



ASIAN AMERICAN BAR ASSOCIATION  
*of the Greater Bay Area*

## AABA Newsletter - June 2017

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### President's Message

By Miriam Kim

AABA President & Partner, Munger, Tolles & Olson LLP

In May, AABA commemorated Asian Pacific American Heritage Month by remembering past wrongs and the perils of injustice. A highlight was a reenactment of the trial of Minoru Yasui who challenged the constitutionality of the curfew against Japanese Americans in the wake of Executive Order 9066. AABA thanks the United States District Court of the Northern District of California for inviting us to organize this event with the Court and the Federal Bar Association. AABA also thanks the Asian American Bar Association of New York for sharing its reenactment materials.



Judge Marilyn Hall Patel presided over the Yasui trial reenactment in the very same courtroom where she heard Fred Korematsu's coram nobis petition and vacated his conviction. Judge Patel wrote: "[Koremastu] stands as a caution that in times of distress the shield of military necessity and national security must not be used to protect governmental actions from close scrutiny and accountability." *Korematsu v. United States*, 584 F. Supp. 1406, 1420 (N.D. Cal. 1984). Those words are so apt today.

In the face of haunting parallels between discrimination against Japanese Americans and Muslim Americans, AABA has challenged executive orders issued under the guise of national security. We joined with 42 bar associations in the **NAPABA amicus briefs** in the Fourth and Ninth Circuits to support lower courts' preliminary injunctions of the revised Muslim and refugee ban. Both the Fourth and Ninth Circuits upheld the injunctions.

In the face of an increase in hate crimes, AABA has urged prosecutors to prosecute hate crimes to the fullest extent of the law. In February, AABA urged authorities to prosecute the **racially charged shooting** in Kansas as a hate crime. This past Friday, the Justice Department announced federal hate crime charges. Unfortunately, this work continues with the recent Portland stabbings.

As AABA continues to stand up for justice, I invite you to join us. We need members who are willing to fight for civil rights, speak out against hate crimes, and remind our leaders of the perils of injustice.

If these needs seem daunting, I invite you to do something much simpler – join us on June 21 for the **30th Annual Summer Diversity Reception** at Fang Restaurant. If you are a law firm partner, make a **contribution** to support the event. You may be surprised how much you can help a law student or newer attorney by coming to the reception and sharing a few minutes of advice. See you there.

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## Roundtable on LA Civil Uprising

By Kathy Aoki and Candice Shih  
Co-Chairs of AABA's Newsletter Committee

Featuring Eumi Lee, Christy Kwon, and  
Sue Ra (pictured to the right)



For taxi driver, Rodney Glen King, his life changed on March 3, 1991 when he was beaten by Los Angeles Police Department officers after a high speed chase. Witness George Holliday videotaped most of the beating from his Los Angeles balcony and then sent it his video to television station KTLA. Holliday's video was shown not only in the United States but around the world and brought attention to police brutality and racial injustices.

On April 29, 1992, the four LAPD officers involved in the beating of King were acquitted by a Ventura County jury that stunned Los Angeles. This led to angry protests, business and school closures, citywide curfews, and much unrest. Los Angeles Mayor Tom Bradley called for a State of Emergency and California Governor Pete Wilson activated National Guard reserve soldiers to help.

But, while Los Angeles was in turmoil, a peace rally was held with more than 1,000 Korean-Americans and other gathered at Western Avenue and Wilshire Boulevard. After the verdict was reached in the King case, King

made a public statement where he asked for calm and denounced the street riots. King asked, "People, I just want to say ...can we all get along? Can we get along?"

**Eumi Lee, Christy Kwon and Sue Ra**, who are all of Korean descent, participated in a roundtable about this significant event. Lee is an AABA Past President and professor at UC Hastings College of the Law, Kwon is a supervising attorney at the National Labor Relations Board and co-chair of the AABA Civil Rights Committee, and Ra is a deputy public defender in Alameda County and immediate past president of the Asian American Criminal Trial Lawyers Association.

**Q: What are your memories of April 29, 1992?**

**Eumi Lee:** That day was a transformative moment in my life that will always be seared into my memory. I was a sophomore at Pomona College. I was in class that evening, and was one of the only (if not the only) Korean American students in an African American studies course. The three professors who co-taught the class brought televisions into the classroom to show us the live news feed of LA burning. I vividly remember the replays of the Rodney King beating, the verdict, and the reactions from members of the community as the verdict was being read. However, the memory most distinct from that day was seeing my mentor (one of the professors for the course) standing with tears in his eyes saying, "I can't believe this is happening again."

