

LOCKE LORD DIVERSITY AWARENESS

May 2019: Celebrating the Life and Legacy of Fred Korematsu

During the month of May, Locke Lord LLP honors Asian American and Pacific Islander Heritage Month, a celebration of Asians and Pacific Islanders in the United States. A rather broad term, Asian/Pacific encompasses all of the Asian continent and the Pacific islands of Melanesia (New Guinea, New Caledonia, Vanuatu, Fiji and the Solomon Islands), Micronesia (Marianas, Guam, Wake Island, Palau, Marshall Islands, Kiribati, Nauru and the Federated States of Micronesia) and Polynesia (New Zealand, Hawaiian Islands, Rotuma, Midway Islands, Samoa, American Samoa, Tonga, Tuvalu, Cook Islands, French Polynesia and Easter Island).

This year we celebrate the life and legacy of Fred Korematsu, a man who never gave up fighting for civil rights.



Fred Toyosaburo Korematsu was born in Oakland, Calif., on January 30, 1919, the third of four sons to Japanese parents Kakusaburo Korematsu and Kotsui Aoki who immigrated to the United States in 1905.

When called for military duty during World War II, Fred Korematsu was formally rejected by the U.S. Navy due to "stomach ulcers," but it is believed he was actually rejected on the basis of his Japanese heritage. Having been prevented from serving in the U.S. military, he trained to become a welder so that he could contribute his services in support of the war effort. On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which authorized the removal of individuals of Japanese ancestry living on the West Coast from their homes and their mandatory imprisonment in internment camps.

Korematsu resisted the imposition of Executive Order 9066 and on May 30, 1942, was arrested and taken, along with his family, to the Tanforan Race Track Assembly Center in San Bruno, Calif., and later transferred to the Topaz incarceration camp in Utah. He challenged the military order of internment in the U.S. Supreme Court, which in 1944 upheld Korematsu's conviction, ruling that the forced removal of Japanese Americans was justified by "military necessity." In all, some 120,000 Japanese Americans were detained in internment camps in California, Idaho, Utah, Arizona, Wyoming, Colorado and Arkansas.

Korematsu spent the next four decades under the shadow of a disloyalty conviction that prevented him from finding full-time welding work. He never gave up on righting the wrong done to him. In 1983, Korematsu filed suit to reopen his case using evidence found by University of California, San Diego Professor Peter Irons. While researching a book on internment cases, Irons came across evidence that during Korematsu's trial the government had suppressed reports from the FBI and military intelligence, which concluded that Japanese American citizens posed no security risk. On November 19, 1983, a federal judge in San Francisco overturned Korematsu's conviction for resisting internment. In 1988, Congress passed legislation apologizing to internees and sent \$20,000 checks to every camp survivor, and, in 1998, Korematsu was awarded the Presidential Medal of Freedom.



Korematsu's legacy continues to the present day. As recently as 2018, U.S. Supreme Court Chief Justice John G. Roberts commented on the 1944 Korematsu case in his majority opinion: "Korematsu was gravely wrong the day it was decided, has been overruled in the court of history, and — to be clear — has no place in the law under the Constitution."

January 30 has been recognized as "Korematsu Day" in California, Hawaii, Virginia, Florida, Illinois, Michigan, Georgia, Pennsylvania and Utah.

The heart of Locke Lord lies within our people and the many different experiences and perspectives we share. We recognize, embrace and celebrate our differences and believe we can only provide our clients with the best possible representation if we reflect the diversity of the clients and communities we serve.

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