

# Introduction to Legal Studies

Spring 2007

## Life During Wartime: Rights and Security

*Questions for Tuesday, March 13<sup>th</sup>*

On Tuesday we continue looking at questions of rights during wartime and will look at the historical precedent of World War II, when one of the most important cases involving the Constitution in times of war reached the Supreme Court. The case, *Korematsu v. United States*, involved the forced evacuation and detention in so-called "Relocation Camps" of people (both citizens and non-citizens) of Japanese descent from the West Coast of the United States in the year following the Japanese attack on Pearl Harbor in December 1941.<sup>1</sup> The case raises important questions about the extent to which we should or should not override individual rights in the name of national safety or national security. In other words, balancing rights and security. We will also look at one of the current similar issues facing American society: the detention of suspected terrorists at Guantanamo Bay.

1. What were the justifications given by military and civilian authorities to justify the wartime relocation? What explains the differences in the policies recommended and carried out in Hawaii and California?
2. What rights, if any, are violated by the relocation order? Why should these rights be respected at a time of danger or war?
3. What are the various positions taken by the Justices of the Supreme Court in *Korematsu*? How do they justify their opinions? With whom do you agree and why?
4. When might it be justifiable to override individual rights in the name of national security? In what situations? How would you structure such an order? How would you achieve your goals? What concerns would you have about the ability to exercise such power?
5. What are the Bush Administration's justifications for restricting Constitutional, Geneva Convention, and human rights of detainees in Guantanamo? What are the arguments Margulies uses to counter these arguments? Whom do you find more persuasive and why?

---

<sup>1</sup> For further exploration of the history of the Japanese internment, see:

[www.pbs.org/childofcamp/history](http://www.pbs.org/childofcamp/history)

[www.jointernment.org](http://www.jointernment.org)