

**TITLE**

# CIVILLY DISOBEDIENT: THE DRAFT RESISTANCE OF FRANK EMI AND THE HEART MOUNTAIN FAIR PLAY COMMITTEE

GRADE LEVEL: MIDDLE SCHOOL TO HIGH SCHOOL

**SUBJECT:** History, Social Studies

**THEME:** Bias and Stereotype, Civil Rights, World War II



*Frank Emi (right), leader of the Heart Mountain Fair Play Committee, stands with a supporter, Kozie Sakai, in a photo taken at the height of the draft resistance movement, 1944, Heart Mountain concentration camp, Wyoming. [Courtesy of Frank Abe and Frank Emi.](#)*

**OBJECTIVES:**

**Students will be able to:**

- Explain how the actions of Frank Emi and the organizers of the Heart Mountain Fair Play Committee were founded in a recognition of their denial of Constitutional rights and protections.
- Demonstrate how the civil disobedience at Heart Mountain contributed to the draft resistance movement in Japanese American incarceration camps.
- Understand the role that Frank Emi played in shaping the public identity of Japanese Americans during and after the era of Japanese internment.

**ESSENTIAL QUESTIONS:**

- How are Constitutional rights withheld or removed for marginalized groups like Japanese Americans during World War II?
- What was the ultimate effect of this widespread draft resistance?
- What lessons do the story of Frank Emi and the Heart Mountain Fair Play Committee hold for the persecution of other marginalized groups?

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### ACTIVITIES:

Frank Emi was a second-generation Japanese American (Nisei) from Los Angeles, California, who, like countless other Japanese Americans in 1942, was forcibly moved into a “relocation center” by the War Relocation Authority (WRA) as a result of Executive Order 9066. At his center, the Heart Mountain Relocation Center, he was then obliged by the WRA to fill out a so-called “Loyalty Questionnaire” which was administered to all Japanese American internees to assess their loyalty to the United States. Emi, in response to two infamous questions on the questionnaire, responded that “under the present conditions I am unable to answer these questions.”

He would, with the counsel of ACLU member Kiyoshi Okamoto, form the Heart Mountain Fair Play committee in protest of the questionnaire. The committee maintained that if the government restored full citizenship to the Heart Mountain Nisei internees, such as due process before the law, they would gladly comply with selective service requirements. Frank Emi would later be among seven indicted by Judge Eugene Rice on counts of conspiracy to violate the Selective Service Act and imprisoned at Leavenworth Federal Penitentiary; a group of sixty-three other Heart Mountain Nisei would later be indicted through mass trial of draft resistance. On December 24th, 1947, President Harry S. Truman would grant a pardon to all Nisei draft resisters, restoring all of their political and civil rights.

### ACTIVITIES

#### Activity A Hook: Honestly Answering the “Loyalty Questionnaire”

Begin by asking students to talk about what it means to be loyal. Have them offer specific examples from their own experience. Then give them the definition below and consider the question that follows:

Loyalty:

Definition: “giving or showing firm and constant support or allegiance to a person or institution.” (source: Oxford Languages,

<https://languages.oup.com/google-dictionary-en/>) Question: To what extent can someone be loyal while still being critical of the person or institution to which they have pledged their loyalty?

Distribute the following reading.

“In 1943, the War Department and the War Relocation Authority (WRA) joined forces to create a bureaucratic means of assessing the loyalty of all adults in the WRA camps, first, to prepare to extend the draft of the adult male population in camp and, second, to release “loyal” Japanese Americans from the camps for relocation to the non-restricted interior states. The final two questions on the forms created confusion and resentment.

Question number 27 asked if Nisei men were willing to serve on combat duty wherever ordered and asked everyone else if they would be willing to serve in other ways, such as serving in the Women’s Army Auxiliary Corps. Question number 28 asked if individuals would swear unqualified allegiance to the United States and forswear any form of allegiance to the Emperor of Japan. Both questions caused a great deal of concern and unrest. Citizens resented being asked to renounce loyalty to the Emperor of Japan when they had never held a loyalty to the Emperor. Japanese immigrants were barred from becoming U.S. citizens on the basis of racial exclusion, so renouncing their only citizenship would be problematic. Young men worried that declaring their willingness to



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## ACTIVITIES:

serve in combat units of the army would be akin to volunteering.”

### Questions:

Have students answer the following questions based on the above excerpt:

1. Imagine you were a Nisei internee who is loyal to the United States (as per the definition above). How would you answer these two questions?
2. Based on your answers, what do you think the WRA could make you do?
3. What do you think was the intention of the WRA in writing these questions in this way?
4. What does this say about the general public and governmental perception of Japanese Americans during this time period?

