The Korematsu vs. the United States Government:

Born immigrant parents in Oakland, California, Fred Korematsu was a Nisei (second generation Japanese-American) and an American citizen. He was 22-years-old in 1942 when General DeWitt ordered everyone of Japanese ancestry in the Western United States to report to assembly centers. But Korematsu was in love with an Italian-American girl and decided he did not want to leave his home near Oakland.

After refusing to report for internment, Korematsu changed his name and even underwent eyelid surgery to make him look less Japanese. On May 30, 1942, however, government authorities finally tracked him down. They arrested him for remaining in a military area barred to anyone of Japanese ancestry.

After his conviction in a federal court, the judge sentenced Korematsu to five years probation. The military immediately took him into custody, however, and sent him to the relocation camp at Topaz, Utah. The American Civil Liberties Union (ACLU) persuaded Korematsu to appeal his case.

As you read label arguments in favor of Korematsu with a "K" and arguments for the US government with a "US."

When Korematsu's case reached the Supreme Court in October 1944, the attorneys for the government pointed to the constitutional war powers of Congress and the president. The government argued that the military must take all steps necessary to wage war successfully. In the view of President Roosevelt, the War Department, and General DeWitt, the internment of all Japanese Issei (first generation Japanese immigrants) and Nisei was a "military necessity."

The government attorneys further argued that there was not enough time to hold hearings or trials to determine who was and was not loyal. The attorneys presented a report from General DeWitt, which repeated many of the unproved rumors about Issei and Nisei disloyalty. The government also cited those in the camps which had refused to sign the loyalty oath.

Attorneys for the American Civil Liberties Union and the Japanese American Citizens League represented Korematsu. They argued that there was no military necessity for removing and imprisoning all persons of Japanese ancestry without a hearing or trial.

Korematsu's attorneys showed that during the nearly four months between Pearl Harbor and General DeWitt's first evacuation order, not one person of Japanese descent had been convicted of espionage or sabotage. The attorneys stated that instead of uprooting 120,000 men, women, and children from their homes, the government simply could have barred them from specific military and industrial sites.

If military necessity was not the reason for the evacuations and imprisonments, as Korematsu's lawyers argued, what was? They charged that General DeWitt accepted the prejudiced views of those hostile to the Issei and Nisei and was himself a racist.

To prove their point, they quoted a statement DeWitt made before a congressional committee in 1943:

A Jap's a Jap. It makes no difference whether he is an American citizen or not. I don't want any of them . . . . They are a dangerous element, whether loyal or not . . . .

1. ***It is December 18, 1944, what should be the Supreme Court's decision?***

2. ***If the internment of the Japanese is found unconstitutional, should these Japanese-Americans be compensated for their losses, if so how much?***

Always EXPLAIN YOUR ANSWERS