

Fred Korematsu's Fight for Justice Revisited in Packed Chicago Federal Courtroom



A screen displays Fred Korematsu's image before the program, "Fred Korematsu & His Fight for Justice," in the James Benton Parsons Memorial Courtroom. Photo: U.S. District Court for the Northern District of Illinois

CHICAGO — Before Fred Korematsu's name became a stark warning about the abuse of power, he was a 23-year-old Oakland man who wanted to stay home. More than eight decades after the U.S. government arrested him for refusing to leave his community because of his Japanese ancestry, Chicago judges, lawyers and community members packed a federal courtroom to revisit a case that showed how quickly fear can bend the law — and how long it can take for justice to catch up.

Presented by the **Asian American Bar Association of Greater Chicago**, the **Federal Bar Association Chicago Chapter**, the **Asian American Judges Association of Illinois**, and the **U.S. District Court for the Northern District of Illinois**, the program, "Fred Korematsu & His Fight for Justice," brought a historical reenactment into the ceremonial courtroom at the Dirksen Federal Courthouse.

The June 25th program was followed by a reception and an invitation to view "Then They Came For Me," a photo exhibition at the Court History Museum, located on the 21st floor, focused on Japanese American incarceration during World War II. The museum is curated by the **Northern District of Illinois Court Historical Association**. Martin Sinclair is the President of the Association.

Chief Judge Virginia Kendall opened the program by tying the reenactment to the museum exhibit and to the court's responsibility to remember its own history. She described the event as "very special" and called Korematsu "a critical Supreme Court case."

But Kendall was also direct about the legacy of the 1944 decision.

"It's not something that most of us can be proud of," she said.

Through scripted courtroom exchanges, historical narration and legal argument, the program traced Korematsu's journey from a young man trying to remain in his own community to a civil rights figure whose name now stands as a warning about fear, race and government power.

The reenactment opened with Korematsu's own words from a 2004 San Francisco Chronicle op-ed, written when he was 85.

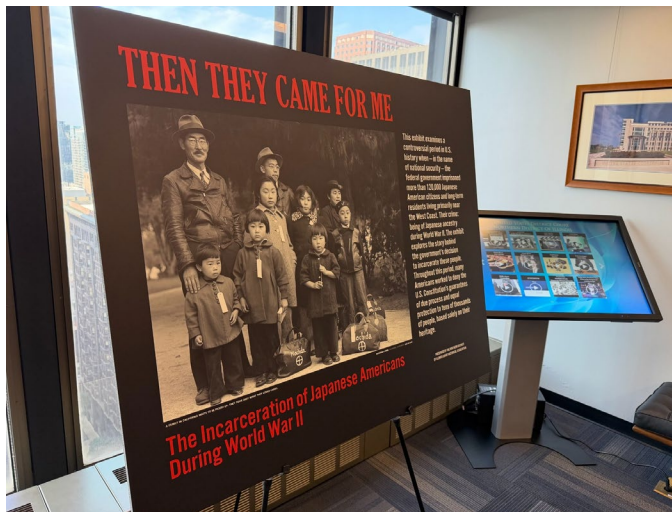
"Fears and prejudices directed against minority communities are too easy to evoke and exaggerate," Korematsu wrote. "I know what it's like to be at the other end of such scapegoating, and how difficult it is to clear one's name after unjustified suspicions are endorsed as fact by the government."

He warned that no one should be imprisoned because they share the race, ethnicity or religion of someone accused of wrongdoing.

"If that principle is not learned from the internment of Japanese Americans," he wrote, "then these are very dangerous times for our democracy."



