

Korematsu v. United States (1944) Name: _____

The Japanese Internment

On December 7, 1941, during the early part of World War II, Japan bombed the U.S. naval base at Pearl Harbor in Hawaii. The next day, the U.S. declared war on Japan. Japan was capturing many islands and territories around the Pacific Ocean, and the U.S. military was concerned about the safety of the west coast of the United States. Worried that people with Japanese ancestry might be loyal to Japan and become spies, the U.S. military issued an "exclusion order" for certain regions on the west coast. It required everyone with Japanese ancestry—even U.S. citizens—to leave the area and live in a military-controlled detention center. These centers were known as "internment camps." Fred Korematsu, an American-born U.S. citizen with Japanese parents, refused to relocate. He was arrested for violating the exclusion order.



ISSUE
Is it constitutional to target only people of one race and violate their civil rights?
DECISION
Yes, if the targeting is during wartime and it's impossible to identify particular suspects.

The Argument

Korematsu followed the same arguments used a year earlier by a man of Japanese ancestry who had refused to obey a curfew. The Court had upheld the curfew. Still, Korematsu argued the new order was unconstitutional because it discriminated against people based on their race. He argued that the government violated the 5th Amendment, which says no person may be "deprived of life, liberty, or property without due process of law."

The Decision

The Supreme Court disagreed. In an earlier case, the Court had said that in normal circumstances racial discrimination is unconstitutional, but the situation during the war with Japan was different. The Court pointed to evidence showing that some members of the Japanese community were disloyal. Because the military said it was impossible to single out the disloyal people, the Court said it was constitutional to isolate the whole group. "Korematsu was not excluded... because of hostility to him or his race," the Court said. "He was excluded because we are at war with the Japanese Empire [and our] military authorities... feared an invasion of our West Coast..." The Court refused to look back with "the calm perspective of hindsight" and second-guess what the military did during a time of urgent threat.



Justice Black wrote the Court's opinion



Japanese internment camp run by the U.S. government. Courtesy Library of Congress.

So What?

This case meant that during wartime it was okay for the U.S. government to violate people's civil rights just because they looked like the enemy. In the years since, this opinion has met with severe disapproval. The issue took on new life after the terrorist attacks on September 11, 2001. Many people were concerned that people's rights would be violated just because they looked Middle Eastern. In 2004, two American citizens being held as "enemy combatants" challenged the government's right to keep them in prison without the opportunity to tell a judge their side of the story. The Court said those prisoners had the right to go before a judge. Even so, the rights of people who look like the enemy during wartime are still unclear.