parte Endo, the first case decided in favor of Americans of Japanese descent?”

She said: “Well, I am glad because I don’t think it would ever happen again. They would think twice before detaining an American citizen in relocation camps — or concentration camps as they were called — without giving that person a fair trial. They never — we never had a trial. We were just guilty, and that was that.”

In 1942, when Japanese Americans were rounded up, purely on the basis of their race, forced from their homes and put in prison camps, there were no mass protests by other Americans. People just watched it happen.

(drumming) That’s the sound of Taiko drummers, Japanese American drummers, in Dublin, California this past summer. They’re outside the former federal prison there, FCI Dublin. They’re protesting against the Trump administration’s efforts to reopen that troubled site as a detention center — as a prison — for immigrants.

Female protester: We have to raise our voices. This is a dangerous road that our country is going down and we have a responsibility, members of this community, to stand up and speak out.

Rachel Maddow: In October 2025, when more than 7 million Americans protested on No Kings Day against actions of the Trump administration, there was a protest that day near the San Francisco Airport at the site of the former Tanforan racetrack. You’ll remember that the family of Satsuki Ina was taken to the Tanforan racetrack. They were imprisoned in the horse stalls there. The No Kings Day protests at the site of the Tanforan racetrack were led in part by a group called Tsuru for Solidarity, and its co-founder, Satsuki Ina.

Satsuki Ina: When we were removed, there was no mass protesting what was happening to us. We don't want to be a part of that again. So, we are showing up where we can. We're raising our voices. We are protesting.

Rachel Maddow: Dr. Satsuki Ina and Tsuru for Solidarity — they're not new to these protests. In the first Trump term, they helped lead protests in Oklahoma when the Trump administration tried to reopen a Japanese American incarceration site there, this time to hold immigrant kids, little kids who the Trump administration took away from their parents.

Satsuki Ina: We're here today to protest the repetition of history. We were in American concentration camps. We were held under indefinite detention. We were without due process of law. We were charged without any evidence of being a threat to national security. We hear these exact words today regarding innocent people seeking asylum in this country.

Military Police Officer: You're not allowed to protest on Fort Sill. You can go across the street, and that needs to happen right now

Satsuki Ina: Otherwise what will happen?

Military Police Officer: You need to move now.

Male Protester: Then we're not going to move.

Military Police Officer: Yes, you're going to move.

Male Protester: If you're not going to arrest us, we're not going to move

Satuski Ina: Go ahead. (crowd noise)

Male Protester: As a four-year-old –

Military Police Officer: What don't you understand. It's English. Get out.

Male Protester: And so what we did with here is I have to have this to get out of –

Military Police Officer: Look, look, I understand your issues, OK, but you cannot protest on Fort Sill.

Satsuki Ina: We've been removed too many times. We're not leaving.

Rachel Maddow: Those protests at Fort Sill in the first Trump term, they were successful. The Trump administration changed its mind about using that site. This time, in the second Trump term, when they opened their largest hastily built prison camp for immigrants, one that could hold 5,000 people, they did so at a site in Texas, which had also been used as an internment camp in World War II. When the ACLU referenced that World War II history in its criticism of the site, the Trump administration blasted them for making the comparison, calling it "deranged and lazy."

But the ACLU is fighting it now. With Japanese American groups, and many others. And that's something. In 1942, the ACLU's board and national committee voted by a two-to-one margin to not challenge Japanese American incarceration in court. The ACLU's chairman at the time actually wrote Lieutenant General John DeWitt, sending him "congratulations on so difficult a job accomplished with a minimum of hardship."

The targeting of minority groups — the racist impulses, racist convictions, in some cases racist schemes that turn into government policy — it is in our blood in this country. It always has been.

What is also in our blood, though, and in our living memory, is our will and our ability to fight it. And to try to help people. To throw that blanket over the fence.

It will be difficult in the moment. It may feel quite impossible. It may cost you your career in politics. It may have you turning down a pardon or turning down the chance to be set free. It may break your heart. It may mean you don't marry that beautiful Italian American girl. It may put you in the punishment camps at Tule Lake, or in Min Yasui's cell, in solitary confinement.

But when you win, you will be vindicated. And we will be determined that you will be remembered, at Yasui Hall in the university, on Fred Korematsu Day on January 30th, on the Ralph Carr Memorial Highway, at the site of that former prison in Arizona, which is now named for Gordon Hirabayashi. And in the quiet certainty and determination of Mitsuye Endo, when she says, "I don't think it would ever happen again. They would think twice."

Would they? Is she right?

That's up to us now.

"Rachel Maddow Presents: Burn Order" is a production of MS NOW.

This episode was written by myself and Mike Yarvitz.

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Thank you, thank you to Peter Irons. If you haven't already, you should read his hugely consequential book. It's called "Justice at War: The Story of the Japanese-American Internment Cases."

A very special thanks to Lori Bannai. On top of everything else that she has done, she has also written a fantastic biography of Fred Korematsu. It's called "Enduring Conviction: Fred Korematsu and His Quest for Justice."

And very, very special thanks to our friend Chuck Rosenberg, who nudged and nudged and nudged that this was the time to tell a story about this, to tell a story about Mitsuye Endo in particular. Chuck Rosenberg, we love having you as a colleague. But we really, really love that you were so right about this. That you knew this would be the right thing to do, and that you told us that we should.

You can find out much more about this series at our website, MS.NOW/BurnOrder.

GEORGE STEPHANOPOULOS: You're increasingly being compared to Hitler. Does that give you any pause at all?

DONALD TRUMP: No, because what I'm doing is no different than what FDR – FDR's solution for Germans, Italian, Japanese, you know, many years ago –

GEORGE STEPHANOPOULOS: So you're for internment camps?

DONALD TRUMP: This is a president who was highly respected by all. He did the same thing.