

# Guest speakers refute WW II internment



Fred Korematsu and wife, Kathryn. photo by Ed Ledesma

by Craig Johnston  
Franklin Delano Roosevelt's executive order 9066 sent some 120,000 American citizens of Japanese descent into internment centers scattered across the Western United States.

After the sneak attack on Pearl Harbor, Japanese-Americans were widely perceived, both inside and outside government, as a threat to national security.

Despite the lack of any evidence proving a single incident of disloyalty, the Constitutional rights of these Americans were violated and their civil liberties revoked. Radios, transmitters, cameras and any other personal possessions that could be used for espionage or sabotage were confiscated on sight.

Whole families were uprooted from their homes on the West Coast and sent off to relocation camps enclosed by barbed wire. The act was termed "evacuation." The centers amounted to little more than concentration camps.

This marked the first time in American history that institutionalized racism became the stated policy of the federal government. People of Japanese descent were incarcerated without regard to their status as U.S. citizens. The preferred treatment did not extend to those of German or Italian descent, and the actions taken by the government were very popular with the American public. Racial tensions ran high and violence against Japanese-Americans was commonplace.

Fred Korematsu, Minoru Yasui and Gordon Hirabayashi fought the internment action all the way up to the U.S. Supreme Court and lost. Forty years later, they are finally beginning to get their due.

The Korematsu decision was recently overturned by a lower federal court in San Francisco and the Yasui and Hirabayashi cases are pending in the states of Oregon and Washington.

Korematsu and attorney Karen Kai, one of a large group of lawyers who have worked on his case, were on hand at De Anza to discuss the plight of the Japanese internment as part of Asian Pacific American Cultural Month, April 25.

Their presentation followed

the film, "Unfinished Business: The Japanese Internment," which chronicled the struggle of the three men, shown the day before.

"I'm speaking to you because it is important that people hear about what happened and to not let it happen again," said Korematsu.

Kai told the gathering that the decision was of great importance because it "affirmed the policy of racial discrimination" and set up the principles regarding "military necessity." Because of the effects and controversial nature, the case has become one of the 15 most studied by aspiring lawyers and law students.

The cases were reopened after damaging new evidence was uncovered. While researching the decision made in the landmark case, law Professor Peter Irons came across evidence that the government prosecutors had repressed some 40 years earlier.

The most telling piece found was a footnote to the brief submitted to the court, which stated the government lied and misused the facts in the case, and that Japanese-Americans were not a security risk.

A Writ of Error Corum Nobis, a little-known facet of criminal law brought the three cases back into the judicial system for appeal.

In 1983 the Korematsu ruling was overturned by Judge Marilyn Patel in Federal District Court of San Francisco. In her written opinion of the case, Patel so strongly criticized the government that the case was appealed to a higher

court. This action put Korematsu in good legal standing for the first time in 40 years but also exhausted further legal action on his part. The legal precedent of Korematsu vs. The United States still stands because it was beyond the lower court's power to reverse the Supreme Court decision.

Also, under the special writ, no financial redress could be levied so none of the men will ever be able to receive reimbursement for the losses they have suffered.

Korematsu, now 65, is still an

active participant in the battle to gain compensation for the 120,000 who suffered as a result of the executive order.

To date, the government has never admitted any wrongdoing in connection with the internment, and the active defense put forth in each of these cases demonstrates the lengths it will go not to admit misconduct.

"We have to speak up and make sure this doesn't happen again," concluded Korematsu.

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