### Activity B: Consequences and Justice

“The successful prosecution of these 63 Nisei (and 22 others who resisted the draft after the Cheyenne trial concluded) did not reach most of the top echelon of leadership of the Fair Play Committee, because they were older men who had never received draft notices and therefore could not be charged with refusing the draft. The government solved this problem by charging that group—Okamoto, Emi, Nakadate, and several others—with illegally conspiring with each other and with Rocky Shimpō newspaperman James Omura to counsel others to commit the felony of evading the draft. Their case came to trial before a federal district court jury in Cheyenne in October of 1944. The jury convicted all of them except for Omura. It is often asserted that the jury acquitted him because he was a journalist exercising his First Amendment right to freedom of the press, but the historical record suggests that the jury's real reason was that they simply did not believe the government had presented enough evidence to link him to the other defendants' conspiracy.”

“To give you an idea of how ‘Justice’ works, the following were the penalties that various judges dealt to the Nisei resisters even though the charges were identical. Judge Louis A. Goodman dismissed the indictments against twenty-seven draft resisters from Tule Lake, saying, ‘it is shocking to the conscience that an American citizen be confined on the ground of disloyalty and then, while so under duress and restraint be compelled to serve in the armed forces or be prosecuted for not yielding to such compulsion.’ In Arizona, the judge fined the Poston draft resisters one cent. No jail term. In other camps, the sentences ranged from two to five years.”

### Questions:

1. Do you think that the charging of the “Fair Play Seven” with conspiracy to violate the Selective Service Act was fair legally? Morally?
2. Why do you personally believe that James Omura alone was acquitted by the jury? What does this say about the public perception of “free” journalists in comparison to internees?
3. Why do you think Frank Emi listed the other penalties for non-Nisei draft resisters? What do you think this reveals about the American justice system at the time? Do you think the justice system has changed since then?

### Activity C: The Legacy of Civil Disobedience

“Postwar, Emi and his fellow resisters became “anonymous in mainstream America and social outcasts among their co-ethnics.” [5] Emi became a career civil servant, working first for the postal service and then at a state unemployment office. In addition, as an 8th-degree black belt in judo, he was a life-long master instructor of the sport. But he also remained convinced that the injustice the Japanese American community endured during the war had to be quietly yet persistently confronted.





## ACTIVITIES:

Attitudes about Emi's stance changed little until the 1980s movement for Japanese American redress. Activists seeking an apology and reparations by Congress reexamined the rift between the resisters and the JACL. During the redress movement, Emi worked with the Nikkei for Civil Rights & Redress organization and continued to educate the public on the resistance movement. "When there's a real blatant injustice like that, they should speak up," said Emi. 'No more shikataganai, you know, 'can't help it.' [nothing can be done about it].

Emi, who died on December 1, 2010 at 94, was the last surviving member of the FPC. He had become the symbol of WRA camp resistance, finally receiving recognition for his courageous stance. His act of civil disobedience has now become an important event in the chronology of the U.S. Civil Rights movement.'

### Questions

1. How do you think Frank Emi considered his Japanese identity throughout his period of incarceration?

### Assessment:

Share with students the following:

"In 1988, President Reagan signed the Civil Liberties Act to compensate more than 100,000 people of Japanese descent who were incarcerated in internment camps during World War II. The legislation offered a formal apology and paid out \$20,000 in compensation to each surviving victim. The law won congressional approval only after a decade-long campaign by the Japanese-American community."

<https://www.npr.org/sections/codeswitch/2013/08/09/210138278/japanese-internment-redress>

Have students address the questions below as they write their reaction to the Civil Liberties Act.

1. Did the Act sufficiently account for what happened to Japanese Americans during World War II?
2. Why do you think that it took until 1988 for the nation and Congress to pass this Act?
3. What are the implications and lessons of Frank Emi for us today?

## RESOURCES:

Densho: The organization is dedicated to collecting testimonies of Japanese Americans wrongfully incarcerated during World War II to preserve "stories of the past for the generations of tomorrow." Footnotes identify specific links within the website.  
<https://densho.org/>

[https://en.wikipedia.org/wiki/Civil\\_Liberties\\_Act\\_of\\_1988](https://en.wikipedia.org/wiki/Civil_Liberties_Act_of_1988)

National Public Radio, Code Switch, August 9, 2013  
<https://www.npr.org/sections/codeswitch/2013/08/09/210138278/japanese-internment-redress>



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