

CARRYING ON *KOREMATSU*: REFLECTIONS ON MY FATHER'S LEGACY

KAREN KOREMATSU†

Five months before he passed away, my father, Fred Toyosaburo Korematsu, gave me a charge: continue his mission to educate the public and remind people of the dangers of history. At that time, I was running my commercial interior design firm. I was far from a public speaker, educator, and civil rights advocate. However, for the previous four years I had been traveling with my aging father as he spoke to audiences across the country. On numerous occasions, I heard him tell his story and witnessed how he shared his passion for promoting social justice and education. These reflections are a tribute to and a continuation of his efforts.

I

When I was a junior in high school, we studied World War II in my U.S. Government and History class. For one assignment, the teacher gave each of my classmates a different paperback book relating to the war. We were asked to read the book and deliver an oral report in front of the class. I don't recall the name of the book that I was assigned. However, what I clearly remember is the book report my friend Maya—who is *sansei*, third-generation Japanese American like me—presented that day.

Standing in front of the class, Maya announced the title of her book: *Concentration Camps U.S.A.* I wondered what that could be about, as I thought concentration camps only existed in Europe. To my surprise, she went on to describe a terrible time in history when, following the bombing of Pearl Harbor, the United States government forcibly removed 120,000 people of Japanese ancestry from their homes on the West Coast. At first, they were sent to makeshift detention assembly centers (prisons) that were nothing more than converted horse stalls at racetracks and fairgrounds up and down the West Coast. Three or four months later, the Japanese Americans were ordered to move again and transported by rail to ten permanent concentration camps in desolate areas across the United States, where the majority were imprisoned for the duration of the war.

Maya said that there was one man who resisted the military orders, and

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† Founder and Executive Director of the Fred T. Korematsu Institute.

his resistance led to a landmark Supreme Court case, *Korematsu v. United States*. The man, Korematsu, lost his case and the Court upheld his criminal conviction for defying incarceration. “That’s my name,” I thought as I felt 35 pairs of eyes on me. I figured that it must be a reference to some black sheep in our family. All I knew was that my last name was an unusual Japanese name. After class, I asked Maya, “Who is the Korematsu?”

“Your dad,” she said.

“No way,” I replied. “Someone would have told me!”

I ran home to ask my mother. She confirmed what Maya said: *Korematsu* was my father. When I asked why no one had told me, she said they had been waiting until I was older and could understand. Then she gave me the standard answer: you will have to wait until your father gets home and ask him.

At that time, my father worked two jobs, often until late in the evening, so this meant a long wait. When he finally came home at 8 PM that night, I told him what Maya had said. His response was brief. “It happened a long time ago. I did what I thought was right. The government was wrong.”

I saw the hurt wash over his face. I could only bring myself to ask one more question. I asked if he could vote, knowing how important voting was to my parents. He answered yes, and this gave me some reassurance. That was 1966, and we did not speak about his case again until 1982, when Professor Peter Irons visited my father.

II

My father, Fred Toyosaburo Korematsu, was born in Oakland, California on January 30, 1919. He was the third of four boys. His parents immigrated from Japan at the beginning of the twentieth century and purchased land in East Oakland before the California Alien Land Law of 1913 prohibited immigrants from buying land in the state. On this land, my grandfather built a house and greenhouse nurseries.

My father grew up like any other American kid. He loved spaghetti, hot dogs, hanging out with his friends, playing sports, and, as a teenager, driving cars. Like many other children of immigrants, he experienced discrimination. On a couple of occasions, in San Leandro, a small town adjacent to Oakland, proprietors swore at him, called him racist names, and told him to return to Chinatown “where [he] belonged.” Later, during the war, he tried to enlist in the U.S. National Guard and U.S. Coast Guard, but military officers turned him away because of his Japanese ancestry.

Nevertheless, my father found ways to help with the war effort. He attended welding school and worked in a shipyard that had a contract with the military. Because of his smaller stature, he could get into the hulls of

ships to weld. He was good at his job, and his supervisor even offered to recommend him for a promotion to become a supervisor himself.

On December 7, 1941, the Empire of Japan bombed U.S. naval ships at Pearl Harbor, Hawai'i, propelling America into World War II. My father was 22 years old. Immediately, he wondered if his parents would be in danger because they weren't American citizens. The next day, he was fired from his welding job because of his Japanese ancestry.

