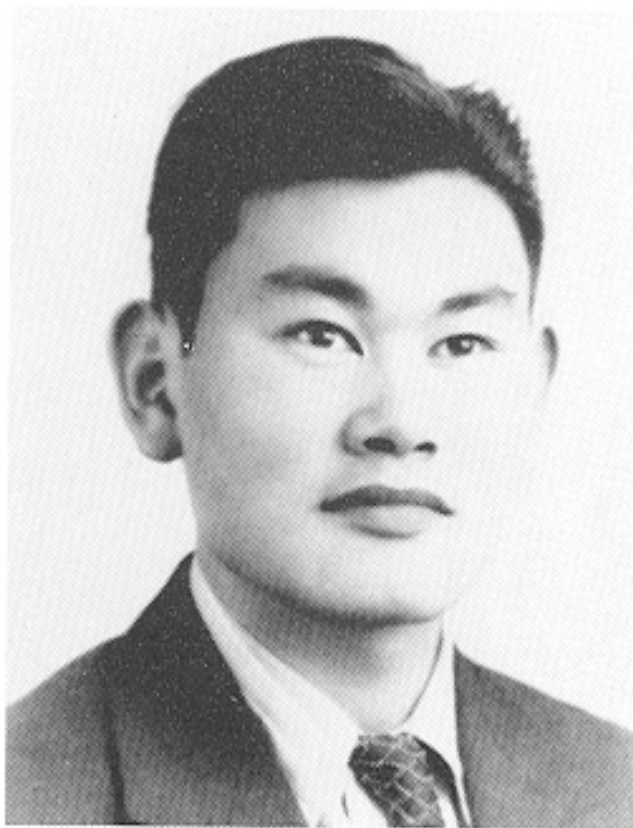
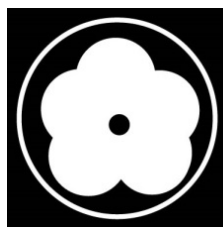


# Fred Korematsu and His Fight for Justice



NAPABA National Convention  
Washington, D.C.  
November 3, 2017



**Asian American  
Bar Association  
of New York**



## Cast of Characters

Narrator 1	Denny Chin
Narrator 2	Kathy Hirata Chin
Fred Korematsu	Vincent T. Chang
Henry McLemore	Francis H. Chin
Lt. General John L. DeWitt	David Weinberg
A.J. Zirpoli	Vinoo Varghese
Oliver Mansfield	Yang Chen
Wayne Collins	Anna Mercado Clark
Judge Adolphus St. Sure	Andrew T. Hahn
Chief Justice Harlan Fiske Stone	Vinoo Varghese
Judge Denman	Linda S. Lin
Charles Horsky	Clara J. Ohr
Charles Fahy	Ona T. Wang
Justice Frankfurter	Francis H. Chin
Justice Jackson	Jessica C. Wong
Justice Rutledge	Yasuhiro Saito
Justice Black	Lauren U.Y. Lee
Justice Roberts	Linda S. Lin
Justice Murphy	David Weinberg
Edward Ennis	Lauren U.Y. Lee
Professor Peter Irons	Yasuhiro Saito
Dale Minami	Dale Minami
Judge Marilyn Hall Patel	Kiyo A. Matsumoto
Victor Stone	Andrew T. Hahn
Lori Bannai	Clara J. Ohr
Ed Chen	Yang Chen
Neal Katyal	Neal Katyal
Karen Korematsu	Karen Korematsu

Powerpoint Presentation: David Weinberg, *JURYGROUP*

## **Timed Agenda**

	<b><u>Minutes</u></b>
The Reenactment	
I. Introduction	1
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III. The Trial	14
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A. The Argument	11
B. The Decision	10
C. Reaction to the Decision	2
VI. The Coram Nobis Proceedings	12
VII. Redress	2
VIII. Aftermath	1
IX. Conclusion	<u>1</u>
Total	60
Discussion and Q&A	<u>15</u>
Grand Total	75

We include certain key documents in this handout. Additional documents are included in the Convention CLE materials.

