

Your honors, may it please the court, my name is Rachel Gonzales and I will give the opening statement on behalf of the United States government.

We lost more than a military base on the infamous day of December 7th, 1941. This country lost the ability to feel safe in our own homes. As the Japanese bombs ripped apart Pearl Harbor, so too was the peace of mind of the American citizen shredded to pieces. 353 Japanese fighters, bombers, and torpedo planes attacked the base; 188 US aircrafts were destroyed; 1,282 Americans were wounded; 2,402 were killed. In the aftermath of this horrendous event, nothing could be the same. Awe-inspiring footage of fiery plane crashes and sinking ships blanketed news coverage. Our navy, the strongest and most modern of the branches of our military, was brutally attacked while they sat unsuspecting in their own harbor. The purpose of the bombing was clear: to cripple our country at its core.

Tensions on the West Coast were high because of the threat of a continued eastward movement by the Japanese, and the possibility of important military installations situated along the coast being targeted by the Empire. Not since the British in the Revolutionary War had we been so boldly targeted on our own land. The public demanded action.

This is a case about the government attempting to quell the direct threat forced upon us by the Empire of Japan, and one man making a tremendous effort to refuse this attempt. In the face of such clear provocation, great action is required. Time simply did not allow for us to sit around and wait to see what happened next.

This case involves a man, namely the defendant Mr. Fred Korematsu, who consciously violated a direct military order instituted for the good of the people in the face of war, authorized by the President of the United States. In May of 1942, the military declared military zones along the West Coast and ordered those of Japanese descent to report to assembly centers. Thousands cooperated peacefully and followed instructions. On May 9th, the family of Fred Korematsu reported to the Tanforan Assembly Center; Fred Korematsu did not. In fact, Fred Korematsu changed his name and had plastic surgery to appear European in order to disguise himself amongst the rest of the population.

Proper process dictates that when the constitutionality of a principle is questioned, it must pass the three areas of strict scrutiny to be upheld. The courts must find the principle in question to be of compelling governmental interest, be effective in achieving one specific goal, and be the least restrictive means possible to achieve said goal.

The prosecution will call six witnesses today. General Dewitt will illustrate the honest threat of Japanese attack on the West Coast. Henry Stimson will illustrate that Executive Order 9066 was effective in achieving what it was meant to achieve. John Carter will serve to prove that the actions of the US government were appropriate for the circumstances.

The defense will tell you that Executive Order 9066 was a violation of civil rights. They will argue

that Fred Korematsu is a United States citizen and is protected under the Constitution. What they fail to take into account is the procedure in times of war. In times of war, every moment counts. Until the enemy is known, the enemy is everywhere.

Amendment IV of the Constitution protects the individual from unlawful search and seizure. Those who immigrated to this country were not US citizens, and therefore were not protected by our Constitution. For those who were born in this country, I offer this simple fact: the possessions of Japanese Americans were not taken from them. The government offered storage for the belongings that could not be reasonably transported. Nothing was seized, regardless of a possession of a warrant.

Twice, the constitutionality of Executive Order 9066 has been called into question in front of the Supreme Court, and twice its constitutionality has been upheld. In 1943, two cases were brought before the Supreme Court regarding the constitutionality of Executive Order 9066 and the institution of a curfew against minority groups. In *Hirabayashi vs. the US* as well as *Yasui vs. the US*, the court ruled that, in times of war, it is justified and constitutional to impose regulations against a minority when our nation is at war with the country in which the minority originated. If being out too late after dark is ruled a criminal offense, how can it not be said that remaining in a designated military evacuation zone despite a government order would not be addressed in the same manner?

One month after the signing of Executive Order 9066, Congress passed Public Law 77-503, making it a criminal offense for persons to “enter, remain in, leave, or commit any act in a military area or zone contrary to restrictions imposed by Executive Order or Secretary of the Army.”

Amongst the burning devastation of Pearl Harbor, a new world was born: a world of survival. The choices made by the government following the horrifying attack on our nation's land were nothing short of necessary in the face of war. When the nation is threatened, sacrifices must be made. And so, I ask you: when staring down the barrel of a gun, do you close your eyes and pray? Or do you stand up and fight against your enemy at all costs?