Two months later, on February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which gave the U.S. military authority to forcibly remove any person from the West Coast and imprison them in concentration camps across America until the end of the war. The order didn't specifically mention anyone of Japanese ancestry. Instead, the author authorized the Secretary of War and American commanders to designate particular areas of the United States as military areas where any or all persons may be excluded.

My father had studied the Constitution in his high school U.S. Government class and he knew that he had rights as an American citizen. He questioned how he could be put in a concentration camp and stripped of those rights when he had done nothing wrong. He thought that the Executive Order was unlawful because it denied him due process. And so, he decided to disobey the military orders mandating his relocation and detention.

My father changed the name on his draft card to what he said was a "Spanish Hawaiian" name, Clyde Sarah, to avoid being recognized as Japanese American. He moved to a boarding house near Oakland's Chinatown. He continued to go about his business, trying to get a welding job and blend in. Meanwhile, all other Japanese Americans along the West Coast, including my father's parents and his three brothers, were ordered to report to the detention assembly centers.

III

On May 30, 1942, about 30 days after Japanese Americans were forcibly removed, my father went to a corner shop in San Leandro to buy cigarettes. When he came out of the store to wait for his girlfriend, an Italian-American woman, the San Leandro police showed up. They approached my father and asked, "Have you seen any short Japanese person around?" He said no. Then the military police arrived, asked my father for identification, arrested him, and took him to the San Leandro jail. He never found out how he was discovered or if someone had turned him in.

The police didn't know what to do with my father. They moved him from San Leandro to the Oakland jail and then to a federal jail in San Francisco. There he had a visitor: Ernest Besig, the Executive Director of the

Northern California affiliate of the American Civil Liberties Union (ACLU). Mr. Besig wanted to bring a legal challenge to the constitutionality of Executive Order 9066 and had read about my father's arrest in the newspaper. He asked my father if he would be willing to participate in a test case. "If need be, we'll take this all the way to the Supreme Court," Mr. Besig said.

My father agreed. His belief in his country convinced him that, if the case did go to the Supreme Court, the justices would find the Executive Order unconstitutional.

About two weeks later, on June 18, 1942, my father's bail hearing was held in the federal district court in San Francisco. After the judge granted him bail, Mr. Besig wrote a check for \$5,000 and gave it to the bailiff. But as soon as my father walked out of the courthouse onto Mission Street, he noticed military police standing under the glaring sun with rifles, waiting for him. The officers said that it was illegal for my father to be free and took him to the stockade at the San Francisco Presidio, where they imprisoned him for several days. Then, they transferred him to the Tanforan Detention Assembly Center in San Bruno—a racetrack where people were forced to live in horse stalls and endure inhumane conditions—where he joined his family and other imprisoned Japanese Americans from the San Francisco Bay Area.

My father did not receive a warm reception when he arrived in the prison center. A group of Japanese American men held a meeting to determine whether he should continue to fight his legal case. They did not invite my father. Afterward, my father's oldest brother told him that the group didn't want him to continue his case. They feared that some harm might come to the rest of them and that it would make their collective situation even more difficult. At that time, they knew that they would be sent away, but they didn't know the conditions they would experience or where they were being sent.

But my father refused to take no for an answer (a trait I inherited). Without telling anyone, he let Mr. Besig carry on with the legal case, which did make its way to the Supreme Court. And on December 18, 1944, the nation's highest court reached a decision.

In a landmark, and now infamous, six-to-three decision, the Court ruled against my father, arguing that "military necessity" justified his incarceration. The three dissenting opinions are still relevant today. Justice Robert H. Jackson wrote, "...the Court for all time has validated the principle of racial discrimination in criminal procedure and of transplanting American citizens. The principle then lies about like a loaded weapon ready for the hand of any authority that can bring forward a plausible claim of an urgent

need.”¹ Justice Frank Murphy’s dissent was similarly bitterly severe: “Such exclusion goes over ‘the very brink of constitutional power’ and falls into the ugly abyss of racism.”² And Justice Owen Roberts came straight to the point. “I dissent, because I think the indisputable facts exhibit a clear violation of Constitutional rights . . . it is the case of convicting a citizen as punishment for not submitting to imprisonment in a concentration camp, based on his ancestry, and solely become of his ancestry.”³

IV

The process of reopening my father’s case started in 1982, when my father received a letter from Peter Irons, a political science professor at the University of California, San Diego. Peter was writing a book about World War II Supreme Court cases and planned to include my father’s case, as well as those of *Hirabayashi*, *Yasui*, and *Endo*,⁴ who also had challenged the constitutionality of the government’s treatment of Japanese Americans. He had been doing research in Washington, D.C. when he met Aiko Herzig-Yoshinaga in the National Archives. Aiko had been hired by the War Relocation Authority to research how Japanese Americans were treated in the incarceration camps. She and Peter decided to share information with one another, and together they helped right the injustice of my father’s past.

