

A Special Case: Remembering a California Hero

In 1983, a team of volunteer lawyers, led by CSCHS member Dale Minami, won a writ of coram nobis that reversed Fred Korematsu's conviction for defying internment orders during World War II. In 2001, Eric Paul Fournier produced a PBS documentary, Of Civil Wrongs and Rights, highlighting Korematsu's long legal journey. Below, members of Korematsu's legal team, along with producer Fournier, recall their once-in-a-lifetime client and subject.

When we first began meeting with Fred and Kathryn Korematsu, they were concerned about the attention and publicity his case would generate, so I promised we would protect them from the press. We recognized the enormous educational significance of his case, but we wanted to honor their request for privacy. At least until the first reporter asked for an interview. We told them it was just a local paper with a small circulation and a sympathetic reporter. Fred did the interview.

Then other local papers asked for interviews. We told Fred they would be short and the articles would be quite sympathetic. He did the interviews. Then the *New York Times* called. Again, he met with the reporter. Then "60 Minutes" contacted us. By then, Kathryn and Fred were getting a little suspicious about this "protection" we had offered and, when they learned there were about fifteen more interview requests pending, I did what the best criminals do not do when cornered: I confessed that I had lied.

They laughed because Fred understood this monumental role history had thrust on him, and despite his reticence, his health, the loss of time from work, and the loss of privacy, he knew he had to speak out against his own injustice and the injustices suffered by the Japanese American community.

And he continued to speak out for twenty more years, not just about the Japanese American incarceration, but against racial profiling and attacks on civil rights. Ironically, this quiet, humble, once private man became a powerful public spokesman for us all.

DALE MINAMI

Fred's case was remarkable in many ways. Constitutional law scholars have described the 1944 Supreme Court precedent as "a civil liberties disaster." Its reopening in 1983 was based upon the accidental discovery of secret wartime intelligence reports admitting that Japanese Americans had committed no wrong, upon letters between government lawyers cautioning that failure to disclose these authoritative reports to the court "might approximate the suppres-

sion of evidence," and upon Justice Department memoranda characterizing the army's claims that Japanese Americans were spying as "intentional falsehoods."

For the Japanese American attorneys on the legal team, this was no ordinary case. It was our own parents and grandparents who had been locked up with Fred and almost 120,000 other Americans, merely for looking like the enemy. Fred's case came to symbolize the trials that they never had. Fred thanked us for our pro bono work, but the truth was we would have paid to be a part of this legal team. We had the time of our lives.

During the litigation, Justice Department lawyers offered a pardon to Fred if he would agree to drop his lawsuit. In rejecting the offer, Kathryn Korematsu, his wife of fifty-eight years, said, "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." She may not have realized it at the time, but Kathryn had articulated the sentiments that Americans of Japanese ancestry had kept inside for more than forty years.

DON TAMAKI



Fred was recovering from surgery the day the legal team announced the filing of the coram nobis suit. He seemed frail and his voice was soft – a marked contrast to the fiery Min Yasui and the professorial Gordon Hirabayashi, his fellow petitioners. Yet he spoke with quiet conviction of the wrong that had been done more than forty years before, and of his determination to fight for justice for all Japanese Americans. He appeared so ordinary, but his strength of character was extraordinary.

He was a modest man who never sought the spotlight, and that is why it was gratifying to see him receive the recognition and honor he so richly deserved. It transformed his life. That shy, retiring guy became a public speaker, a world traveler, a civil rights icon, a Presidential Medal of Freedom recipient. He even became a party animal, attending numerous fundraisers and community events in support of civil rights causes.

His family was transformed by the coram nobis case, too – their dedication to civil rights grew to match his, and they will ensure that his message will live on. I am honored to have known Fred Korematsu.

LEIGH-ANN MIYASATO

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Remembrances of Korematsu

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Fred loved Hawaii. And Hawaii loved Fred back, with aloha. Leigh-Ann Miyasato and I were the legal team's two members from Hawaii. Fred would call us his "Hawaii people." It was indeed the people of Hawaii that touched Fred – the warmth and welcoming extended to him and Kathryn on their many visits, the enthusiastic and awed students, the many diverse Asian faces. And in his special, humble, strong, quiet, forthright way, remarkably, he kindled in the hearts of people here the feeling that "Fred is us, he fought for all of us."