**Christy Kwon:** Koreans and Korean-Americans remember that day as Sa-I-Gu, which means 4-2-9. I was in high school in the suburbs of LA, because my parents had moved us out of Koreatown like many 'striving' Korean immigrants of their generation. I remember watching the live coverage of angry people forming into mobs, the looting, the fires across central and south LA. When we saw and heard that businesses were being burned down and Korean-owned businesses being targeted, that people in the line of fire were being injured and attacked (one woman mistakenly believed to be Korean), and that the police were doing nothing to stop it, I felt utterly helpless. And angry.

I felt enraged and impotent that the Korean American community was being used as a scape-goat for all the ills manifested by the economic, social, and political inequality that was LA, that was America, and the particular type of police brutality that the LAPD was guilty of. I remember feeling fear. I remember feeling guilt. I remember feeling injustice. I remember feeling that something needed to be done to redress all the issues that Sa-I-Gu exposed, and that I couldn't start doing that until I understood more the reasons why it happened in the first place.

**Sue Ra:** I was 11 years old. I had seen the video footage of the police beating Rodney King. I remember thinking that nothing could justify that kind of savagery. I felt sick watching it each time it was on the news.

When we got home at 10:00 p.m. on April 29, 1992, after closing our hamburger shop for the night, my parents turned on the Korean news. Then we watched Koreatown burn. At first, I thought the footage of bespectacled, middle aged Korean men standing on the rooftops armed with guns was funny. "They look silly! How would they even know how to use those guns anyway?" My dad quietly responded "because we all went into the military."

The double gut punch of April 29, 1992 delivered on Korean store owners and the outraged crowd that came out after the Rodney King verdict was that they didn't matter. A defenseless black man was ruthlessly beaten by men in uniform, on camera, with witnesses, and it didn't matter. Over 2,000 businesses that represented the

hopes and dreams of an entire immigrant community had been burned to the ground, but it didn't matter. As long as the fear, rage, and disappointment could be contained, within those communities, it didn't matter.

**Q: What significance, if any, do you think the LA civil uprising has on race relations, economics, and police misconduct, or other issues in the United States today?**

**Eumi Lee:** Obviously, the LA civil uprising and the issues it involved continue to have great significance today. We have seen this from the inception of the Black Lives Matter movement after the acquittal of George Zimmerman, the officer-involved shootings in countless cities that have garnered nationwide attention, and the federal consent decrees with law enforcement agencies, which are now under review by Attorney General Jeff Sessions and the Department of Justice.

**Christy Kwon:** Like today's Black Lives Matter movement, Sa-i-gu spotlighted systemic issues that perpetuate inequality in our country. We saw first-hand how systems and institutions that uphold the very fabric of our society can permit individuals in their "official capacity" to engage in gross violent conduct with impunity. We saw this in the Rodney King case, as well as in Ferguson and Baltimore, and all across our country more recently.

The "Occupy" movement a few years ago spotlighted economic inequality between the 99% and the 1% in this country. We had the same type of economic disparity in 1992. Inequality has a way of fueling anger and the perfect condition to scapegoat a group of people. In LA, in 1992, those were Korean shopkeepers. My fear is that we will see a lot more scapegoating of innocent families and children before this cycle of American history comes to a close. My hope is that we start addressing the real issues for the economic disparity instead.

**Sue Ra:** I think this event is most significant in its place in a larger narrative about race and police misconduct. It is usually mentioned as a prelude to the OJ Simpson trial. The two events together are defining moments that illustrate the abuse of police authority in the 90s and today.

This was the beginning of the conversation about the intersection of race and police misconduct. The conversation has changed over the past 25 years. I think back then, the vocabulary available to the public was limited to that of overt racism and malicious misconduct. This vocabulary allowed for a defensiveness that derails the purpose of the conversation – by labeling individuals racists; it conveniently isolates the problem to that person as opposed to acknowledging a deeper systemic problem. However, we have also grown in our sophistication and ability to recognize and diagnose prejudice in its many forms. It's not just about cross burnings and white hoods anymore.