One day, while working in the Immigration and Naturalization Department Archives, Peter came across a dusty box that hadn’t been opened for almost 40 years. Inside, just lying on top, was a memo from the Department of Justice (“DOJ”) in which it admitted to withholding and destroying evidence relating to my father’s Supreme Court hearing in 1944. It was a smoking gun and exactly what Peter had been looking for. Later, he learned that there were originally ten copies of this memo, but only one had survived. To this day, no one knows how it ended up at the top of the box. Perhaps someone hoped that it would be found.

With this new information, Peter wrote to my father and requested a meeting. Many law students over the years had requested interviews, but my father had never been interested. Revisiting the past was too painful. His Supreme Court conviction had a lasting impact on his fundamental rights and affected his ability to obtain employment. For instance, in 1969, his application for a California real estate license was denied.

1. *Korematsu v. United States*, 323 U.S. 214, 246 (1944) (Jackson, J., dissenting).
2. *Id.* at 233 (Murphy, J., dissenting).
3. *Id.* at 225–26 (Roberts, J., dissenting).
4. *Hirabayashi v. United States*, 320 U.S. 81 (1943), *conviction vacated*, 828 F.2d 591 (9th Cir. 1987); *Yasui v. United States*, 320 U.S. 115 (1943), *convicted vacated as noted in Yasui v. United States*, 772 F.2d 1496, 1498 (9th Cir. 1985); *Ex parte Mistuye Endo*, 323 U.S. 238 (1944).

My father wanted to become a realtor to help other minorities, like him, who had experienced housing discrimination and were unable to purchase homes. He took a real estate course and passed with flying colors. But when he went to fill out the application, he saw that it asked whether he had ever been convicted of a crime. Since he had, he couldn't receive his license. He was disgusted and disappointed that he couldn't better his own life, or—more importantly—help others. But my father was never bitter or angry or blamed anyone. He maintained his innocence and never gave up hope that he could reopen his Supreme Court case—even though legal services were expensive and he didn't know who could help him.

My father agreed to a meeting with Peter based on Peter's follow-up phone call in which he revealed he had recently discovered information to show my father. At the meeting, my father saw the large file of evidence that Peter and Aiko had put together. It revealed that at the time of my father's U.S. Supreme Court hearing on December 18, 1944 the Department of Justice had withheld, altered, and destroyed evidence that should have been presented to the justices before their ruling.

On January 19, 1983, a remarkable legal team filed the papers and announced to the world that they were reopening my father's U.S. Supreme Court case, along with *Hirabayashi v. United States*⁵ and *Yasui v. United States*.⁶ They were filing a petition for a writ of error *coram nobis*, which is a legal procedure used to correct a court's "fundamental error" or "manifest injustice" in a trial, after the defendant has been convicted and served his sentence. They challenged all three decisions based on evidence of governmental misconduct and proof that there was no military necessity for Japanese Americans to be incarcerated during World War II. These attorneys—all working pro bono—included Don Tamaki, Lorraine Bannai, Eric Yamamoto, Edward Chen (now a federal judge), Leigh-Ann Miyasato, Dennis Hayashi, Karen Kai, Bob Rusky, Marjie Barrows, and Prof. Peter Irons, and were led by Dale Minami. In total, over one hundred other attorneys and researchers across the country worked without pay to prepare my father's case. In spite of this support and even after almost forty years since his arrest, my father still experienced resistance from the Japanese American community. People said that, if my father reopened his case and lost, it would hurt their chances for redress and reparations from the U.S. government.

Still my father did not relent. DOJ lawyers offered him a pardon if he would agree to drop his lawsuit, but he rejected the offer. As my mother

5. 320 U.S. 81 (1943), *conviction vacated*, 828 F.2d 591 (9th Cir. 1987).

