

***The Japanese Internment: Yesterday, Today & Tomorrow***  
**Statement of Learning Objectives**  
**November 2, 2017, 1:30-2:30 p.m.**

This program recognizes the 75th anniversary of the forced internment of Japanese-Americans during World War II pursuant to Executive Order No. 9066. That order authorized the Secretary of War and certain military commanders “to prescribe military areas from which any persons may be excluded as protection against espionage and sabotage.”

The program’s unique panel, moderated by Hon. Judge Holly Fujie, will address several different aspects of the internment:

- Historian Richard Reeves will discuss the historical context of the internment, as examined in his recent book, *Infamy: The Shocking Story of the Japanese American Internment in World War II*.
- Mr. Sam Mihara will describe the impact of the internment on internees and their families, as described in his *Memories of Heart Mountain* presentation.
- Professor Eric Yamamoto will lead a discussion of the case of Fred Korematsu, a native-born U.S. citizen of Japanese ancestry, who was convicted in federal district court in 1942 of being in a place from which all persons of Japanese ancestry were excluded by military order.

The program will analyze the U.S. Supreme Court’s decision upholding Mr. Korematsu’s conviction, *Korematsu v. United States* (1944) 323 U.S. 214 [65 S.Ct. 193, 89 L.Ed. 194], as well as other U.S. Supreme Court decisions addressing challenges to the internment and related curfews, *Ex parte Endo* (1944) 323 U.S. 283 [65 S. Ct. 208, 89 L. Ed. 243]; *Yasui v. United States* (1943) 320 U.S. 115 [63 S. Ct. 1392, 87 L. Ed. 1793]; and *Hirabayashi v. United States* (1943) 320 U.S. 81 [63 S. Ct. 1375, 87 L. Ed. 1774].

The program will examine the reasoning of this body of decisions, their treatment by American courts through the years, and their present place within the “anti-canon” of unciteable U.S. Supreme Court precedent. The program will explore the continued significance of this body of Supreme Court jurisprudence in the context of recent suggestions for a nationwide Muslim registry and in light of executive orders banning or restricting travel from several Muslim-majority nations.

The program also will explore the efforts of Mr. Korematsu’s legal team, four decades after the internment, to vacate his conviction. In 1984, those efforts resulted in the U.S. District Court for the Northern District of California issuing a writ of coram nobis vacating the conviction on grounds of governmental misconduct. (*Korematsu v. United States* (N.D. Cal. 1984) 584 F. Supp. 1406.)

Based on the foregoing, the learning objectives for this program are as follows:

- (1) Understanding the proffered legal justifications for the Internment (i.e., a war or national emergency prompting an executive order, which is then implemented through military orders justified as necessary defense measures);
- (2) Understanding the reasoning of the *Korematsu* line of cases;
- (3) Understanding the place of *Korematsu* and the other cases within the anti-canon of Supreme Court precedent between 1944 and the present;
- (4) Understanding the legal basis upon which Mr. Korematsu's conviction was overturned (governmental misconduct); and
- (5) Understanding how these Internment decisions might be invoked in the future to justify disparate treatment of racial, ethnic, or religious groups.