

Korematsu v. United States
313 U.S. 214 (1944)
Law and Individual Rights
Mr. Krieger

After Pearl Harbor was bombed in December 1941, the American military became concerned about an attack from the Japanese on the mainland of the United States. There were many people of Japanese descent living on the West Coast at the time and the American government was worried that they might help the enemy, Japan.

At the time there was no proven case of espionage or sabotage on the part of Japanese or Japanese Americans in the United States. Still, in February 1942, General DeWitt, the commanding officer of the Western Defense Command, recommended that "Japanese and other subversive persons" be removed from the West Coast. President Franklin D. Roosevelt soon signed Executive order 9066, which allowed military authorities to enact curfews, forbid people from certain areas, and to move them to new areas. Congress then passed a law imposing penalties for people who ignored these orders. Many Japanese and Japanese Americans on the West Coast were moved to camps farther inland. This was called internment. Japanese Americans were forced to sell their homes and personal belongings and to move to the camps. They were required to live in very basic camps or barracks, many of which did not have running water or cooking facilities.

Fred Korematsu was a U.S. citizen. He was born in America of Japanese parents. He tried to serve in the United States military, but was rejected for health reasons. Later, he worked in a shipyard. When the Japanese internment began in California, Korematsu moved to another town. He also had some facial surgery and claimed to be Mexican-American. He was later arrested and convicted of violating an order that banned people of Japanese descent from the area of San Leandro, California, which had a large military facility.

Korematsu challenged his conviction in the courts. He said that Congress, the President, and the military authorities did not have the power to issue the relocation orders. He also said that because the order only applied to people of Japanese descent, the government was discriminating against him on the basis of race.

The government argued that the evacuation of all Japanese Americans was necessary to protect the country because there was evidence that some were working for the Japanese government. The government said that because there was no way to tell who was loyal and who was not, it had to treat all people with Japanese ancestors as though they were disloyal. The federal appeals court agreed with the government. Korematsu appealed this decision and the case came before the U.S. Supreme Court.

*****Answer the following question on a separate sheet of paper. Your response should be one to two paragraphs.

In times of war, governments often must balance the needs of national security with the civil rights of its citizens. In your opinion, did the Japanese internment order find the right balance between these competing values? Explain your reasons.