What must be acknowledged is the absence of Korean Americans in this historical narrative about race and politics surrounding the LA uprising. Other than in Asian American publications or opinion pieces, the fact that this event occurred in Koreatown and affected an entire community of Asian Americans goes largely unmentioned. The protests that followed, with Korean Americans and in partnership between the black and Korean communities, also passed without much attention. This lack of acknowledgement is symptomatic of the way that Asian Americans have been excluded from the narrative of American society.

**Q: Do you think race relations have improved, stayed the same or become worse in the last 25 years? How have race relations changed in that time period?**

**Sue Ra:** The fact that we are continuing to have these discussions 25 years later tells us that we have not moved very far. We have reached a boiling point where discussion of these problems cannot be stifled. We are experiencing a time much like the civil rights movement of the 60s where people are utilizing the means of communication of their time to shine a spotlight on the pain and anger of their struggle.

Twenty five years later, the lack of improvement in issues of race is nowhere more apparent than in a criminal courtroom. I am a public defender in Oakland. All of the dialogue about the lack of diversity at the Oscars, pundits on cable news debating the latest police shooting of a black man, people decrying all of Brock Turner's privilege as a white man - all seem futile because on a daily basis, we all bear witness to the fact that most of the men in jail clothes are black or brown.

**Christy Kwon:** I think race relations have improved a lot in terms of the younger generation coming of age during the Obama presidency. They did not need to be "taught equality" but "saw equality." But now, because of Trump's campaign and Steve Bannon, and the media's acceptance of terms like "alt-right" as a euphemism for "white supremacy," racist discourse has been permitted into mainstream discourse and politics in a way that I have not seen in my lifetime. It is truly scary but I am heartened by all those who have stood up to say it is unacceptable and un-American, and who are resisting laws and policies that promote such hatred and bigotry.

**Q: During the civil uprising, Rodney King asked on television, "Can we all get along?" How would you answer that question in the current climate?**

**Eumi Lee:** I would like to think so, and I hope so one day. But as we've seen with the recent election and the rhetoric before and after, we are a divided nation. Unfortunately, I think we are still far away from that day.

**Christy Kwon:** I think the real question is "what are the conditions that would permit us to all get along?" When we have great disparities or injustices, and an overall erosion of faith in each other, our government, and our institutions, I think it's very difficult to expect everyone to get along. However, civility and the rule of law are key. We must ensure that there is a fair and just way of dealing with scarcity of resources, injuries, balance of rights, and a whole host of other harms and opportunities. Rule of law must serve as an alternative to violent confrontations or clashes, whether it's by the state or individual actors. This is why I think it's critical we fight for equal access to justice, high quality education, health care, and economic opportunities, among many other things.

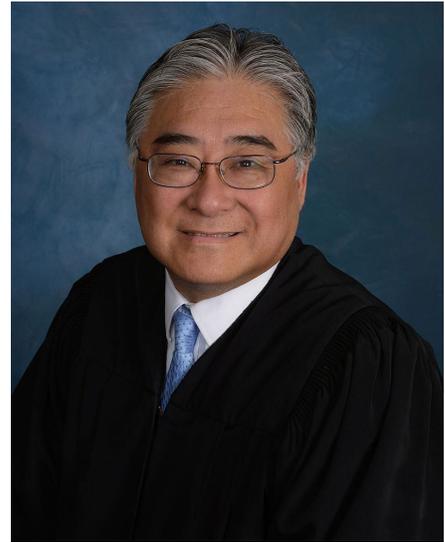
**Sue Ra:** Yes, we can. Actually, we must. But it's going to require a lot of work. The response of "I'm not a racist" to questions about implicit bias and saying, "blue lives matter" in response to inquiries about police misuse of force misses the point entirely. It's the difference between blame and responsibility. It's the difference between apology and atonement. We can come together, we can get along, we can move forward, but it will take the country as a whole to be brutally honest with itself and what it has done and what it will take to heal.

Editors' Note: Christy Kwon's responses are her own personal views and not of the National Labor Relations Board.

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## AABA Membership Spotlight: Judge Delbert C. Gee

The Honorable Delbert C. Gee has been a Judge of the Superior Court of California in Alameda County since 2002. He currently presides over a criminal collaborative court and drug court in Oakland. Judge Gee previously handled civil trials, law and motion, and case management in a direct civil calendar department in Alameda and Hayward, and presided over criminal felony, misdemeanor, and drug court cases, and civil case management, settlement conferences, and law and motion hearings in Oakland, Alameda, and Hayward, and juvenile dependency and delinquency cases in Hayward, and was formerly the supervising judge in Alameda and a member of the Court's executive committee. He is one of eight active Asian American Superior Court judges in Alameda County. In 2010, Judge Gee was presented with the Judicial Distinguished Service Award by the Alameda County Bar Association.



