

United States Supreme Court

Fred Korematsu

Plaintiff and Petitioner

v.

United States Supreme Court

Defendant and Respondent.

ARGUMENT

Your Honors and members of the court, our names are Sarah Murphy and Katherine LaPonte and we are the Prosecuting Attorneys representing Fred T. Korematsu. Fred Korematsu broke the Civilian Exclusion Order No. 34 by not going to the internment camps on May 9th 1942 and hiding in San Leandro, CA. He was found guilty, but Korematsu appealed his case because he believed the verdict was unconstitutional. His case was appealed to the Appellate court and later the Supreme Court. No person shall be denied life, liberty, or property without due process of law, despite wartime necessity, as protected by the 5th amendment. Immediately after Japan bombed Pearl Harbor, Congress and President Franklin D. Roosevelt empowered military authorities to enforce Executive Order 9066. This order gave the military power to exclude all people of Japanese decent, living on the West Coast, to internment camps without a fair trial. In time of war, the militia has the right to put forth a protection plan to prevent public danger, in this case espionage and sabotage, however there was no

substance or support towards this claim. This leads us to believe that these actions were unconstitutional and based on racial discrimination.

Therefore, I ask you to find the U.S. Government guilty for breaking the 5th amendment. The U.S. government did not give the Japanese due process of law, racially accused the Japanese of un-loyal wrong-doing, and deprived of life, liberty, and property.

Our first point proves that the United States Government never provided due process of law to the Japanese Americans, which states everyone deserves a fair and equal trial when accused of a crime. Unless it is wartime necessity and there is proof of probable cause, such as in this case, public danger. The 120,000 Japanese Americans should have been given a fair and equal trial before being sent to Internment Camps. There was no evidence of immediate public danger, sabotage, espionage, or invasion to the United States. The information presented is based on falsehoods and adverted truths which were accusations made towards the Japanese race before the attack on Pearl Harbor. It seems that this order was set based on prejudice emotions and beliefs more than actual evidence and facts.

This leads us to our second point that the Japanese Americans were accused of betraying the United States based on racial hostility, considering that their appearance was identical to the enemy. Your Honor, the United States was not only at war with Japan but also with Germany and Italy, however people of German and Italian decent in the United States, weren't imprisoned in any way without reasoning and due process. The only reasoning that can support this bias decision is that Japanese Americans are easier to identify than someone of German and Italian decent. Racial discrimination against

Japanese is not a new concept. These discriminatory actions were in place before the attack in Hawaii. This terrorist attack gave our citizens a reason to express their disgust with the Japanese. Following the attack, false stories of disloyal acts about the Japanese Americans were published in newspapers which encouraged the public to fear and despise these people.

Our final point is the U.S. Government restricted the Japanese of their life, liberty, and property without due process of law. The U.S. Government claimed that because of the circumstances, there was no time for a trial to determine who was loyal and disloyal among the group of Japanese Americans. However, there was no proof presented that shows that there was immediate public danger when the Japanese Americans were sent to the Internment camps. Their jobs, homes, and everyday activities were taken away. The only evidence that was presented is the Loyalty Questionnaire asking if you are willing to volunteer for the Army Nurse Corps and if you swear unqualified allegiance to the United States and forswear any form of allegiance to the Japanese Emperor. This is not enough proof to determine the loyal from the disloyal. Furthermore, the Constitution is the Rule of the Law. Defying this document goes against everything our nation has fought for. The Constitution was created to protect all citizens, no matter their race.

Your Honors, please find the United States Government guilty of breaking the fifth amendment by withholding due process of law and restricting Japanese Americans of their life, liberty, and property. Executive Order 9066 was created and built on racial discrimination not military necessity, not disloyalty, and not doing what is best to protect the United States. Every citizen of the United States deserves a fair and equal trial and

protected by the Bill of Rights in the United States Constitution. Not one of us is different or should be treated unfairly. Please give Fred Korematsu the justice he deserves. Thank you.