## Chronology

January 30, 1919	Fred Toyosaburo Korematsu is born in Oakland, California.
1940	The Selective Service Act of 1940 is passed, establishing America's first peacetime draft. In the draft's first year, 3,500 <i>Nisei</i> -- second-generation Japanese-Americans born in the United States -- are drafted.
December 7, 1941	Japan attacks Pearl Harbor. The United States is drawn into World War II. The FBI arrests 1,300 <i>Issei</i> -- first-generation Japanese immigrants -- leaders identified purportedly as potentially dangerous enemy aliens.
January 5, 1942	<i>Nisei</i> are reclassified as aliens ineligible for the draft.
February 19, 1942	President Roosevelt signs Executive Order 9066, authorizing the forced exclusion of all persons of Japanese ancestry from the West Coast.
March 21, 1942	Congress passes legislation making violation of military orders issued pursuant to E.O. 9066 a crime.
March to August, 1942	All persons of Japanese ancestry on the West Coast of the United States are forced to leave their homes and businesses and move to temporary detention centers -- and eventually to concentration camps. More than 110,000 Japanese-Americans are expelled from the West Coast; they lose approximately \$6-10 billion in property and income.
May 3, 1942	Civilian Exclusion Order No. 34 is issued ordering exclusion of persons of Japanese ancestry from the area where the Korematsu family resided. Fred's family reports as ordered five days later, without Fred.
May 30, 1942	Fred is arrested in San Leandro, California.
June 12, 1942	Formal charges are filed against Fred for remaining in the area in violation of Civilian Exclusion Order No. 34.
September 8, 1942	Fred is tried and found guilty as charged in the United States District Court for the Northern District of California.
January 28, 1943	<i>Nisei</i> are permitted to volunteer for military service.
February 19, 1943	Ninth Circuit hears oral argument from counsel for Fred (on the government's motion to dismiss the appeal), Minoru Yasui, and Gordon Hirabayashi.

June 1, 1943	Supreme Court determines that Fred's conviction can be appealed.
June 21, 1943	Supreme Court decides <u>Hirabayashi</u> and <u>Yasui</u> .
December 2, 1943	Ninth Circuit affirms Fred's conviction.
January 20, 1944	The draft is reinstituted for all <i>Nisei</i> , including those imprisoned in camps.
February 2, 1944	Fred's petition for certiorari is filed with the Supreme Court.
March 27, 1944	Certiorari is granted in Fred's case.
June 6, 1944	D-Day -- The Allied Forces land at Normandy.
October 11-12, 1944	Oral argument is held before the Supreme Court in Fred's case.
December 17, 1944	The War Department announces that Japanese Americans who have passed loyalty screening are free to leave camps after January 2, 1945.
December 18, 1944	The Supreme Court issues <u>Korematsu</u> , upholding Executive Order 9066 and the Army's exclusion of Japanese-Americans.
May 28, 1945	Fred's parents return to Oakland from Topaz.
August 11, 1945	V-J Day -- Japan surrenders.
September 2, 1945	World War II formally ends.
October 12, 1946	Fred marries Kathryn.
December 24, 1947	President Harry S. Truman pardons all wartime draft resisters, including the <i>Nisei</i> resisters from Heart Mountain and other camps.
1952	Congress enacts the McCarran-Walter Immigration Act, which includes allowances for <i>Issei</i> naturalization.
February 17, 1954	Fred's father becomes a U.S. citizen.
February 19, 1976	President Gerald R. Ford issues Proclamation 4417 repealing Executive Order 9066.

July 31, 1980	President Jimmy Carter signs legislation establishing the Commission on Wartime Relocation and Internment of Civilians (the “Commission”) to investigate incarceration of Japanese Americans during World War II.
January 1982	Fred meets Professor Peter Irons.
January 19, 1983	Fred’s legal team files his petition for a writ of error coram nobis.
February 24, 1983	The Commission publishes report entitled “Personal Justice Denied.”
June 16, 1983	The Commission issues formal recommendation.
November 10, 1983	Judge Marilyn Hall Patel conducts hearing on Fred's petition and rules from the bench.
April 19, 1984	Judge Patel issues her formal written opinion.
August 10, 1988	President Ronald Reagan signs the Civil Liberties Act, providing a formal apology from the government and redress of \$20,000 to each survivor incarcerated under Executive Order 9066.
January 15, 1998	Fred receives the Presidential Medal of Freedom from President Bill Clinton.
March 30, 2005	Fred dies at the age of 86.
September 23, 2010	Governor Arnold Schwarzenegger signs legislation recognizing Fred’s birthday as “Fred Korematsu Day of Civil Liberties and the Constitution” in California. It is the first time in U.S. history that a day has been named for an Asian American.
May 20, 2011	Acting Solicitor General Neal Kumar Katyal posts “Confession of Error: The Solicitor General’s Mistakes During the Japanese-American Internment Cases” on Department of Justice website.

