

# Case Brief

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Name:

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# CASE BRIEF

## Title and Citation

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Korematsu v. United States No.22. Supreme Court of United States.

## Facts of the Case

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The case *Korematsu v. the United States* (1944) kept in force the guilty verdict for Fred Korematsu for violating an order of exclusion of evidence in the time of the World War II. After the Pearl Harbor event, the US President Franklin Roosevelt issued an order, the Executive Order 9066, that allowed a military secretary and war commanders to designate the military areas in some places. Under the Order, Fred Korematsu and his family could not avoid the relocation. The petitioner was taken to the relocation center in Tanforan, San Bruno. He was charged of violating the military order having received a 5-year probation sentence. Due to these circumstances, his entire family was relocated to the Internment Camp in Utah. Further, the guilty verdict was appealed by Korematsu to the Court of Appeals that had upheld the order of exclusion and accusation. As a consequence, the Supreme Court agreed to review the appeal.

## Issues

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Did the Executive Order with regard to the case of Korematsu infringe the Fourteenth Amendment prohibiting the limitations to the liberty, property and life of any US citizen without due process of law? Was the Order with respect to the petitioner justified by the reference to the Fifth Amendment because of the war time conditions as the basis for violation of Korematsu's constitutional rights by the President or Congress?

## Decisions

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The Supreme Court upheld an order that excluded individuals of the Japanese ancestry from the military zone of the West Coast during the World War II. Hugo Black, the justice, delivered the opinion of the Court. The justice stated that the legal restrictions on the single racial group rights would be "suspected" always and that the courts should subject them to the strict scrutiny. Therefore, they were not unconstitutional necessarily. The Order imposed the hardships that were upon a large group of American citizens.

## Reasoning

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The decisions of the case were made according to the Hirabayashi Act as the background for the delegation of power. It was concluded that the order of curfew was beyond the powers of war in the Congress as well as the militaries. The President applied for the order that was against the people of Japanese origin and none of them could amount to the discrimination that was prohibited on the race account. Such justification may be considered as valid. The curfew order can be upheld as the government power exercise for the prevention of the sabotage and espionage in the zone that was threatened by the attack of Japanese people.

## Separate Opinions

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It was supposed by the US government that the legal restrictions were curtailing the civic rights of a specific racial group and they were suspected at once. This issue means that the restrictions could have been unconstitutional. Nonetheless, these restrictions could be justified by the public necessity. One of the proclamations was promulgated in accordance with some executive orders. The petitioner had not been accused to report his remaining in the relocation center. This may be stated as an opposite view.

On the other hand, the judge Steven Glay stated that the officials were governed by the principle that the full race should be called a "classification of suspect." In this regard, the government violated the

rights of Japanese people, to a certain extent, because of the military and safety considerations. Many people of Japanese ancestry could have been disloyal to the US state and the militarymen were feeling that the full control of these people was needed in the time of war.

## Analysis

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Based on the case, it is evident that the government can impose the limitations and denies some rights and benefits to US citizens of a particular race. While such actions could be defined as unconstitutional, they could be arguable as well. In the described circumstances, the government could be allowed to act the way it acted in Korematsu case whereas the ultimate objective seemed justified by the safety of general public in war time. Regardless of that the case emphasized on the aspect of race, this rationale can be dubious. Indeed, Korematsu was not relocated from the area of militaries because of the probation sentence as a punishment that could be due to his ethnic origin, namely, Japanese. This factor is against the proclamations of the Fourteenth Amendment that guarantees the equal citizenship rights to people of different racial origins within the US borders. To be more precise, this Amendment prohibits limitations of citizen-related privileges by the state unless the legal procedure is held in the courtroom that allows such abridgement. The similar rights and freedoms are granted by the Fifth Amendment. However, the war with the Japanese was the reason of the exclusion of Korematsu, and the military authorities referred to

the Executive Order 9060 in order to eliminate the possibility of the West Coast invasion. Hence, the justification for the guilty verdict can be based on the remark from the Fifth Amendment that emphasizes an opportunity of exclusion from the law in case of “in time of war or public danger.” The Congress was reposing its confidence in the war time in the leaders that were the militaries. The Court of Appeals’ judgment was recognized by the Supreme Court. For this reason, the ruling of the appeal court that supported the previous verdict was justified, even though the issue of racial discrimination was concerned.