6. 320 U.S. 115 (1943), *convicted vacated as noted in Yasui v. United States*, 772 F.2d 1496, 1498 (9th Cir. 1985).

remarked, “Fred was not interested in a pardon from the government; instead, he always felt that it was the government who should seek a pardon from him and from Japanese Americans for the wrong that was committed.” I remember talking with my father about the possibility of a pardon and being struck by how adamant and unwavering he was in his fight for justice.

On November 10, 1983, Judge Marilyn Hall Patel of the District Court for the Northern District of California formally vacated my father’s federal criminal conviction. It was a pivotal moment in U.S. history. Evidence of government misconduct showed that the “military necessity” on which the Supreme Court predicated its decision was nothing more than a smoke screen. The real reason for the government’s deplorable treatment of Japanese Americans wasn’t acts of espionage. Rather, the government acted on a baseless perception of disloyalty grounded in racial stereotypes. My father’s victory in federal court meant that there was no basis to reopen my father’s case in the U.S. Supreme Court. This left the 1944 decision intact, though it was almost universally discredited.

Addressing Judge Patel, my father proclaimed these words: “As long as my record stands in federal court, any American citizen can be held in prison or concentration camps without a trial or a hearing. That is if they look like the enemy of our country. Therefore, I would like to see the government admit that they were wrong and do something about it so this will never happen again to any American citizen of any race, creed or color.”⁷

My father remained an activist and champion for civil rights for the rest of his life. He became an active member of the National Coalition for Redress and Reparations and traveled to Washington, D.C. with my mother, Kathryn, to lobby for a bill that would require an official apology from the U.S. government and compensation of \$20,000 for each surviving Japanese American who had been incarcerated. Although President Reagan initially opposed the legislation, he soon reversed his position due to Japanese Americans’ strong activism. On August 10, 1988, President Reagan signed the redress and reparations legislation into law.

On January 15, 1998, President Clinton awarded my father the Presidential Medal of Freedom, the nation’s highest civilian honor. My father was invited to speak about his experience at numerous events, universities, and law schools all over the United States, including the University of California, Berkeley, Georgetown, the University of Michigan, Harvard, and Yale. In 2000, a documentary about his story, *Of Civil Wrongs*

7. Transcript, Motion to Vacate Conviction and Dismiss Indictment of Fred T. Korematsu, 30–32, Nov. 10, 1983, File 27635, Criminal Case Files, 1851-1982, U.S. District Courts for the San Francisco Division of the Northern District of California, RG 21, records of the District Courts of the United States, NARA-SF (cited as coram nabis hearing transcript, Nov. 10, 1983).

and *Rights: The Fred Korematsu Story*, premiered in San Francisco's Japantown. My brother, Ken, was the co-producer and Eric Paul Fournier was the director. The film went on to receive two Emmys and my father crisscrossed the country, speaking directly to audiences at showings.

After 9/11, my father continued to speak out. In 2003, he filed an amicus "Friend of the Court" brief in the Supreme Court case, *Shafiq Rasul v. George W. Bush* and *Khaled A.F. Al Odah v. United States*,⁸ on behalf of Muslim inmates held at Guantanamo Bay. In the brief, he warned that the government's extreme "national security" measures were reminiscent of Japanese American incarceration. In 2004, he filed a similar brief on behalf of an American Muslim man held in solitary confinement in a military prison without trial.

In another amicus brief, written in April 2004 with the Bar Association of San Francisco, the Asian Law Caucus in San Francisco, the Asian American Bar Association of the Greater Bay Area, Asian Pacific Islander Legal Outreach, and the Japanese American Citizens League, my father expressed his opposition to the government's argument in *Rumsfeld v. Padilla*. The brief emphasized the similarity between my father's unlawful detainment during World War II and that of Jose Padilla following the events of 9/11. My father again warned the government about the danger of repeating past mistakes. He believed that "full vindication for the Japanese-Americans will arrive only when we learn that, even in times of crisis, we must guard against prejudice and keep uppermost our commitment to law and justice."⁹

"Stand up for what is right," my father said often. His message endures all these years later.

V

My father passed away on March 30, 2005, at the age of 86. With his passing, I realized that I would commit the rest of my life to carrying on his legacy, but I didn't know how. I spent the next few years contemplating what to do. Then, in 2009, I founded the Fred T. Korematsu Institute.

