Comparing Two Controversial Executive Orders

Roosevelt Executive Order #9066
Feb. 19, 1942
Authorizing the Secretary of War to Prescribe Military Areas

Stated Purpose: “The successful prosecution of the war requires every possible protection against espionage and against sabotage.”

Effect: Declared the government’s intent to treat the West Coast as a war zone. 120,000 U.S. citizens of Japanese descent were forced to be relocated and confined in remote internment camps.

Reason for Order: A fear of espionage.

Controversy: Two-thirds of the people confined in the camps were American citizens, the rest were immigrants. There were no spies among them. Many were women and children.

Court Cases and Decisions: In Korematsu v. United States (1944), the Supreme Court ruled 6-3 that the need to protect the country in time of war was a greater priority than the individual rights of Japanese and Japanese American citizens.

Constitutional Issues: 5th Amendment (due process) 14th Amendment (equal protection)

Trump Executive Order # 13769
Jan. 27, 2017
Protecting the Nation from Foreign Terrorist Entry into the United States

Stated Purpose: “To protect the American people from terrorist activities by foreign nationals admitted to the United States.”

Effect: Suspended entry into the U.S. of certain aliens, including refugees, traveling on passports from seven countries: Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen.

Reason for Order: A fear of terrorism.

Controversy: A refugee has never committed a terrorist attack on American soil. No one in the U.S. has been killed in a terrorist attack by anyone from the seven named countries.

Court Cases and Decisions: A federal judge in New York blocked the initial order. After the order was revised, a second federal judge in Hawaii issued a nationwide restraining order, which was upheld by a federal appeals court. The Trump administration has appealed to the Supreme Court, which has agreed to hear the case.

Constitutional Issues: 1st Amendment (establishment of religion)

"Those who cannot remember the past are condemned to repeat it." —George Santayana