Judge Gee began his legal career as a Deputy District Attorney in Ventura County and then spent the next 20 years in private practice in San Francisco as an associate with Hassard, Bonnington, Rogers & Huber and with Bronson, Bronson & McKinnon, and later as a partner with Sturgeon, Keller, Phillips, Gee & O'Leary PC and with the Pacific West Law Group LLP, specializing in health care law and insurance coverage litigation. He graduated from the University of California, Davis in 1977 and from Santa Clara University School of Law in December 1979 where he was an associate editor of the Santa Clara Law Review. Judge Gee was born and raised in Alameda County and has been active for many years in numerous professional, civic and service organizations in the Bay Area.

**First job:** My first job was working the grill at a hot dog fast food joint. The secret is to fry the hot dogs and steam the buns. My next job was maintaining landscaping on median strips in the middle of city streets in 100+ degree heat.

**What annoys you the most:** hypocrisy

**Describe yourself:** I try to laugh out loud at least once a day.

**Hidden talent:** Zumba

**Favorite food:** Cantonese

**Why did you enter the law:** I had a political science degree and didn't know what to do next, so I thought I would go to law school and figure it out afterwards. I wish I had a more inspiring story.

**Why did you decide to become a judge:** I know it sounds trite, but I really wanted to help people and make a difference. After appearing in court as an attorney for 22 years, I thought that being a judge was a good way to help people and make a difference. After 14 years on the bench, it has proven to be true. I just finished five years as one of our civil direct calendar judges, and now I've volunteered to preside over our drug court in Oakland.

**Dream job if you could do anything you wanted in this world:** fabulously wealthy philanthropist

**AABA is:** a wonderful place to meet and work with great people.

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## **2017 AABA Law Foundation Scholarship Winner: Wendell Lin (U.C. Hastings College of the Law)**

This was adapted from the personal statement Wendell submitted with his scholarship application.

Growing up in an immigrant family and being raised in a single-room-occupancy apartment in Chinatown, I was uncertain what opportunities were available to a first-generation college student. My father made a living installing carpet and my mother was a hotel housekeeper. Ever keeping her nose to the grindstone, my mom insistently worked up to the week before I was born. She still gets a good laugh every time she half-jokingly tells people she almost had to name me “Hyatt”.

In school, I was eager for guidance while contemplating careers paths. I entertained scattered dreams of becoming a consummate civil engineer, a dedicated public servant, and an industrious entrepreneur. But as strewn as my ambitions were, I was steadfast to my passion of giving back to my community. After graduating from college, I sought out a job where I could inspire civic engagement and foster leadership development for Asian American college students. I was determined to succeed and by exhausting all resources available to me, I successfully secured 22 government internship positions throughout the Bay Area for underrepresented students. By providing professional training and substantive work experience, I offered students a meaningful experience while increasing diversity and inclusion in local government and politics. I continued to pursue this passion when I was afforded the opportunity to campaign and eventually work for the first Chinese American mayor in San Francisco.



My responsibilities in the Mayor’s office provided firsthand experience with policies that affect the everyday lives of residents. I participated in meetings with department heads to develop strategies in promoting diversity in the City’s workforce. I also worked closely with the mayor’s senior advisers to explore policies to ensure that parks and family services would prioritize inclusion and access for disenfranchised communities. Through facilitating partnerships with service providers, we were able to increase the number of citywide community events that reflected San Francisco’s diverse history and values.

I am honored to be a recipient of the AABA Law Foundation Scholarship. AABA’s generous support helps law students like myself pursue a legal degree while continuing to serve their community. The Asian American community faces significant challenges in immigration, civil rights, and equal representation. I look forward to playing my part in addressing those challenges through promoting civic engagement and political involvement in the community. As the first person in my family to attend law school, I hope to open the door of opportunity for others, just as others have done for me.

## Student Corner: Lessons of the WWII Mass Incarceration of Japanese Americans – A Reflection

By Philip J. Tacason

3L at U.C. Hastings College of the Law

On the evening of May 16, hundreds attended one of the most powerful events of the year. At the Phillip Burton Federal Building in downtown San Francisco, the Ceremonial Courtroom was filled with attorneys, judges, professors, and students of all ages. Hosted by AABA, the Federal Bar Association, and the U.S. District Court for the Northern District of California, Lessons of the WWII Mass Incarceration of Japanese Americans provided a reenactment of the trial of jailed Japanese-American Minoru Yasui, a Q&A with Karen Korematsu and Dale Minami, and an Awards Ceremony for the 2017 Ninth Circuit High School Civics Contest.