Our mission is educating to advance racial equity, social justice, and human rights for all. Based in San Francisco, the Korematsu Institute began as a local community and education program; we inspire students and the public by sharing my father's story. Soon after our founding, California State

8. Brief of Amicus Curiae Fred Korematsu in Support of Petitioners, *Rasul v. Bush*, et al., 542 U.S. 466 (2004) (Nos. 03-334 & 03-343), 2004 WL 103832.

9. Biography, FRED T. KOREMATSU INSTITUTE, <http://www.korematsuinstitute.org/fred-t-korematsu-lifetime> (last visited Dec. 16, 2019).

Assemblymen Warren Furutani and Marty Block recognized my father as an American Civil Rights hero and asked me to join them in working to establish a day honoring my father's fight for justice and steadfast commitment to defending civil liberties and the Constitution. Our work came to fruition in September 2010, when California Governor Schwarzenegger signed the bill into law. It established my father's birthday, January 30, in perpetuity as the Fred Korematsu Day of Civil Liberties and the Constitution. It is the first day in U.S. history named after an Asian American.

This was a turning point for the Korematsu Institute; we broadened our mandate and became a national organization focused on K-12 civic education. As the leader of this national nonprofit, I have worked to ensure that the Korematsu Institute impacts and expands youth civic engagement. We have created and disseminated nearly 15,000 free multimedia Curriculum Toolkits to educators in all 50 states and 12 countries around the world for use in their classrooms. These toolkits include dozens of lesson plans for grades K-12, educational DVDs, classroom posters, a graphic novel, and other materials to equip young people to be civically engaged. In total, we have reached almost two million students.

But our efforts don't stop with the classroom. We also train teachers, host public events, and build coalition partnerships with social-justice education organizations nationwide. Through education, the Korematsu Institute supports establishing a national Fred Korematsu Day of Civil Liberties and the Constitution. Now, every year, on January 30, schools in California and across the country teach Fred Korematsu's story, his fight for justice, and its ongoing relevance today. Other states, including Hawaii, Virginia, and Florida, as well as New York City, have followed California's lead in establishing the "Fred Korematsu Day of Civil Liberties and the Constitution," and several other state governors, state legislatures, and cities have issued similar proclamations. The effort to establish a federal Fred Korematsu Day of Civil Liberties and the Constitution is a reminder to all Americans that we must continue to fight for and uphold our civil liberties and the Constitution. Fred Korematsu's legacy is "one man who made a difference in the face of adversity and so can you."

My father's experience has inspired me to expand the Institute's reach still further. Since 2012, I have presented and/or been a keynote speaker every year at the conference for the National Council for the Social Studies. In 2017, I co-chaired the national conference in San Francisco, enabling the Institute to reach educators from across the United States. No matter where they come from, they often share with me a common message: my father's story, civic education, and the Korematsu Institute's work are increasingly important and needed in our political climate, where Islamophobia and anti-immigrant policies pose a threat to fundamental individual rights and civil

liberties.

In the face of this dire need, I have committed our Institute to promoting not only the memory of forced removal and mass incarceration of Japanese Americans during World War II, but also the dangerous impact of present-day attacks on civil rights and the targeting of historically marginalized communities. We use the past to draw attention to today's issues, including mass incarceration, anti-immigrant sentiment, and Islamophobia. And we advocate for civil liberties for *all* communities. To that end, I have followed in my father's footsteps, joining a number of amicus briefs, notably on cases arising from violations of constitutional rights following 9 /11, including *Trump v. Hawaii*,¹⁰ *Hassan v. City of New York*,¹¹ *Hedges v. Obama*,¹² *Turkmen v. Ashcroft*,¹³ and *Al Odah v. United States*.¹⁴

Today, I wear many hats as executive director, civil rights advocate, community leader, and living voice of Fred Korematsu. I have elevated my father's legacy to demonstrate how his story is just as relevant today as it was when the Supreme Court handed down its decision in *Korematsu v. United States* in 1944. Since my father's passing, I have responded to issues of racial profiling, immigration, civil rights violations, and many other challenges of our times. In recent years, requests for me to speak at events have tripled. There is an appetite in this country to hear about the importance of protecting our civil liberties from government action, especially after discriminatory travel bans enacted by the current president. Like my father once did, I find myself crisscrossing this country to speak about the incarceration of Japanese Americans during World War II and the importance of fighting for our civil liberties and social justice. I visit public and private schools, colleges and universities, law schools, teachers' conferences, and business, media, and advocacy organizations. I speak to audiences that range from kindergarteners to federal judges.

