

Korematsu Activity

In May 1942, Fred Korematsu, a native of Oakland California, refused to comply with a military order that all persons of Japanese ancestry report to detention centers. Korematsu, who had not been accused of a crime (aside from the refusal to submit to what he believed was an unconstitutional detention), and was not suspected of disloyal activities, was arrested in San Leandro on May 30, 1942. Korematsu was convicted of violating the military evacuation order in September, 1942. He and his family spent most of the rest of the war at the Central Utah War Relocation Center (a prison camp) in Topaz, Utah. Korematsu appealed his conviction, but the original verdict was upheld both by the US Court of Appeals (in January 1944) and the US Supreme Court (in December 1944).

Despite the fact that the executive order was upheld, there were many who disagreed, including Justice Frank Murphy, who was one of the three Supreme Court Justices who believed that the internment was unconstitutional.

| Highlight quotations that support your answers | Questions |
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| <p>This exclusion of "all persons of Japanese ancestry, both alien and non-alien," from the Pacific Coast area on a plea of military necessity in the absence of martial law ought not to be approved. Such exclusion goes over "the very brink of constitutional power" and falls into the ugly abyss of racism. . . . I dissent, therefore, from this legalization of racism. Racial discrimination in any form and in any degree has no justifiable part whatever in our democratic way of life. It is unattractive in any setting but it is utterly revolting among a free people who have embraced the principles set forth in the Constitution of the United States. All residents of this nation are kin in some way by blood or culture to a foreign land. Yet they are primarily and necessarily a part of the new and distinct civilization of the United States.</p> | <p>What does Justice Murphy say is the reason that Americans of Japanese ancestry were interned?</p> |
| <p>That this forced exclusion was the result in good measure of . . . [an] . . . erroneous assumption of racial guilt rather than bona fide military necessity is evidenced by the Commanding General's Final Report on the evacuation from the Pacific Coast area. In it he refers to all individuals of Japanese descent as "subversive," as belonging to "an enemy race" whose "racial strains are undiluted," and as constituting "over 112,000 potential enemies . . . at large today" along the Pacific Coast. In support of this blanket condemnation of all persons of Japanese descent, however, no reliable evidence is cited to show that such individuals were generally disloyal, or had generally so conducted themselves in this area as to constitute a special menace to defense installations or war industries, or had otherwise by their behavior furnished reasonable ground for their exclusion as a group.</p> | <p>What evidence does Justice Murphy provide to support his his assertion above (regarding the reason for the internment)? Provide three examples.</p> <ol style="list-style-type: none"> 1. 2. 3. |
| <p>The judicial test of whether the Government, on a plea of military necessity, can validly deprive an individual of any of his constitutional rights is whether the deprivation is reasonably related to a public danger that is so "immediate, imminent, and impending" as not to admit of delay and not to permit the intervention of ordinary constitutional processes to alleviate the danger. Banishing from a prescribed area of the Pacific Coast "all persons of Japanese ancestry, both alien and non-alien," clearly does not meet that test. Being an obvious racial discrimination, the order deprives all those within its scope of the equal protection of the laws as guaranteed by the Fifth Amendment. It further deprives these individuals of their constitutional rights to live and work where they will, to establish a home where they choose and to move about freely. In excommunicating them without benefit of hearings, this order also deprives them of all their constitutional rights to procedural due process.</p> | <p>What does Justice Murphy say is the standard that must be met before the government can deprive citizens of their constitutional rights?</p> <p>Which constitutional rights were violated by the internment order (list three):</p> <ol style="list-style-type: none"> 1. 2. 3. |

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|---|---|
| <p>The military necessity which is essential to the validity of the evacuation order thus resolves itself into a few intimations that certain individuals actively aided the enemy, from which it is inferred that the entire group of Japanese Americans could not be trusted to be or remain loyal to the United States. No one denies, of course, that there were some disloyal persons of Japanese descent on the Pacific Coast who did all in their power to aid their ancestral land. Similar disloyal activities have been engaged in by many persons of German, Italian and even more pioneer stock in our country. But to infer that examples of individual disloyalty prove group disloyalty and justify discriminatory action against the entire group is to deny that under our system of law individual guilt is the sole basis for deprivation of rights.</p> | <p>In this section, what Does Justice Murphy claim is the argument the government used to intern all Americans of Japanese ancestry?</p> <p>What does Justice Murphy believe is the problem with this argument?</p> |
| <p>Moreover, this inference, which is at the very heart of the evacuation orders, has been used in support of the abhorrent and despicable treatment of minority groups by the dictatorial tyrannies which this nation is now pledged to destroy. To give constitutional sanction to that inference in this case, however well-intentioned may have been the military command on the Pacific Coast, is to adopt one of the cruelest of the rationales used by our enemies to destroy the dignity of the individual and to encourage and open the door to discriminatory actions against other minority groups in the passions of tomorrow.</p> | <p>Why, according to justice Murphy, was the internment (and the arguments the government used to carry it out) particularly wrong in the context of World War II?</p> |

In 1976 President Gerald Ford repealed Executive Order 9066 and in 1988 Congress passed a law providing for each survivor of the internment to receive \$20,000.

In a paragraph of between 100-150 words, explain why Justice Murphy's arguments are still relevant to us today. Please use specific modern examples to demonstrate the continuing relevance of his arguments.