The event started with a reenactment of the trial of Yasui, a Japanese-American lawyer who walked into a police station on March 28, 1942 and demanded to be arrested for violating a military-implemented curfew in Portland, Oregon. According to Yasui, he undertook the case to clarify and preserve the fundamental civil rights of an American citizen, "confident that the American judiciary would zealously defend those rights . . . to perpetuate the eternal truths of America." The reenactment shed light on the disturbing language used by the State and the judges in convicting Yasui for violating the curfew. The trial court found that Yasui's familial and cultural ties – in and of themselves – demonstrated his loyalty to Japan, despite his status as an American citizen and service as a second lieutenant in the United States Army.

The reenactment also included excerpts from Yasui's appeal and the subsequent Supreme Court's decision that the application of the curfew against members of a minority group was constitutional when the United States was at war with the nation from which the group originated.

The trial reenactment was followed by a Q&A with Karen Korematsu and Dale Minami. Ms. Korematsu is the Founder and Executive Director of the Fred T. Korematsu Institute and the daughter of the late Fred Korematsu. Mr. Minami, a partner at the San Francisco firm Minami Tamaki LLP, has led significant litigation involving the civil rights of Asian Americans, including the lawsuit overturning the conviction of Mr. Korematsu.



Ms. Korematsu spoke about the landmark United States Supreme Court case, *Korematsu v. United States*, which affirmed her father's conviction for violating Executive Order 9066. She then spoke about his four-decade long fight to overturn it. "My father never gave up his dream of the Supreme Court re-opening his case," Ms. Korematsu told the crowd. "That's how much he believed in the Constitution." Finally, on November 10, 1983 – forty-one years after his initial arrest – the United States District Court for the Northern District of California granted a writ overturning the conviction.

"My father believed in civic engagement," Ms. Korematsu told the crowd. She then encouraged attendees to share what they learned at the event with their friends and family. "Prejudice is ignorance," she asserted. "The only way to

fight that is through education.”

A high school student in the crowd then asked Mr. Minami and Ms. Korematsu what young people can do for their part. Ms. Korematsu recommended students start by hosting events for Fred Korematsu Day – celebrated each year on his birthday, January 30. Educating young people can start with events and speakers that relate Fred Korematsu’s story and what he stood for.

A reception followed the event. The hallway outside the ceremonial courtroom was lined with panels filled with information and photos about the incarceration of Japanese Americans during the Second World War. On one of the panels was a cautionary line often used by Justice Antonin Scalia:

Inter arma enim silent leges.  
In times of war, the law falls silent.

2017 marks seventy-five years since President Franklin D. Roosevelt signed Executive Order 9066 in response to the Japanese attack on Pearl Harbor. Although 1942 may seem like a distant and long-forgotten past, the lessons of the 1940s are especially relevant today. Those who do not learn from history, goes the oft-cited adage, are doomed to repeat it. Try replacing the word “Japanese” each time it is used by the Prosecution in the Yasui trial reenactment, with “Muslim,” “Mexican,” or any other racial or religious minority. The result is a frightening parallel to the current rhetoric used by many supporters of the alt-right and neo-nationalism. Some of these supporters happen to hold significant political power and influence.

The event, therefore, was a reminder while that our country has made great strides in advancing civil rights – thanks in large part to the efforts of heroes like Fred Korematsu, Karen Korematsu, Minoru Yasui, and Dale Minami – there is still plenty of work yet to be done. The fight against racial injustice is now in the hands of the up-and-coming generation.

AABA thanks the organizers and cast members including: Chief Judge Phyllis Hamilton, Judge Marilyn Hall Patel, Judge Richard Seeborg, Judge Edward Chen, Judge Yvonne Gonzalez Rogers, Judge Haywood Gilliam, Judge Elizabeth Laporte, Judge Donna M. Ryu, Judge Daniel Flores, Karen Korematsu, Dale Minami, Charlene “Chuck” Shimada, Emi Gusukuma, Eumi Lee, Miriam Kim, John Hamasaki, Zahra Billoo, Lin Chan, Peter Boutin, Amie Rooney, and Reva Hoosier.

