

Hirabayashi v. United States

Facts of the Case

In the wake of the Japanese attack on Pearl Harbor, President Roosevelt acted to prevent incidents of subversion and espionage from individuals of Japanese descent living in the United States. He issued two executive orders which were quickly enacted into law. One gave the Secretary of War the power to designate certain parts of the country "military areas" and exclude certain persons from them. The second established the War Relocation Authority which had the power to remove, maintain, and supervise persons who were excluded from the military areas.



Gordon Kiyoshi Hirabayashi, a student at the University of Washington, was convicted of violating a curfew and relocation order.

Question

Did the President's executive orders and the power delegated to the military authorities discriminate against Americans and resident aliens of Japanese descent in violation of the Fifth Amendment?

Conclusion

The Court found the President's orders and the implementation of the curfew to be constitutional. Chief Justice Stone, writing for the unanimous Court, took into account the great importance of military installations and weapons production that occurred on the West Coast and the "solidarity" that individuals of Japanese descent felt with their motherland. He reasoned that restrictions on Japanese actions served an important national interest. The Court ducked the thorny relocation issue and focused solely on the curfew, which the Court viewed as a necessary "protective measure." Stone argued that racial discrimination was justified since "in time of war residents having ethnic affiliations with an invading enemy may be a greater source of danger than those of a different ancestry."

Korematsu v. United States

Fred Korematsu was born in Oakland, CA in 1919. After the first of evacuation orders were issued, Korematsu had plastic surgery on his eyelids in an attempt to pass as someone of Hawaiian and Spanish descent. He refused to evacuate and went into hiding in Oakland, where he was eventually recognized and arrested for violating the evacuation orders. The ACLU took up his case while he was waiting to be transported to an internment camp in Topaz, Utah.



Facts of the Case

During World War II, Presidential Executive Order 9066 and congressional statutes gave the military authority to exclude citizens of Japanese ancestry from areas deemed critical to national defense and potentially vulnerable to espionage. Korematsu remained in San Leandro, California and violated Civilian Exclusion Order No. 34 of the U.S. Army.

Question

Did the President and Congress go beyond their war powers by implementing exclusion and restricting the rights of Americans of Japanese descent?