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Title: Donald K. Tamaki Interview
Narrator: Donald K. Tamaki
Interviewer: Naoko Wake
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<Begin Segment 3>

NW: Um, you mentioned this, uh legal case that involved the—uh, well civil rights cases, um, involving the former internees, and uh, I'm wondering if you're willing to tell me which specific case you were talking about. There are few cases that came to the attention of the Supreme Court before 1945.

DT: Yes. Okay, so the three main ones were, um, Fred Korematsu, Gordon Hirabayashi, and Minoru Yasui. And, [clears throat], all three involved, um . . . American citizens by birth. And they lived in different locations. Fred was located in the Bay Area. Min was uh, a lawyer in Portland, Oregon, and Gordon Hirabayashi was a, uh, student at the Uni—University of Washington.

NW: Mhm.

DT: And without knowing each other, as American citizens, each felt that the, uh, rounding up of American citizens was wrong, without a showing of disloyalty or wrongdoing.

NW: Mhm.

DT: And so individually, in their separate locations, they refused to obey.

NW: Mhm.

DT: And, um, challenged the authorities. They suffered for it. And, um . . . this was in 1942. And, by 1943 and 1944, um, the cases made their way to the U.S. Supreme Court. The Hirabayashi case and the Yasui case arrived at the Supreme Court in 1943 and Fred's case—Fred Korematsu's case was decided in 1944.

NW: Mhm.

DT: And the court ruled against them.

NW: Mhm.

DT: The court basically said that . . . this is not a case of racial discrimination. This is a case of military necessity. And, the army tells us that these people are dangerous and their disloyal, and they're spying. That, um, uh . . . and to justify the rounding up, and uh, the court basically took

the position of who are we to challenge the military during time of war. So that's the essence of the decision.

NW: Mhm.

DT: But the dissenters in that case, especially in Fred's case, in 1944, said, um, the court was divided six to three.

NW: Mhm.

DT: And the three dissenters . . . a guy named Justice Jackson wrote, um, that the court, for all time, has validated the principle of . . . the relocation of American citizens and of racial discrimination.

NW: Right.

DT: He said the principle lies around like a loaded weapon, ready for the hand of any authority who could put forth a plausible claim of urgent need.

NW: Right.

DT: And, in essence that means that . . . the army—the military, without evidence, without trial, without charges, without, um, any showing of wrongdoing, could declare an entire population—men, women, and children . . . healthy and infirm, old and young, as people that, um, can be rounded up and imprisoned.

NW: Mhm.

DT: We thought that was a really dangerous precedent. And, um, these three individuals that challenged the court, um, could not believe that the court had ruled against them.

NW: Mhm.

DT: So those decisions unfortunately, um, stood for the next 40 years.

NW: Right.

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