

Document D: The Korematsu Supreme Court Ruling

We uphold the exclusion order as of the time it was made and when the petitioner violated it...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 direst 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 properly constituted military authorities feared an invasion of our West Coast and felt constrained to take proper security measures, 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, reposing its confidence in this time of war in our military leaders -- as inevitably it must -- determined that they should have the power to do just this.

Source: *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 above is from the Court's majority opinion written by Chief Justice Hugo Black.*