Judges, lawyers and community members filled the Parsons Memorial Courtroom for the June 25 Korematsu reenactment. Photo: U.S. District Court for the Northern District of Illinois



The "Then They Came For Me" exhibition is on display at the Northern District of Illinois Court History Museum. Courtesy: Northern District of IL Court Historical Association and Rich Cahan



A museum panel from "Then They Came For Me" describes life in Japanese American incarceration camps during World War II. Courtesy: Northern District of IL Court Historical Association and Rich Cahan

The reenactment also described Korematsu's ordinary American life before Korematsu became a constitutional symbol. **Fred Toyosaburo Korematsu** was born in Oakland, California, on Jan. 30, 1919, the third of four sons of Japanese immigrant parents. "Saburo" meant third son. As a child, one of his elementary school teachers asked whether he wanted to be called Fred. He liked the name, and it stayed with him.

By 1940, as war expanded abroad, Korematsu registered for the first peacetime draft at age 21 but was classified 4-F because of a gastric ulcer.

Still eager to support the war effort, he found work in a shipyard, only to be fired because of his Japanese ancestry. He was with his girlfriend in the hills above Oakland on Dec. 7, 1941, when he heard on the radio that Japan had bombed Pearl Harbor.



District Judges Harjani, Chang, Coleman attended with Pallmeyer participating as a member of the cast in the Korematsu program. Photo: U.S. District Court for the Northern District of Illinois

The attack set off a wave of suspicion directed at Japanese Americans, especially on the West Coast. On Feb. 19, 1942, **President Franklin D. Roosevelt** signed Executive Order 9066, authorizing the military to exclude people from designated areas. In practice, the order led to the forced removal and incarceration of more than 120,000 people of Japanese ancestry, about two-thirds of them American citizens.

Korematsu was 23 years old when he refused to report for forced removal. Born in the United States and raised in California, he considered himself American and believed the government's order was unconstitutional.



*FBA AND AABA Board Member, Vikas Didwania, speaks beside a projected image of Fred Korematsu during the program.
Photo: U.S. District Court for the Northern District of Illinois*

After the FBI arrested him on May 30, 1942, he became a test case challenging the mass removal of Japanese Americans. He was later convicted in federal court for violating military orders issued under Executive Order 9066.

Kendall emphasized that the removals swept in people without evidence of individual wrongdoing. Japanese Americans were taken, she said, “regardless of your work, regardless of your lack of criminal history,” because the government assumed they were “on the other side.”

Korematsu’s case reached the U.S. Supreme Court, which ruled against him in 1944 by a 6-3 vote. The Court accepted the government’s claim that the exclusion order was justified by military necessity.

The program also followed Korematsu’s long road back to court. Decades after the Supreme Court decision, researchers uncovered that the government purposely withheld intelligence reports or altered information presented to the Supreme Court. Those reports undercut the claim that Japanese Americans posed a military threat.

Kendall noted that evidence showing Japanese Americans were “law-abiding citizens contributing to the community” had been withheld from the Supreme Court.

In 1983, a pro bono legal team reopened Korematsu’s case, arguing government misconduct. **Judge Marilyn Hall Patel** of the U.S. District Court for the Northern District of California overturned Korematsu’s conviction in San Francisco on Nov. 10, 1983.



An archival image displayed in the exhibit shows people arriving at an incarceration camp. Photo: Courtesy, Rich Cahan



An archival image displayed in the exhibit shows people assembled inside an incarceration camp during World War II. Photo: Courtesy, Rich Cahan

Korematsu continued speaking publicly after his conviction was vacated. He supported redress for Japanese Americans incarcerated during World War II, and the Civil Liberties Act of 1988 later apologized and granted reparations to survivors. In 1998, President Bill Clinton awarded Korematsu the Presidential Medal of Freedom.

In 2018, the Supreme Court expressly rejected the legacy of Korematsu in **Trump v. Hawaii**, with **Chief Justice John Roberts** writing that the 1944 decision was “gravely wrong” and “has no place in law under the Constitution.”

For **AABA Chicago**, the **Federal Bar Association Chicago Chapter**, the **Asian American Judges Association of Illinois** and the **Northern District of Illinois**, the program served as both civic education and legal warning.

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