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Fred Korematsu Hails Decision

SAN FRANCISCO, (AP).— Lawyers for a man who was one of 120,000 Japanese Americans interned during World War II hailed as a "historical victory for civil liberties" Wednesday a request by the government to vacate their client's 40-year-old conviction.

"I still remember 40 years ago, when I was shackled and put in prison. Being an American citizen didn't mean a thing," said Fred Korematsu, 64, after the request. "It's about time they came around."

The U.S. Justice Department, responding Tuesday to an appeal filed on Korematsu's behalf eight months ago, asked a federal court in San Francisco to vacate the conviction and dismiss the indictment against him for failing to report for internment.

Attorney Dale Minami called

the move a "capitulation and recognition that the wrong done to Korematsu... was politically, legally and morally indefensible."

In May 1942, Korematsu, then a 23-year old welder for a defense contractor in Berkeley, California, was arrested for failing to report for internment. He was jailed for three months, convicted of a misdemeanor violation of President Franklin D. Roosevelt's emergency internment order and later sent to camps in San Francisco and Utah.

"I was burned up," Korematsu said. "I can't express the feeling I had at the time. And it's been with me all these years."

He and two other men arrested for resisting the wartime order appealed their convictions to the U.S. Supreme Court. But the tribunal upheld the convictions, saying the internment was justified by "military necessity."

The fight was revived decades later after Peter Irons, a constitutional law expert and political science professor at the San Diego campus of the University of California, used the freedom of information act to obtain evidence undermining the internment.

Those documents showed that the military fabricated evidence of Japanese American espionage and sabotage and that government lawyers kept that knowledge from the high court, Irons said.

Tuesday's government petition "represents a concession that the allegations in our petition are true," he said. "This is a historical victory for civil liberties... The factual underpinnings have been pulled out from under this case."

The Justice Department intends to ask judges in Seattle, Washington and Portland, Oregon, to vacate the convictions of Gordon Hirabayashi and Minoru Yasui, whose appeals also were rebuffed by the U.S. Supreme Court.

U.S. District Judge Marilyn Patel has not yet acted on the Justice Department request.

But even if she does vacate Korematsu's conviction, questions remain about the precedent-setting power of the Supreme Court decision. Another of Korematsu's law-

yers, Don Tamaki, speculated that it could still be cited in justifying actions against other racial classifications of Americans.

In practical terms, the Supreme Court decision has been overturned," Irons said. "It's highly doubtful the government could ever cite this case... because the Justice Department's opinion is that the government was wrong to begin with."

Korematsu's lawyers said they have not yet decided whether to file a civil suit against the federal government seeking damage for wrongful imprisonment. But they said the government concession would help the reparations movement.

The Commission on Wartime Relocation and Internment of Civilians in June recommended that the federal government apologize to the internees and pay \$20,000 dollars to each of the approximately 60,000 who are still alive.

Asked whether he would like reparations, Korematsu said, "I think I'll leave it up to the government."

Sacramento to Set Up Memorial Fund

SACRAMENTO.—The Sacramento County Board of Supervisors recently passed an ordinance establishing a memorial fund in recognition of the injustices created by evacuation of Japanese Americans during World War II.

The ordinance stipulates that Japanese Americans who lost their county civil service jobs as a result of evacuation during World War II can be compensated from the memorial fund.

Supervisor Ila Collin introduced the proposal which sets aside \$35,000 for the memorial fund. Eligible employees may apply to the fund for up to a maximum sum of \$5,000. County employees of Japanese ancestry who lost their jobs between March 2, 1942, and June 20, 1946, because of the evacuation into internment