EXECUTIVE ORDER

- - - - -

AUTHORIZING THE SECRETARY OF WAR TO PRESCRIBE  
MILITARY AREAS

WHEREAS the successful prosecution of the war requires every possible protection against espionage and against sabotage to national-defense material, national-defense premises, and national-defense utilities as defined in Section 4, Act of April 20, 1918, 40 Stat. 533, as amended by the Act of November 30, 1940, 54 Stat. 1220, and the Act of August 21, 1941, 55 Stat. 655 (U. S. C., Title 50, Sec. 104):

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, and Commander in Chief of the Army and Navy, I hereby authorize and direct the Secretary of War, and the Military Commanders whom he may from time to time designate, whenever he or any designated Commander deems such action necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate Military Commander may determine, from which any or all persons may be excluded, and with respect to which, the right of any person to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate Military



- 2 -

Commander may impose in his discretion. The Secretary of War is hereby authorized to provide for residents of any such area who are excluded therefrom, such transportation, food, shelter, and other accommodations as may be necessary, in the judgment of the Secretary of War or the said Military Commander, and until other arrangements are made, to accomplish the purpose of this order. The designation of military areas in any region or locality shall supersede designations of prohibited and restricted areas by the Attorney General under the Proclamations of December 7 and 8, 1941, and shall supersede the responsibility and authority of the Attorney General under the said Proclamations in respect of such prohibited and restricted areas.

I hereby further authorize and direct the Secretary of War and the said Military Commanders to take such other steps as he or the appropriate Military Commander may deem advisable to enforce compliance with the restrictions applicable to each Military area hereinabove authorized to be designated, including the use of Federal troops and other Federal Agencies, with authority to accept assistance of state and local agencies.

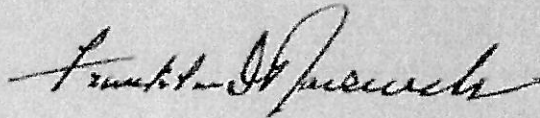
- 3 -

I hereby further authorize and direct all Executive Departments, independent establishments and other Federal Agencies, to assist the Secretary of War or the said Military Commanders in carrying out this Executive Order, including the furnishing of medical aid, hospitalization, food, clothing, transportation, use of land, shelter, and other supplies, equipment, utilities, facilities, and services.

This order shall not be construed as modifying or limiting in any way the authority heretofore granted under Executive Order No. 8972, dated December 12, 1941, nor shall it be construed as limiting or modifying the duty and responsibility of the Federal Bureau of Investigation, with respect to the investigation of alleged acts of sabotage or the duty and responsibility of the Attorney General and the Department of Justice under the Proclamations of December 7 and 8, 1941, prescribing regulations for the conduct and control of alien enemies, except as such duty and responsibility is superseded by the designation of military areas hereunder.

THE WHITE HOUSE,

February 19, 1942.



THE NATIONAL ARCHIVES  
PRESIDENTIAL PAPERS  
FOR THE PRESIDENT

FEB 21 12 51 PM '42

IN THE DIVISION OF THE  
FEDERAL REGISTER

9066

HEADQUARTERS WESTERN DEFENSE COMMAND  
AND FOURTH ARMY

OFFICE OF THE COMMANDING GENERAL  
PRESIDIO OF SAN FRANCISCO, CALIFORNIA

June 5, 1943

SUBJECT: Final Report on the Evacuation of Japanese from Certain Military Areas in Western Defense Command.

TO: Chief of Staff, United States Army, War Department, Washington, D. C.

1. I transmit herewith my final report on the evacuation of Japanese from the Pacific Coast.

2. The evacuation was impelled by military necessity. The security of the Pacific Coast continues to require the exclusion of Japanese from the area now prohibited to them and will so continue as long as that military necessity exists. The surprise attack at Pearl Harbor by the enemy crippled a major portion of the Pacific Fleet and exposed the West Coast to an attack which could not have been substantially impeded by defensive fleet operations. More than 115,000 persons of Japanese ancestry resided along the coast and were significantly concentrated near many highly sensitive installations essential to the war effort. Intelligence services records reflected the existence of hundreds of Japanese organizations in California, Washington, Oregon and Arizona which, prior to December 7, 1941, were actively engaged in advancing Japanese war aims. These records also disclosed that thousands of American-born Japanese had gone to Japan to receive their education and indoctrination there and had become rabidly pro-Japanese and then had returned to the United States. Emperor worshipping ceremonies were commonly held and millions of dollars had flowed into the Japanese imperial war chest from the contributions freely made by Japanese here. The continued presence of a large, unassimilated, tightly knit racial group, bound to an enemy nation by strong ties of race, culture, custom and religion along a frontier vulnerable to attack constituted a menace which had to be dealt with. Their loyalties were unknown and time was of the essence. The evident aspirations of the enemy emboldened by his recent successes made it worse than folly to have left any stone unturned in the building up of our defenses. It is better to have had this protection and not to have needed it than to have needed it and not to have had it—as we have learned to our sorrow.

