

TEACHER'S GUIDE

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MISSION US: "Prisoner in My Homeland"

Justice Murphy's Dissent in *Korematsu v. United States*

In 1942, Fred Korematsu defied the mandate to be forcibly removed from his home in California. He was arrested and later sued the federal government for violating his constitutional rights. The case went all the way to the Supreme Court, where in 1944 the court decided 6-3 against Korematsu. Justice Frank Murphy—one of the three judges who ruled in favor of Korematsu—wrote the following dissenting opinion. In 1983, Korematsu challenged his conviction and the ruling was overturned.

This exclusion of "all persons of Japanese ancestry, both alien and non-alien," from the Pacific Coast area on a plea of military necessity in the absence of martial law ought not to be approved. Such exclusion goes over "the very brink of constitutional power," and falls into the ugly abyss of racism...

I dissent, therefore, from this legalization of racism. Racial discrimination in any form and in any degree has no justifiable part whatever in our democratic way of life. It is unattractive in any setting, but it is utterly revolting among a free people who have embraced the principles set forth in the Constitution of the United States. All residents of this nation are kin in some way by blood or culture to a foreign land. Yet they are primarily and necessarily a part of the new and distinct civilization of the United States. They must, accordingly, be treated at all times as the heirs of the American experiment, and as entitled to all the rights and freedoms guaranteed by the Constitution.

Source: *Korematsu v. United States*, 323 U.S. 214. December 18, 1944 (Murphy, Frank, dissenting).