**Document D: The Korematsu Supreme Court Ruling**

*In 1944, Fred Korematsu, a Japanese American convicted of evading internment, brought his case to the Supreme Court. In a controversial ruling, the Court decided that national security outweighed Korematsu’s individual rights and upheld the constitutionality of Executive Order 9066. The excerpt below is from the Court’s majority opinion written by Chief Justice Hugo Black.*

We uphold the exclusion order. . . . In doing so, we are not unmindful of the hardships imposed by it upon a large group of American citizens. . . . But hardships are part of war, and war is an **aggregation** of hardships. All citizens alike, both in and out of uniform, feel the impact of war in greater or lesser measure. Citizenship has its responsibilities, as well as its privileges, and, in time of war, the burden is always heavier. **Compulsory** exclusion of large groups of citizens from their homes, except under circumstances of direct emergency and peril, is inconsistent with our basic governmental institutions. But when, under conditions of modern warfare, our shores are threatened by hostile forces, the power to protect must be **commensurate** with the threatened danger. . . .

To cast this case into outlines of racial prejudice, without reference to the real military dangers which were presented, merely confuses the issue. Korematsu was not excluded from the Military Area because of hostility to him or his race. He was excluded because we are at war with the Japanese Empire, because the . . . military authorities feared an invasion of our West Coast and . . . because they decided that the military urgency of the situation demanded that all citizens of Japanese ancestry be segregated from the West Coast temporarily, and, finally, because Congress . . . determined that our military leaders should have the power to do just this.

***Source:*** *Chief Justice Hugo Black,* Korematsu v. United States*, 1944.*





**Vocabulary**

aggregation: sum compulsory: mandatory commensurate: in proportion

**Document E: Personal Justice Denied**

*In 1980, Congress established the Commission on Wartime Relocation and Internment of Civilians to investigate the detention program and the constitutionality of Executive Order 9066. The Commission released its report* Personal Justice Denied: The Report of the Commission on Wartime Relocation and Internment of Civilians*, on February 24, 1983. The passage below is an excerpt from this report.*

The Commission held 20 days of hearings in cities across the country, particularly on the West Coast, hearing testimony from more than 750 witnesses: evacuees, former government officials, public figures, interested citizens, and historians and other professionals who have studied the subjects of Commission inquiry. An extensive effort was made to locate and to review the records of government action and to analyze other sources of information including contemporary writings, personal accounts and historical analyses. . . .

Executive Order 9066 was not justified by military necessity, and the decisions which followed from it—detention, ending detention and ending exclusion—were not driven by analysis of military conditions. The broad historical causes which shaped these decisions were race prejudice, war hysteria and a failure of political leadership. Widespread ignorance of Japanese Americans contributed to a policy conceived in haste and executed in an atmosphere of fear and anger at Japan. A grave injustice was done to American citizens and resident aliens of Japanese ancestry who, without individual review or any . . . evidence against them, were excluded, removed and detained by the United States during World War II.

***Source:*** Personal Justice Denied: The Report of the Commission on Wartime Relocation and Internment of Civilians*, February 24, 1983.*