

Sec. 2—Powers, Duties of the President

Cl. 1—Commander-In-Chiefship

plained of.”¹³³ This question was answered in the affirmative, as was the similar question later raised by an exclusion order.¹³⁴

Presidential Government of Labor Regulations.—The most important segment of the home front regulated by what were in effect presidential edicts was the field of labor relations. Exactly six months before Pearl Harbor, on June 7, 1941, Mr. Roosevelt, citing his proclamation thirteen days earlier of an unlimited national emergency, issued an Executive Order seizing the North American Aviation Plant at Inglewood, California, where, on account of a strike, production was at a standstill.¹³⁵ Attorney General Jackson justified the seizure as growing out of the “duty constitutionally and inherently rested upon the President to exert his civil and military as well as his moral authority to keep the defense efforts of the United States a going concern,” as well as “to obtain supplies for which Congress has appropriated the money, and which it has directed the President to obtain.”¹³⁶ Other seizures followed, and on January 12, 1942, Mr. Roosevelt, by Executive Order 9017, created the National War Labor Board. “Whereas,” the order read in part, “by reason of the state of war declared to exist by joint resolutions of Congress, . . . the national interest demands that there shall be no interruption of any work which contributes to the effective prosecution of the war; and Whereas as a result of a conference of representatives of labor and industry which met at the call of the President on December 17, 1941, it has been agreed that for the duration of the war there shall be no strikes or lockouts, and that all labor disputes shall be settled by peaceful means, and that a National War Labor Board be established for a peaceful adjustment of such disputes. Now, therefore, by virtue of the authority vested in me by the Constitution and the statutes of the United States, it is hereby ordered: 1. There is hereby created in the Office for Emergency Management a National War Labor Board”¹³⁷ In this field, too,

¹³³ *Hirabayashi v. United States*, 320 U.S. 81, 91–92 (1943).

¹³⁴ *Korematsu v. United States*, 323 U.S. 214 (1944). Long afterward, in 1984, a federal court granted a writ of *coram nobis* and overturned *Korematsu*’s conviction, *Korematsu v. United States*, 584 F. Supp. 1406 (N.D.Cal. 1984), and in 1986, a federal court vacated *Hirabayashi*’s conviction for failing to register for evacuation but let stand the conviction for curfew violations. *Hirabayashi v. United States*, 627 F. Supp. 1445 (W.D.Wash. 1986). Other cases were pending, but Congress then implemented the recommendations of the Commission on Wartime Relocation and Internment of Civilians by acknowledging “the fundamental injustice of the evacuation, relocation and internment,” and apologizing on behalf of the people of the United States. Pub. L. 100–383, 102 Stat. 903 (1988), 50 U.S.C. App. §§ 1989 *et seq.* Reparations were approved, and each living survivor of the internment was to be compensated in an amount roughly approximating \$20,000.

¹³⁵ E.O. 8773, 6 Fed. Reg. 2777 (1941).

¹³⁶ E. CORWIN, *TOTAL WAR AND THE CONSTITUTION* 47–48 (1946).

¹³⁷ 7 Fed. Reg. 237 (1942).