Respectfully submitted,

Katherine LaPonte
Sarah Murphy

Attorney's at Law,

Representing Fred Korematsu

United States Supreme Court

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ARGUMENT

Your Honor and members of the court, our names are Dante Rotchford and Rhylan Anderson and we are the Defendant attorneys representing the United States Government. Fred Korematsu admitted to breaking the Civilian Exclusion Order No. 34, a law under the Executive Order 9066. In the Federal Courts, Korematsu has been found guilty. He is now appealing the case claiming that he did not receive justice. His case was appealed to the Appellate court and later the Supreme Court. The Executive Order 9066 states that the US Government has the right to protect against possible espionage and sabotage, and that is exactly what the US Government did. Fred Koremastu is claiming that the the 5th amendment has been broken and that the Japanese Americans did not receive Due Process of law, however the 5th amendment supports that during war time necessity, life, liberty, and property can be restricted due to public danger. Please find the U.S. Government innocent on the account of breaking the 5th amendment. The U.S. Government had the authority from the president and war powers from Congress to do everything in their power to protect America during war from disloyal citizens, internal sabotage and espionage, and provide safety from future attacks.

Our first point shows that we can not dismiss Congress and military judgement that there were disloyal citizens. Due to this critical hour, it was impossible for the US Government to decide who was loyal and disloyal among the 120,000 Japanese Americans. The only way to quickly protect others from another attack was to exclude the whole group. The U.S. Government found that after giving the Loyalty Questionnaire, 5,000 people with Japanese ancestry refused to swear loyalty to the US and renounce their citizenship to the Japanese Empire. 7,000 wanted to return to Japan. Based on these results and the immediate danger America was placed under, the government did what was right at that moment in time and placed the Japanese Americans into internment camps.

This brings us to our second point, the 5th amendment has not been broken because it explicitly says that in time of war, the US government is allowed to restrict someone's

life, liberty, and property in order to protect against public danger, espionage, and sabotage. The Pearl Harbor attack killed 2,403 Americans and injured over 1,000. This is not including the 18 ships and 5 battleships that were sunk. This is a very devastating and tragic memory for America and the public became scared of what would happen next. Such as the fear that another attack would happen in San Francisco or Los Angeles. This brings us to our point that the U.S. Government has enough proof that they had to contain the hysteria and chaos that was spreading throughout the West Coast. Newspapers and reporters shared stories of various situations of current Japanese citizens taking part in espionage and sabotage against America. The internment camps put a stop to these claims and possible dangerous situations that would put everyone at risk. This proves that the U.S. Government did follow the 5th Amendment and put a protection plan in place immediately after the attack to protect America.

Our final reason supports that the Exclusion Order was not created to exclude groups of people but to protect from future attacks. U.S. Government did not send Korematsu to the concentration camp on hostility to his race, but primarily because the US was at war with the Japanese Empire. By stating that the U.S. Government's actions were solely based on racial prejudice dismisses Military and Congress's judgement that America was in danger. The militia did find evidence that some were disloyal, but time was short and decisions had to be made quickly. In conclusion, it is rare that the U.S. Government would ever exclude a large group of people, but during times of war and National danger, the U.S. Government must act quickly to keep America safe.

Your Honor, please find the United States Government innocent for breaking the 5th Amendment. Although the 5th amendment does state that each individual deserves due process of law, it also states that during time of war, life, liberty, and property can be restricted or taken away when there is public danger. Executive Order 9066 was created to protect America from espionage and sabotage, future attacks, and disloyal citizens. It was not created to exclude or hold racial hostility to certain groups of people. Evidence was presented that there were disloyal members and with time being short, immediate actions were taken. The actions of the U.S. Government are justifiable given the circumstances they were in. Please find the U.S. Government not guilty, for their actions were based on protecting America. Thank you.

Respectfully submitted,

Dante Rotchford
Rhylan Anderson

Attorney's at Law,

Representing United States Government