



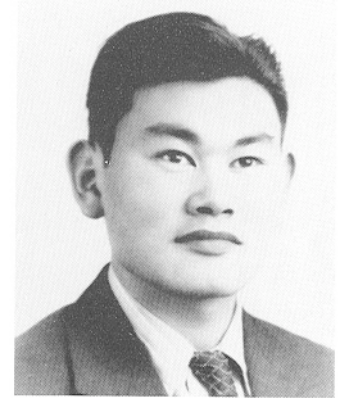
MOCK TRIAL

World War II and Japanese Internment

Should Fred Korematsu have to report to an internment camp for Japanese Americans?

Background

Born in 1919, Fred Toyosaburo Korematsu grew up in Oakland and was the son of Japanese immigrants. His family owned a rose nursery, and he attended Castlemont High School. In 1938, he attended the Master School of Welding and went to work on the Oakland docks as a steel welder, where he was quickly promoted to a foreman position.



On February 19, 1942, President Roosevelt signed Executive Order 9066 authorizing the military commanders on the West Coast to issue whatever orders were necessary for national security. Curfew and relocation orders soon followed. Although his family reported to an assembly center in San Mateo (the Tanforan racetrack) on May 9, 1942, twenty-two year old Fred Korematsu chose to resist the order.

With his Caucasian girlfriend, Mr. Korematsu planned to move inland to Nevada. He sold his car, threw away his California driver's license, and on his draft card changed his identity to Clyde Sarah, a Las Vegas born Spanish Hawaiian. Mr. Korematsu even had plastic surgery in an attempt to change his appearance. Nevertheless, the police stopped him on May 30, 1942 in San Leandro, California and turned him over to the FBI. Mr. Korematsu was charged with violating the military's exclusion order. A newspaper headline read, "Jap Spy Arrested in San Leandro."

The Executive Director of the American Civil Liberties Union of Northern California, Ernest Besig having heard of the Korematsu case offered to defend Fred Korematsu. Korematsu was convicted, but he appealed the decision and the case was eventually heard by the Supreme Court in 1944. Fred Korematsu's conviction was upheld by the Supreme Court of the United States, but over four decades later Fred Korematsu's case would be heard again...

Fred Korematsu Mock Trial—Roles

PROSECUTION (For Internment)

- **Victim of the attack on Pearl Harbor**

- **Lieutenant John L. DeWitt, head of the Western Defense Command**

- **Walter Lippman (NY Writer)**

- **Concerned U.S. Citizen**
Resident of Calif., worried about a West Coast attack.

- **Japanese American Internee**
Felt the experience was not bad.

- **English Citizen***
A victim of a German attack during WWII.

- **Constitutional Law Expert***
Has studied previous court cases involving the suspension of civil rights during wartime (habeas corpus).

- **Army Intelligence Expert*:**
Japan has intelligence in America (and Mexico).

- **Prosecution Attorneys (3)**

- **Media (4-6)**

DEFENSE (Against Internment)

- **FBI Director J. Edgar Hoover**
There is no need for mass evacuation

- **Japanese American Internee**
Felt it was a terrible experience.

- **College Professor / Expert:**
“Internment based on ethnicity or national origin is wrong.”

- **U.S. citizen:**
Believes there is unnecessary panic. Not worried that Japanese Americans might help Japan.

- **Fred Korematsu**

- **Hawaiian Japanese American***
Like almost all Japanese Hawaiians, was not interned.

- **Japanese American*:**
Japanese Americans (Nisei and Issei) are loyal.

- **Defense Attorneys (3)**

- **Judges (5 or more; must be odd number)**

*Secondary witnesses will also be part of the media. These are very small witness roles.

Grading

Your grade will be based on *two* factors:

- Your written notes (both before and during hearing) – 1/2
- Your individual contribution (evaluated by your firm or colleagues) – 1/2



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PROSECUTION ATTORNEYS
(For Internment)

DEFENSE ATTORNEYS
(Against Interment)

1. _____
2. _____
3. _____

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2. _____
3. _____

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MEDIA

JUDGES (must be odd number)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____