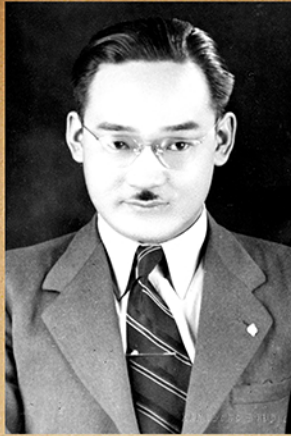
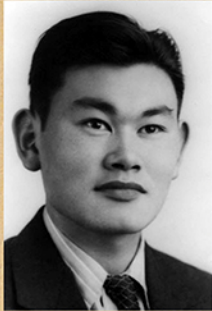


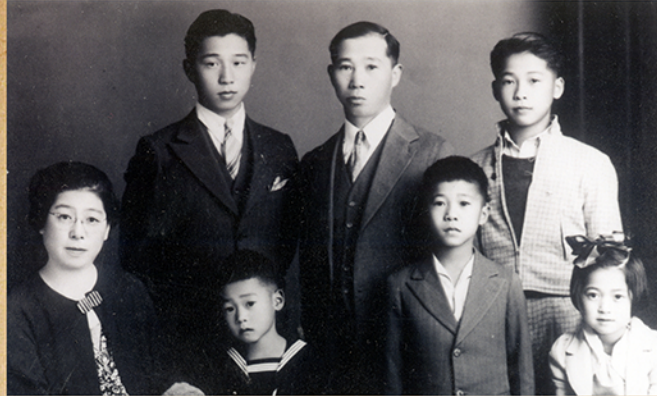
SEEKING JUSTICE



Minoru Yasui was an attorney in Oregon and Second Lieutenant in the Army's Infantry Reserves at the outbreak of World War II. Mr. Yasui tried to report for military duty on nine occasions but was rejected. He turned himself in to a police station after 11 pm to test the constitutionality of the curfew applicable to only Japanese Americans. He was incarcerated in Multnomah County Jail and sent to the Minidoka War Relocation Center in Idaho. After the war, he practiced law in Denver, Colorado, and served as Executive Director of the Commission on Community Relations from 1967 to 1983. He was JACL's Redress Chair in 1981. Gift from True Yasui to the Japanese American National Museum



Fred Korematsu was convicted of violating General DeWitt's Civilian Exclusion Order No. 34 for remaining in San Leandro, California, instead of reporting to the Tanforan Assembly Center as required. Mr. Korematsu challenged the exclusion order on the grounds that it violated his Constitutional rights to due process and equal protection of the laws. The U.S. Supreme Court affirmed the lower courts and upheld the conviction of Mr. Korematsu. The Court deferred to the military's judgment that internment was justified by military necessity to prevent espionage and sabotage. Justices Frank Murphy, Robert Jackson and Owen Roberts dissented. Justice Murphy stated, "Racial discrimination in any form and in any degree has no justifiable part whatever in our democratic way of life. It is unattractive in any setting but it is utterly revolting among a free people who have embraced the principles set forth in the Constitution of the United States." Above right, President Bill Clinton presents Fred Korematsu with the Presidential Medal of Freedom, our nation's highest civilian award. President Clinton stated, "In the long history of our country's constant search for justice, some names of ordinary citizens stands for millions of souls - Plessy, Brown, Parks. To that distinguished list, today we add the name of Fred Korematsu." Both images, gift from Karen Korematsu Haigh to the Japanese American National Museum



Hirabayashi Family pictured in 1934 - Front row: Mitsu, Richard, James, Esther; Back row: Gordon, Shungo, Edward. James Hirabayashi Collection

The Hirabayashi family was interned at the Pinedale Assembly Center, except for Gordon who turned himself in to the Federal Bureau of Investigation to test the constitutionality of the exclusion order. The government added a charge for a curfew violation. Gordon's parents, Mitsu and Shungo, were permitted to attend the trial in Seattle, Washington, but were housed at the jail when not in court. Gordon was convicted of both counts. Gordon's case and that of Minoru Yasui went to the U.S. Supreme Court, which upheld the constitutionality of the curfew restrictions on June 21, 1943.



In the 1980s, a dedicated team of attorneys, including Peter Irons, Dale Minami, Donald Tamaki, Lorraine Bannai and Dennis Hayashi fought to have the criminal convictions of Fred Korematsu, Gordon Hirabayashi and Min Yasui vacated. They succeeded through an extraordinary writ of error coram nobis (Latin for "the error before us"), a common law writ to invalidate a criminal conviction after the sentence has been served to prevent obvious injustice. Like their predecessors, the coram nobis attorneys represented their clients without charge. At left, front row: Dale Minami, Don Tamaki and Peter Irons; back row: Fred Korematsu, Gordon Hirabayashi and Minoru Yasui. Crystal Huie provided by Dale Minami



Mitsue Endo was interned at a War Relocation Center in Topaz, Utah. She challenged certain "leave" procedures which permitted detainees to relocate within the interior of the United States if certain conditions were met, including a showing that "public sentiment" at the detainee's proposed destination had been investigated and approved. A unanimous Supreme Court granted the petition for habeas corpus and struck down the regulation. Attorney James Purcell represented Miss Endo without charge. The Supreme Court issued the Korematsu and Endo decisions on December 18, 1944, a day after the War Department terminated its policy of exclusion and internment of Japanese Americans. California State University Sacramento

"Korematsu . . . stands a constant caution that in times of war or declared military necessity our institutions must be ever vigilant in protecting constitutional guarantees. . . . in times of international hostility and antagonism, our institutions, legislative, executive and judicial, must be prepared to exercise their authority to protect all citizens from the petty fears and prejudices that are so easily aroused." Judge Marilyn Patel granting Korematsu's petition, 1984

遅すぎた正義