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## Reflections on Fred Korematsu's Coram Nobis Case

By Kathy Aoki

Co-Chair of AABA’s Newsletter Committee

**Featuring Dale Minami and Don Tamaki**

Fred Korematsu, Gordon Hirabayashi, and Minoru Yasui challenged the exclusion orders or curfew with cases that reached the Supreme Court in the 1940’s. Thirty five years ago, in 1982, legal scholar Peter Irons uncovered evidence showing that the government had presented false



charges of Japanese American disloyalty and espionage. This led Korematsu, Hirabayashi and Yasui to petition for a writ of coram nobis, seeking to vacate their federal convictions.

A writ of coram nobis is an extraordinary remedy limited to cases in which a “fundamental error” or “manifest injustice” has been committed. A coram nobis petitioner has a high burden of proof, and the petition cannot be used to reopen or reargue points of law, but only to raise errors of fact that were knowingly withheld by the prosecutor.

A group of AABA members and other lawyers led by Dale Minami represented Korematsu in his coram nobis petition. Other core members of the Korematsu legal team included Don Tamaki, Karen Kai, Judge Dennis Hayashi, Judge Edward Chen, Lorraine Bannai, Robert Rusky, Eric Yamamoto, Leigh-Ann Miyasato and Donna Komure. We asked members of the legal team to share their reflections on the historic Korematsu case. Here are excerpts of reflections from Dale Minami and Don Tamaki.

**Q: Why did you become involved in working on the Korematsu case?**

**Dale Minami:** In 1982, I was in private practice at Minami, Tomine & Lew when I received a phone call from Peter Irons, who introduced himself as a Professor of Political Science at U Mass Amherst and a lawyer. He said he had discovered evidence of serious government misconduct in the original Supreme Court cases of Hirabayashi, Yasui and Korematsu vs. the United States. I knew about the cases from high school and college but studied them more in depth in law school. When I read the cases, I was disgusted by the obvious illogic, inconsistencies, outright racism and hypocrisy of our country’s highest court. I even volunteered for a research project at Boalt to determine whether the cases could be overturned but the Professor in charge waved me off, saying he didn’t think they could be overturned and they had enough help already. These cases had personal relevance for me since my family was incarcerated, and I felt they were among the worst cases ever decided by the Supreme Court so they were always stuck in my head as unresolved travesties.

When Peter explained the specific evidence proving that the government had lied to the Supreme Court about the danger posed by Japanese Americans AND the documents in memo form from the government’s own attorneys admitting to presenting “lies” to the Supreme Court, I was overwhelmed but a bit skeptical. I first called Don Tamaki, then Executive Director of the Asian Law Caucus and we agreed that the task would be to retry history. When I read the government memos, I was convinced that we NEEDED to help with these cases – to help overturn the convictions of these 3 men; to correct the historical record and impression that there was some good reason in incarcerating Japanese Americans when the record proved that there was, in fact, no military necessity and the government knew this; and to impair the precedent of Korematsu, Hirabayashi and Yasui which accepted the unchallenged military judgement that Japanese Americans were dangerous, without applying the very ‘Strict Scrutiny’ test the Court announced and the precedent of ultimate deference to the Executive branch in times of crisis; and, on a personal level, to vindicate our parents, families and communities whose only crime was racial ancestry. It was the case of a lifetime.

**Don Tamaki:** In 1982, I was the Executive Director of the Asian Law Caucus, Inc. In early 1982, I received a call from Dale Minami, then a partner at the law firm of Minami Lew & Tomine, asking me if I was interested in reopening the Korematsu case. He explained that a political science professor by the name of Peter Irons had stumbled upon secret wartime memoranda and authoritative intelligence reports from the Justice Department, War Department, Navy, F.B.I., and F.C.C. admitting that Japanese Americans had committed no wrong and posed no threat. Other Justice Department memoranda characterized the Army’s claims that Japanese Americans were spying as “intentional

falsehoods.” These official reports were never presented to the Supreme Court, having been intentionally suppressed, altered and destroyed pursuant to the orders of high government officials so as to manipulate the outcome of the Korematsu decision. This fraud on the Court was committed at the highest levels of our legal system, involving the Attorney General and the Solicitor General of the United States. Our motivation in reopening the Korematsu case was threefold: (1) to vindicate our families who were incarcerated merely because they happened to look like the enemy and without evidence of wrongdoing, charges or trial; (2) to eviscerate as much as possible the 1944 Korematsu precedent, widely believed to be a civil liberties disaster; and (3) to educate the public about the danger to our democracy when lawyers and courts lose the courage to stand up against the tide of public opinion and ask probing questions.

