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Many decades after Fred Korematsu resisted an unjust law, forcing him and other Japanese-Americans into internment camps, President Clinton awarded him the Medal of Freedom.

Fred Korematsu, a 22-year-old Japanese-American born in the United States on the 30th of January in 1919, was working as a welder in a Bay Area shipyard when his family was told they had to leave their home and nursery business. Fred, the youngest of four sons, thought the government's order was ridiculous.

He had a girlfriend and was happy with his life. What had he done wrong? Why should he go to the Tanforan assembly center with the rest of his family? What good could come of such upheaval?

Fred decided to ignore the evacuation orders. He'd already undergone facial plastic surgery so he would not be ostracized when he married his girlfriend who was of Italian descent. He altered his draft registration card to claim Spanish-Hawaiian ancestry, and said his name was Clyde Sarah.

Those efforts did little good. It is believed someone turned him in to the FBI, and Fred was arrested on a street corner in 1942.

He was jailed in San Leandro on May 30, 1942. A few days later, someone from the American Civil Liberties Union visited him in jail. The ACLU was looking for a plaintiff to file a test case against the United States for its internment policy.

Fred, meanwhile, was found guilty in federal court of ignoring the exclusion order. He was given five year's probation and sent to Topaz, an internment camp in Utah.

Topaz, like other relocation camps, was a crowded place where barracks were built nearly on top of each other. Despite the goal of having running water and plumbing facilities in each barrack-apartment, that never happened.

Korematsu's civil case went all the way to the Supreme Court, where it was argued, and decided, in 1944. In a 6-3 decision, with Hugo Black writing the majority opinion, America's high court upheld Korematsu's conviction, effectively ratifying the relocation order. The government was justified, according to Black, because it needed to combat sabotage and espionage.

In a blistering dissent, Justice Frank Murphy said:

This exclusion of "all persons of Japanese ancestry, both alien and non-alien," from the Pacific Coast area on a plea of military necessity in the absence of martial law ought not to be approved. Such exclusion goes over "the very brink of constitutional power" and falls into the ugly abyss of racism...Justification for the exclusion is sought, instead, mainly upon questionable racial and sociological grounds not ordinarily within the realm of expert military judgment, supplemented by certain semi-military conclusions drawn from an unwarranted use of circumstantial evidence...

I dissent, therefore, from this legalization of racism. 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.

Gordon Hirabayashi, in a separate case before the Supreme Court in 1943, also lost a bid to have his conviction

overturned. Like Korematsu, during those years of exclusion, Hirabayashi (an American citizen attending the University of Washington) refused to comply with the relocation order.

His case came before the high court a year too soon. Near the end of the war, in *Ex parte Endo* (the only case involving a female plaintiff), the Supreme Court (on December 18, 1944) unanimously forbade any further internment of loyal Japanese-American citizens.

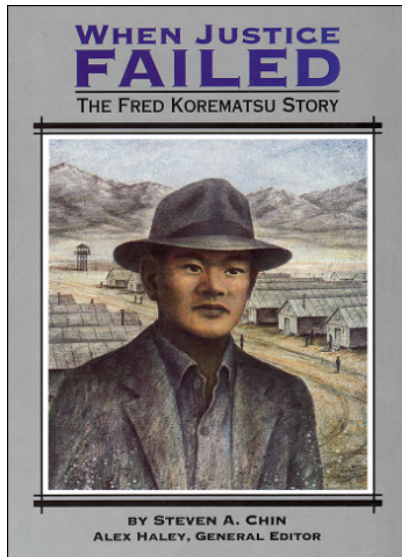
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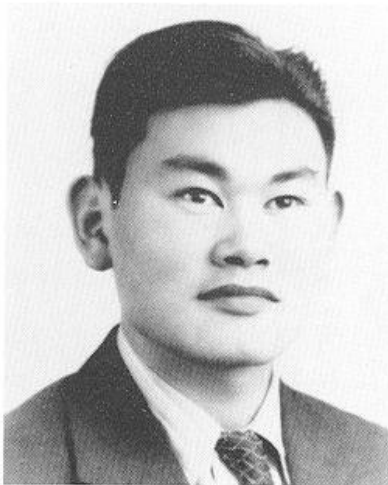


Fred Korematsu - When Justice Failed

When Justice Failed, Book Cover of ""When Justice Failed.""