During his visits, he always spoke at the law school where I teach. Just a year ago, the law students organized a commemoration for the late Congresswoman Patsy Mink, also an exemplary justice advocate, and invited Fred. When Fred rose to speak, the overflowing room of former internees, students, teachers, and dignitaries quieted.

In that voice of his, he started, "I love coming to Hawaii to be with you" And when he finished with "and so we can never let this kind of injustice happen to anyone, ever again," the eyes teared and the spirits soared. Hawaii's people returned Fred's love, with aloha.

ERIC YAMAMOTO



I was two years out of law school when Dale Minami came into my office and said that we might have the opportunity to reopen the *Korematsu* case. The night we first met Fred and his wife, Kathryn, they welcomed us into their home – perhaps a bit skeptical about our youth, but they welcomed us warmly. He was, as always, soft spoken and gracious. The chance to work on his case was tremendous, but the ability to get to know him and to see what impact he had on the people who met him was even greater.

As we worked together on his case, we came to know the quiet strength, the big smile, and the generosity, warmth, and humor of the man behind the case. I remember most the time he spent with law students – Asian American law students, in particular – many of whom were inspired to go to law school because of his case. I will miss him; he was a good, kind, and brave man. He has left a tremendous mark that will not soon be forgotten.

LORRAINE BANNAI

My memory of Fred is not as an important historic figure, nor as a legal symbol. What I will always remember was that he cared about his *coram nobis* legal team members as people.

I once talked to him about how privileged I felt being a part of this effort and what a great opportunity it was. He acknowledged my feelings, but then pointedly asked, "But how do your parents feel?" Because he knew that my parents had been interned during the war, he knew that my work on his case meant more to them than it would to me.

DENNIS HAYASHI



Fred Korematsu was gracious, thoughtful, generous, and tenacious. He had the most beautiful smile. You could see it begin as a small, wry smile that blossomed into a wide grin that celebrated and embraced the pure joy of the moment. His love for his family – his wife, Kathryn, and his children, Karen and Ken – and their dedication to him, was a wellspring of strength and inspiration that he shared freely with the legal team.

I remember Fred's day in court as a blur of emotions and snapshot images. U.S. District Judge Marilyn Hall Patel had indicated the petition would be granted, but she had given permission for Fred to make a statement. When Fred stood to address the court, he spoke with an eloquence that reflected the clarity, directness, and heartfelt dedication to the principles of justice that had shaped his life and actions.

The joyous release of emotion in the courtroom after Judge Patel gave her ruling swept all of us up in its current. I remember seeing the judge pause and smile at the scene before leaving the courtroom, and people pressing to reach Fred to thank and congratulate him. He was smiling, of course, and people were crying, laughing, pressing to shake his hand and kiss his cheek. But through all those people, I remember seeing Fred, sharing that extraordinary event with modesty and grace. It was a day on which he completed a journey that had spanned forty years. But far from being an ending, it marked a new beginning from which Fred continued as an eloquent and inspiring advocate for civil rights issues for the next two decades.

KAREN KAI

Following the 1984 overturning of his conviction, Fred embarked on a seemingly tireless twenty-year speaking

tour, appearing at law schools, college campuses, high schools, and symposia all across the country so that the injustice that happened to him and his community would never happen again.

I came to know Fred while making the film *Of Civil Wrongs & Rights – The Fred Korematsu Story*. I was very fortunate, blessed even, to get to spend a lot of time with Fred and his wife Kathryn during the making of the film and then afterwards, while we traveled from city to city showing the film to various groups.

Fred was never bitter about what life presented him. Upon returning to California in 1948-49, when being Japanese American was probably the most unpopular thing you could be, Fred had a criminal record. He then faced further discrimination, in both employment and housing, because of his interracial marriage to Kathryn, something that was illegal in the State of California until the year after their return. And he was also estranged from his own community, which at that time viewed him as a “troublemaker” for

his resistance. But Fred was never bitter. He stood up to all this with dignity, hard work, and grace.

At the time I made the film, it was meant to be a cautionary tale. But obviously I had no idea how prescient, timely, and extremely relevant the film and these issues would become by virtue of the attacks of September eleventh, and the subsequent round-up of people of Arab, Muslim, and Middle Eastern descent.

Fred Korematsu was a very powerful, albeit softspoken, voice for civil liberties. Besides his humor, his courage, and his rightful standing as a civil rights hero, Fred was also a wonderfully humane, caring, and kind man. He will be missed.

ERIC PAUL FOURNIER

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