

## Personal Interview with Karen Korematsu

Interviewer: Hi Ms. Korematsu, nice to meet you. I am interested in asking you about your opinion about the case on your father, Mr. Korematsu. In your opinion, how were individual civil liberties impacted by the decision made in *Korematsu v. United States*?

Korematsu: Are you talking about when the case was overturned or the original decision?

Interviewer: The original decision.

Korematsu: Well the original decision by the Supreme Court in 1944 you have to remember was not unanimous. It was a 6 to 3 decision. Basically, the Supreme Court majority was agreeing with the mass removal of anyone, even Americans, of Japanese ancestry into concentration camps - American concentration camps just because they looked like the enemy. This was the premise they were agreeing upon. They said that it was a military necessity- that was the term that was being used then. Now we refer to it as national security. The important point and what I focus on in the original decision is the 3 dissenting opinions. Justice Jackson, for instance, referred to my father's Supreme Court case as a loaded weapon lying around that anyone could pick up - meaning that they could cite the Supreme Court case as a reason to again force remove anyone of one ethnic group or any group of people as the government so wished. Certainly they tried to do that after 9/11. My father's Supreme Court case, *Korematsu v. United States*, was cited as a possible basis to round up Muslim or Arab Americans and put them in concentration camps. The other dissenting Justices referred to the decision as racist. Those are the kind of points that need to be raised. Even though my father's conviction was overturned in 1983, which cleared his criminal record, there was no basis to appeal all the way to the Supreme Court. The Supreme Court decision still stands. The decision has been discredited, but it is still considered good law. It can be cited as a precedent in another matter.

Interviewer: Going with this, do you think that the decision that was made under the circumstances of wartime was wrong?

Korematsu: Yes, I do because 2/3 of the 120,000 people that were incarcerated were American citizens and their due process was totally stripped away. We have under the 4<sup>th</sup> and 14<sup>th</sup> amendment these rights. Since it was a military necessity there were no charges, no day in court, no access to an attorney, and no hearings. That's wrong for this country. Even in times of war we need to be mindful of our Constitution and our amendments. It was really hysteria that allowed for this kind of treatment.

Interviewer: How do you think that the government should have handled this - how should they have balanced what they thought was the "enemy race" and protecting national security?

Korematsu: Well they should have gone by some of the recommendations that were given at the time. The recommendations that were given were that if they were suspicious then they could

certainly bring them in for questioning, but they still have rights. They should still have an attorney. They have rights no matter what and they should not have had them violated under any condition. In fact, the military even had the information at the time of the incarceration from the Pringle report that was issued by the Navy that said that there was no evidence of espionage or spying. Even J. Edgar Hoover sent a memo to the Department of Justice to say that there was no evidence of espionage. Clearly they had this information by decided to sweep it under the rug. General DeWitt said that they didn't have time to determine who is loyal and who is not loyal. That was just an excuse. The evidence did show when my father's case was overturned in 1983 clearly the evidence was there and actually the Department of Justice at the time of my father's Supreme Court case withheld evidence, destroyed evidence and altered evidence regarding the military necessity.

Interviewer: Do you think that the Supreme Court went off of DeWitt's *Final Report* as a matter of convenience so that they could support President Roosevelt's decision to pass Executive Order 9066?

Korematsu: Yes, I think that it is correct and that it was a matter of convenience and the government, especially the military, never likes to admit that they're wrong.

Interviewer: Great thank you so much!