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Fred Korematsu

Image of Fred Korematsu, online courtesy Historical Society of Pennsylvania.

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Fred Korematsu's Family

Korematsu family photo, online courtesy the Korematsu family via PBS.

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Photo of Fred Korematsu

Image online, courtesy the Korematsu family via the Asian American Bar Association of the Greater Bay Area.

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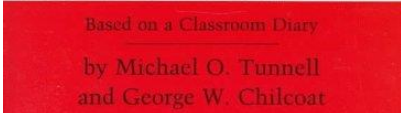
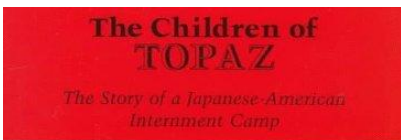


Korematsu Family

Korematsu family photo, online courtesy the Korematsu family via PBS (during its promotion of the documentary "Of Civil Rights and Wrongs: The Fred Korematsu Story.")

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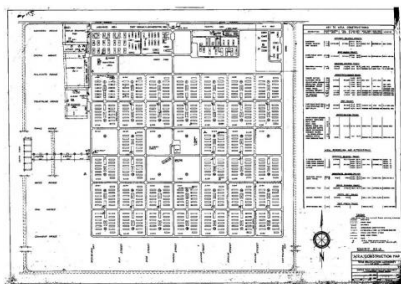
The Children of Topaz

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Layout of Camp Topaz

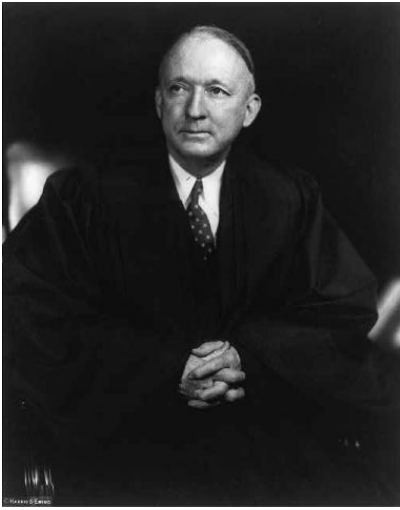
Work, described above, published by the Western Archeological and Conservation Center, National Park Service, U.S. Department of the Interior. Publications in Anthropology 74. 1999 (rev. July 2000).

Online, courtesy U.S. National Park Service.

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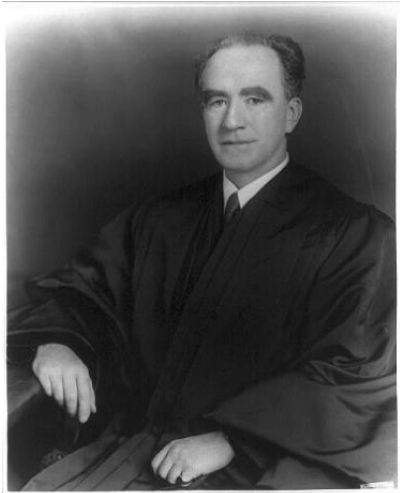
Hugo Black - Supreme Court Justice

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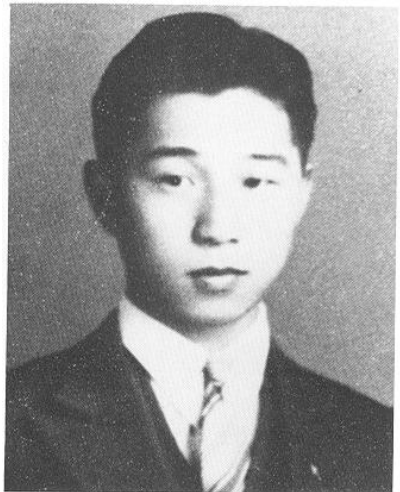
Frank Murphy - Supreme Court Justice

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Gordon Hirabayashi

Image of a young Gordon Hirabayashi, online courtesy Historical Society of Pennsylvania.

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