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## Library display tells legal stories of Asian-Pacific American history

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A library display for Asian-Pacific American Heritage Month tells some surprising legal stories, including one about a man forbidden to run a laundry because he was Chinese.

Then there's the one about an Army veteran who was from India, barred from U.S. citizenship because he wasn't white.

Both of these are U.S. Supreme Court cases, said Kim D. Chanbonpin, professor at The John Marshall Law School, who organized the display this month in the school's library.

Chanbonpin said the display also has included, or will include, in different weeks, Neal Katyal, the acting solicitor general of the United States whose parents are from India; Patsy Mink, Japanese-American, and the first woman of color and Asian-American woman elected to Congress (in 1990); and many other elected or appointed state and federal officials, including judges.

But the controversies are the most striking, including the stories of two Japanese-Americans involved in the legal fight over the internment of Japanese Americans during World War II.

"You see we are so far removed from a lot of things we should know," said Phyllis Finney, circulation coordinator in the Louis L. Biro Law Library at John Marshall.

"I think all nationalities should do a display," Finney said. "Our history is our strength. It can avoid costly and painful mistakes in the future."

The laundryman, Yick Wo, was the plaintiff in *Yick Wo vs Hopkins* (118 U.S. 356), the U.S. Supreme Court case from 1886, Chanbonpin said.

"It involved a city of San Francisco ordinance requiring laundries working in wood buildings to obtain business licenses," she said. On its face, the ordinance was neutral.

But in fact, Chanbonpin said, San Francisco denied all applications filed by Chinese-Americans. Yick Wo had been operating his laundry for 20 years. He was denied a license, then imprisoned for operating without a license. He sued



Marina Makropoulos

Assistant professor at The John Marshall Law School Kim D. Chanbonpin (left) organized a display of articles, books and photos related to legal stories of Asian-Pacific American Heritage Month with help from The John Marshall Law School Library Circulation Coordinator Phyllis Finney.

for a writ of habeas corpus.

The U.S. Supreme Court ruled in his favor and held that a city may not enforce ordinances in a racially discriminatory manner.

Bhagat Singh Thind was born in India, came to the U.S. in 1913 and served in the Army during World War I, according to Chanbonpin.

He applied to become a naturalized U.S. citizen and the legal battle over this went to the U.S. Supreme Court.

In *United States v. Thind* (261 U.S. 204) Chanbonpin said the high court ruled in 1923 that in U.S. law, only "free white persons ... and persons of African descent" could become naturalized U.S. citizens and people from India did not qualify.

Two of the Japanese-Americans featured in the display were Mitsuye Endo and Fred Korematsu.

They were the subject of two U.S.

Supreme Court decisions on the same day in 1944, Chanbonpin said, and the court reached a different conclusion in each case on the legality of internment Japanese-Americans during World War II.

Endo, her maiden name, worked as a typist for the state of California, "had never been to Japan and did not speak Japanese," Chanbonpin said. She was fired from her job and ordered to relocate to an internment camp.

Endo sued for a writ of habeas corpus, Chanbonpin said, asking the court to justify her indefinite suspension without being accused of any crime. In *Ex parte Endo* (323 U.S. 283), the high court ruled there were no grounds for her confinement and she was released.

But Korematsu, who was also ordered sent to an internment camp, refused to go and was arrested, Chanbonpin said. The high court held in Korematsu's case that

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Civilian Exclusion Order No. 34 issued by the Army regarding the removal of Japanese-Americans from the West Coast was a military necessity within the war powers of Congress and the president. *Korematsu v. United States* (323 U.S. 214).

Chanbonpin pointed out that Solicitor General Neal Katyal posted a long “Confession of Error: The Solicitor General’s Mistakes During the Japanese-American Internment Cases” a few days ago on the Justice Department’s blog.

Chanbonpin, who is Chinese-Filipina-American, said the student reaction to her display, even though the students were taking final exams this month, “has actually been pretty wonderful. ... I’ve received a lot of thank you e-mails speaking about how much the students have learned from the displays.”

“Really, the reason I wanted to do this,” she said, “I feel like it’s part of my teaching mission.”

Chanbonpin teaches criminal law,

national security law and lawyering skills.

She said she “owed a debt” to Finney and professor Kevin L. Hopkins at The John Marshall Law School, who gave her the idea with their annual library displays in February for African-American History Month.

“I definitely see people stopping and reading it,” said John Marshall student Anne Schmidt. “I guess it piqued their interest.”