VI

My father's story resonates on so many levels, especially at this political moment when we fear that past injustices are being repeated.

10. Brief of Karen Korematsu, et al., as Amici Curiae in Support of Respondents, *Trump v. Hawaii*, 138 S. Ct. 2392 (No. 17-965), 2018 WL 1586445.

11. Brief of Karen Korematsu, et al., as Amici Curiae in Support of Appellants, *Hassan v. City of New York*, 804 F.3d 277 (3d Cir. 2015) (No. 14-1688), 2014 WL 3572026.

12. Brief of Karen Korematsu, et al., as Amicie Curiae in Support of Plaintiffs-Appellees, *Hedges v. Obama*, 724 F.3d 170 (2d Cir. 2013) (Nos. 12-3176 (Lead), 12-3644 (Con)), 2012 WL 6622648.

13. Brief of Karen Korematsu, et al., as Amici Curiae in Support of Respondents, *Ziglar v. Abbasi*, 137 S. Ct. 1843 (Nos. 15-1358, 15-1359, 15-1363), 2016 WL 7494903.

14. Brief of Karen Korematsu, et al., as Amici Curiae in Support of Petitioners, *Boumediene v. Bush*, 553 U.S. 723 (2008) (No. 06-1196) 2007 WL 737596.

In 2017, when President Donald Trump issued multiple executive orders banning immigration from predominantly Muslim countries, I noticed that the same kinds of stereotypes that justified the incarceration of Japanese Americans in World War II were being used against Muslim Americans.

So I, along with the children of both Gordon Hirabayashi and Minoru Yasui, and the Fred T. Korematsu Center for Law and Equality submitted an amicus brief in *Trump v. Hawaii*¹⁵ and asked the Supreme Court to reject Trump's Muslim travel ban. We pointed to our fathers' cases as urgent warnings against executive power run amok. We implored the Court to repudiate its decisions in those three cases and create a new legacy: one in which blind deference to the executive branch—even in areas where the president must wield wide discretion—is incompatible with the protection of fundamental freedoms. We urged the Court to recognize that meaningful judicial review is an essential element of a healthy democracy and a vital check on overreach by another co-equal branch of government.

On June 26, 2018, in *Trump v. Hawaii*,¹⁶ the Supreme Court officially overruled *Korematsu v. United States*¹⁷ after nearly 75 years. In the majority decision, Chief Justice John G. Roberts, Jr., citing language from Justice Jackson's dissent to the 1944 ruling, wrote that the Court was taking "the opportunity to make express what is already obvious: *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 law under the Constitution.'"¹⁸

But the Court's repudiation of the *Korematsu* decision told only half the story. Although it correctly rejected the abhorrent race-based relocation and incarceration of Japanese Americans, it failed to recognize—and reject—the rationale that led to *Korematsu*. In fact, the Supreme Court in *Trump v. Hawaii* indicated that the reason it addressed *Korematsu* was because the dissenting justices—Justices Sotomayor and Ginsburg—noted the "stark parallels between the reasoning of" the two cases.¹⁹

The Court's majority disagreed. Chief Justice Roberts stated that "*Korematsu* had nothing to do with this case."²⁰ Trump's executive order likewise had "nothing to do with" *Korematsu* and so the majority found it "wholly inapt to liken that morally repugnant order to a facially neutral

15. Brief of Karen Korematsu, et al., as Amici Curiae in Support of Respondents, *Trump v. Hawaii*, 138 S. Ct. 2392 (No. 17-965), 2018 WL 1586445.

16. 138 S. Ct. 2392 (2018).

17. *Id.* at 2423 (overruling *Korematsu v. United States*, 323 U.S. 214 (1944)).

18. *Id.*

19. *Id.* at 2447 (Sotomayor, J., dissenting).