**Q: What significance, if any, do you think the Korematsu case has had on American citizens in asserting their constitutional rights?**

**Dale Minami:** The case, the Redress movement, the repudiation of the imprisonment by 5 Presidents explicitly or implicitly, the confession of error by the Acting Solicitor General has led to significant public education about the dangers of targeting and scapegoating marginalized groups. While there is much to be done, I think it has ameliorated and moderated the possible malicious actions against other minority groups, specifically Muslims and Arab Americans. Korematsu is raised as a cautionary tale every time an entire group is demonized so the press and the judiciary has understood and commented on the great injustice of the Japanese American incarceration. Judge Richard Paez recently challenged the government's argument in favor of the Muslim immigration ban by invoking the mistake of Korematsu. Other courts have applied Korematsu as a lesson – of failure of the judicial system. See *Hassan vs. City of New York*. So the Courts are now employing their authority as they failed to do in the original Korematsu case.

**Don Tamaki:** The parallels between the mass round-up of Americans of Japanese ancestry, which was done without any factual evidence of wrongdoing, and the vilification of Muslim Americans, which sadly, is not based on any factual evidence of wrongdoing, is obvious. The lesson of Korematsu is that unless we demand that the Executive, Legislative and Judicial Branches are accountable to the rule of law, particularly in the face of demagoguery, the nation risks losing its democracy and the freedoms that all Americans are entitled to receive.

**Q: What would the challenges be in working to get the Korematsu conviction overturned in the courts in 2017? Would these challenges be the same as before or different and why?**

**Dale Minami:** The parallels between the mass round-up of Americans of Japanese ancestry, which was done without any factual evidence of wrongdoing, and the vilification of Muslim Americans, which sadly, is not based on any factual evidence of wrongdoing, is obvious. The lesson of Korematsu is that unless we demand that the Executive, Legislative and Judicial Branches are accountable to the rule of law, particularly in the face of demagoguery, the nation risks losing its democracy and the freedoms that all Americans are entitled to receive.

**Don Tamaki:** Fred's criminal conviction for disobeying internment orders was overturned, but the Supreme Court has never squarely reversed the 1944 precedent, although it has been severely undermined and discredited. In order for the Court to reverse itself, a factually similar case must occur in which Americans are imprisoned without trial, and which case is appealed to the U.S. Supreme Court for review.

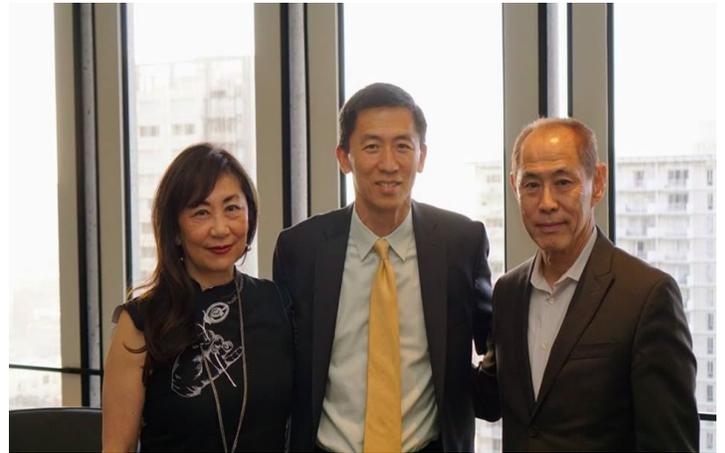
**Q: What is the most important thing you learned from working on the Korematsu case?**

**Dale Minami:** There are many lessons: The difference one person can make by standing up for/his and her principles; that dissent is not the enemy of patriotism; that our civil rights are fragile and relying only on the judicial system is not a guarantee of protection; that a group of young, committed attorneys who have a vision for justice and a willingness to take risks with a family like the Korematsu's who trusted us, can become a formidable force "for social justice."

## Event Photo Galleries



**April 29 - Rebuilding Together SF Volunteer Event**



**May 9 - Fireside Chat with API Pioneers in the Law**



**May 16 - Lessons of the WWII Mass Incarceration of Japanese Americans**



**May 17 - APA Heritage Month Mixer**

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