

FRED KOREMATSU v. UNITED STATES
323 U.S. 214, 65 S. Ct. 193, 89 L. Ed. 194
Argued October 11, 1944
Decided December 18, 1944

Throughout the 1930's the *Nisei* (first generation native-born Japanese) dreaded the possibility of a war between the United States and Japan as relations between the two countries deteriorated steadily. Japan, at war with China since 1937, continued to gain territory there. In 1941, the Japanese moved into Indochina (now Vietnam) and threatened the Dutch East Indies. The United States stopped almost all trade with Japan.

By mid 1941 the Japanese ambassador to the United States, Kichisaburo Nomura, and Secretary of State Cordell Hull had been negotiating for months. In November Nomura was joined in Washington, D.C. by a special Japanese ambassador, but the talks were still unsuccessful. The United States pressured Japan to withdraw from China in return for resumption of trade, but Japan would not agree. **Discussions continued as the Japanese planned to attack Hawaii.**

The Japanese bombed Pearl Harbor, Hawaii, on December 7, 1941, and after Japanese conquests in the Pacific, near hysteria gripped the West Coast of the United States. Many people feared that Japan would attack there. At the time of the bombing there were approximately 112,000 persons of Japanese descent living on the West Coast, about 70, 000 of whom were American citizens.

In March 1942, Congress passed legislation empowering President Franklin D. Roosevelt by executive order and cabinet or military orders under his direction to restrict movement or residence in any designated military area or war zone where he felt that such restriction was necessary to national security. Because of growing fear that an invasion of the West Coast was imminent and lurking suspicions about the loyalty of Japanese Americans living along the coast, President Roosevelt issued Executive Order #9066. This order declared that "the successful prosecution of the war requires every possible protection against espionage and against sabotage to national defense material, national defense premises, and national defense utilities." The order came to be applied increasingly to people of Japanese ancestry, citizen and alien alike. The restrictions ranged from the imposition of curfews to forced removal to "relocation centers" outside Military Area I.

At the time of the announcement of the **exclusion order**, Fred Korematsu was in his early twenties. He was of Japanese ancestry but was born in Oakland, California. A graduate of Oakland High School, Korematsu had tried twice to enlist in the army but was turned down for a physical disability. Before and after the bombing of Pearl Harbor, Fred worked in defense plants in the San Francisco area. He had no criminal record and had been a loyal, law-abiding American citizen. Had he obeyed the order, he would have been separated from his Caucasian girl friend, so rather than submit to confinement he ran away. Posing as Chinese, Korematsu took a job in a trailer park.

Arrested in May, Korematsu was tried in a federal district court. He challenged the order as it applied to him, a loyal citizen of the United States, but he was found guilty of knowingly violating the Civilian Exclusion Order. Korematsu appealed the district court's decision to the U.S. Circuit Court, but his conviction was sustained. He was confined in a relocation center in Utah while he appealed his case to the United States Supreme Court.

- Was America justified in trying to protect the country from a possible Japanese invasion by interring the Nisei population on the West Coast.
- Were Fred Korematsu's Fourteenth Amendment rights to Equal Protection of the Law violated by the civilian exclusion order?

Discuss these questions on the back of this page: Offer reasons for your positions.