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INTRODUCTION TO HEART MOUNTAIN SYMPOSIUM ARTICLES

*Phil Roberts**

The following two articles by Eric L. Muller and Gabriel J. Chin were developed out of presentations on Japanese relocation made during a program held at the University of Wyoming College of Law on April 20, 2001. The *Wyoming Law Review* hosted the event, titled Heart Mountain Symposium—Wyoming’s Response: Too Little Too Late?

The first essay, by former University of Wyoming law professor Eric L. Muller, now a member of the faculty at the University of North Carolina Law School, reflects on the obligations of current officials to acknowledge wrongs committed by their predecessors, specifically as they dealt with the incarceration of Japanese-Americans at the Heart Mountain Relocation Center. Prompted by the 2000 statement by Governor Jim Geringer and Powell Mayor James L. Milburn in which they acknowledge mistakes made by wartime Wyoming officials in condoning the injustices of the Center, Muller examines the historical roots of those long-ago official actions and words. As Professor Muller notes, however, the recent statement notes the injustice but then urges readers not to condemn the actions. He then reflects on the notion of “compulsion” as justification for the acts. He concludes that in times when po-

* The author is an associate professor of history at the University of Wyoming and also served as a panelist during the *Wyoming Law Review’s* Heart Mountain Symposium. In addition to participating in that symposium, Professor Roberts participated in the Frontier Justice Symposium held in Cody, Wyoming, last fall. His essay from that symposium, titled, *Wyoming’s Pioneers of Prohibition: The United States Army, the U.S. District Court, and Federal Enforcement of Laws Governing Morality*, begins on pp. 631 of this issue of the *Wyoming Law Review*.

litical courage on the issue might have translated into public respect, Wyoming's representatives sadly shrank from the challenge. In fact, some took the more active role as "oppressor." In contrast to the political courage displayed by Colorado Governor Ralph Carr, many of Wyoming's officials actively fanned the flames of discrimination, hatred, and fear. As Wyomingites, we can take little pride in the sordid story.

In reading the second essay, written by Professor Gabriel J. Chin, it is important to keep in mind that in every facet of the law, historical context informs contemporary issues. This is particularly true in the case of race-based legislation passed by the Congress and Wyoming Legislature. Professor Chin points out how Wyoming's congressional delegation, particularly in the early years, were passionate advocates for laws discriminating against Asians. Several Wyomingites in Congress pressed for anti-Asian legislation, whipping up outrageous verbal assaults on Asians. Such actions were an ironic contradiction for representatives from the "Equality State." Only in the post-World War II period did Wyoming members of Congress begin championing "equality" and even then, the record was not always uniform.

On the legislative front, the long-enduring alien land law had been tailored to discriminate against Asians and Americans of Asian extraction. Curiously, when the Wyoming Legislature finally quietly repealed the act in February 2001, only two other jurisdictions in the country still had such laws.

As Professor Chin concludes, "the great lesson from Internment is that 'guilt is personal.'" Nonetheless, institutions such as state governments are not included. Consequently, representatives of the state have an obligation to recognize such mistakes. He takes to task those who sugarcoat past wrongs as actions "compelled" by war necessity or other extreme emergency. Injustices in our constitutionally based system cannot be so easily dismissed.

These two provocative essays demonstrate that contemporary law, as well as present-day attitudes, are shaped by what happened in the past and how lawmakers and citizens rose to greatness or stooped to expediency when it came to difficult questions of right and wrong, justice and injustice. There are lessons here for lawmakers and lawyers, but probably the greatest lesson is for citizens and voters. By confronting the injustices and the official cowardice of our predecessors as demonstrated in actions recalled by Muller and Chin, Wyomingites will understand that it is not always easy to maintain the standard of the "Equality State" and make it more than just another empty tourist slogan.