20. *Id.* at 2423.

policy denying certain foreign nationals the privilege of admission.”²¹ Pointing to the government’s stated purpose of “preventing entry of nationals who cannot be adequately vetted and inducing other nations to improve their practices,” the Court saw “persuasive evidence that the entry suspension has a legitimate grounding in national security concerns, quite apart from any religious hostility.”²²

In rejecting a racist decision, the Supreme Court then seemed to repeat its same faulty racist logic, rubber-stamping the Trump administration’s bald assertions that the “immigration travel ban” is justified by national security. As Justice Sonia Sotomayor explained in her dissent, “this formal repudiation of a shameful precedent is laudable and long overdue. *But it does not make the majority’s decision here acceptable or right.* By blindly accepting the government’s misguided invitation to sanction a discriminatory policy motivated by animosity toward a disfavored group, all in the name of a superficial claim of national security, the Court redeploys the same dangerous logic underlying *Korematsu* and merely replaces one ‘gravely wrong’ decision with another.”²³

On June 27, 2018, I published an op-ed in the *New York Times*. I wrote that “my father spent his life fighting for justice and educating people about the inhumanity of the Japanese American incarceration, so that we would learn from our mistakes. Although he would have been somewhat glad his case was finally overruled, he would have been upset that it was cited while upholding discrimination against another marginalized group. The [C]ourt’s decision replaced one injustice with another nearly 75 years later.”²⁴

It is abundantly clear that our work is far from over. And like my father, we will never stop fighting for justice. In 2018, I joined the Stop Repeating History campaign with my father’s legal team, including Dale Minami and Don Tamaki. The campaign educates the public on the dangers of unchecked presidential power, drawing parallels between the World War II incarceration of Japanese Americans and the current administration’s policies targeting minority groups based on race and religion.

The Korematsu Institute also partnered with filmmaker Abby Ginzburg on her documentary *And Then They Came For Us*, which received the American Bar Association’s “Silver Gavel Award.” The Institute’s work through the film connects the story of Japanese American incarceration with

21. *Id.*

22. *Id.* at 2421.

23. *Id.* at 2448 (Sotomayor, J., dissenting).

24. Karen Korematsu, *How the Supreme Court Replaced One Injustice With Another*, N.Y. TIMES (June 27, 2018), <https://www.nytimes.com/2018/06/27/opinion/supreme-court-travel-ban-korematsu-japanese-internment.html>.

civil liberties issues today. With funding from the National Parks Service/Japanese American Confinement Sites (NPS/JACS) program, we recently completed a curriculum writing institute to produce lesson plans so that this important film—along with my father’s two-time Emmy-award-winning documentary *Of Civil Wrongs and Rights: The Fred Korematsu Story*—can be used in classrooms nationwide. Ultimately, we have broadened our vision to include public civic engagement education, promoting the urgency of voting and participating in the Census.

VII

Sixteen years passed between my first conversation with my father about his Supreme Court case and our next. When we finally spoke about it, my father told me that he discussed this issue with my mother from time to time but of course, not with my brother, Ken, or me. He did not want to burden us until we were old enough to understand. Once his case was reopened, he began speaking about it again, and I learned that his actions had been about more than himself and the Japanese American community. He told me that he did it for all Americans, because he never wanted something like the Japanese American incarceration to happen again, to another group of people. I realized how much courage my dad possessed—to disobey the government’s military orders, to continue his initial legal case in the face of opposition from the Japanese American community, and to reopen his Supreme Court case, despite the risk of losing all over again. I saw how much courage it takes to fight injustice.

I also learned that my dad never gave up hope to reopen his case for almost forty years, even when he wasn’t sure how to proceed. That was a revelation! My dad always has been my hero, and now I want everyone to realize that Fred Korematsu is America’s Civil Rights Hero.

When someone of historical prominence passes away, we don’t always know how their legacy will be remembered or the degree of significance we may attach to their experience. I never would have thought that my father’s 1944 Supreme Court case, *Korematsu v. United States*, would stay (and become more) relevant seventy-five years later. But as I continue to travel this country and speak to audiences of all ages in “red” states and “blue” states, I realize that we are still only on the brink of seeing diversity and inclusion in our professions and institutions. To ensure these attainable ideals, I constantly promote and encourage women to step up as leaders and to fight for social justice in their own lives and careers.

And so, as we approach the hundredth anniversary of the Nineteenth Amendment, I encourage women of all ages to make a difference by showing up to vote and participate in our democracy. We must be persistent and

advocate for ourselves—just as my father did—if we are going to see real change. As my father always said: “Stand up for what is right, and when you see something wrong, don’t be afraid to speak up.”