3. On February 14, 1942, I recommended to the War Department that the military security of the Pacific Coast required the establishment of broad civil control, anti-sabotage and counter-espionage measures, including the evacuation therefrom of all persons of Japanese ancestry. In recognition of this situa-



tion, the President issued Executive Order No. 9066 on February 19, 1942, authorizing the accomplishment of these and any other necessary security measures. By letter dated February 20, 1942, the Secretary of War authorized me to effectuate my recommendations and to exercise all of the powers which the Executive Order conferred upon him and upon any military commander designated by him. A number of separate and distinct security measures have been instituted under the broad authority thus delegated, and future events may demand the initiation of others. Among the steps taken was the evacuation of Japanese from western Washington and Oregon, California, and southern Arizona. Transmitted herewith is the final report of that evacuation.

4. The report comprises nine Parts and reference matter. Its twenty-eight chapters are supplemented by a pictorial summary. In Part I, I have traced the developments which led to the issuance by the President of Executive Order No. 9066, establishing military control over the Pacific Coast. The military necessity for the specific action reported is outlined in Chapter II. Part II, Chapters IV to VI, inclusive, presents a résumé of the evacuation method. In these chapters the means provided to protect the persons, the property and the health of evacuees are described. In succeeding Parts a more detailed account of each phase of the operation is found. Part III describes the military organization established to accomplish the evacuation. Part IV, Chapters VIII to XII cover evacuation operations. Part V comprises Chapters XIII to XIX. These offer a narrative of Assembly Center Operations—the selection, construction and administration by the Army of the temporary residences provided evacuees pending their transfer to Relocation Centers in the interior. Part VI includes Chapters XX to XXII. This section reports the Army's participation in preparing semi-permanent facilities for the relocation of evacuees and the methods pursued in their transfer to these accommodations. In Part VII is found Chapters XXIII to XXVI, in which collateral aspects of the program are discussed, such as curfew and travel control, public relations, inspection and repatriation activities. Part VIII, consisting of Chapter XXVII and XXVIII, presents a fiscal and statistical summary. Part IX concludes the report with a series of photographs pictorializing the entire operation. Only those data essential to an understanding of the subject are included in the appendices.

5. There was neither pattern nor precedent for an undertaking of this magnitude and character; and yet over a period of less than ninety operating days, 110,442 persons of Japanese ancestry were evacuated from the West Coast. This compulsory organized mass migration was conducted under complete military supervision. It was effected without major incident in a time of extreme pressure and severe national stress, consummated at a time when the energies of the military were directed primarily toward the organization and training of an Army of sufficient size and equipment to fight a global war. The task was, nevertheless, completed without any appreciable divergence of military personnel. Comparatively few were used, and there was no interruption in a training program.


6. In the orderly accomplishment of the program, emphasis was placed upon

the making of due provision against social and economic dislocation. Agricultural production was not reduced by the evacuation. Over ninety-nine per cent of all agricultural acreage in the affected area owned or operated by evacuees was successfully kept in production. Purchasers, lessees, or substitute operators were found who took over the acreage subject to relinquishment. The Los Angeles Herald and Express and the San Diego Union, on February 23, 1943, and the Tacoma News-Tribune, on February 25, 1943, reported increases not only in the value but also in the quantity of farm production in their respective areas.

7. So far as could be foreseen, everything essential was provided to minimize the impact of evacuation upon evacuees, as well as upon economy. Notwithstanding, exclusive of the costs of construction of facilities, the purchase of evacuee motor vehicles, the aggregate of agricultural crop loans made and the purchase of office equipment now in use for other government purposes, the entire cost was \$1.46 per evacuee day for the period of evacuation, Assembly Center residence and transfer operations. This cost includes financial assistance to evacuees who voluntarily migrated from the area before the controlled evacuation phase of the program. It also covers registration and processing costs; storage of evacuee property and all other aspects of the evacuee property protection program. It includes hospitalization and medical care of all evacuees from the date of evacuation; transportation of evacuees and their personal effects from their homes to Assembly Centers; complete care in Assembly Centers, including all subsistence, medical care and nominal compensation for work performed. It also reflects the cost of family allowances and clothing as well as transportation and meals during the transfer from Assembly to Relocation Centers.

8. Accomplishment of the program in the manner selected would have been impossible without the participation of the Federal civilian agencies so ably assisting throughout. Under my continuous direction, the associated agencies of the Federal Security Agency, the Federal Reserve Bank of San Francisco, the Farm Security Administration of the Department of Agriculture, and the Work Projects Administration of the Federal Works Agency accepted major responsibilities. The War Relocation Authority; the Departments of Treasury, Post Office, Justice, Commerce and Interior; the Division of Central Administrative Services of the Office for Emergency Management performed an important service from the beginning, and various state and local agencies effectively cooperated. The participating Army Agencies, particularly the Division Engineers of the United States Engineer Corps who supervised the construction of Assembly and Relocation Centers, discharged their responsibilities in a superior manner. The agencies of my command, military and civilian personnel alike, responded to the difficult assignment devolving upon them with unselfish devotion to duty. To the Japanese themselves great credit is due for the manner in which they, under Army supervision and direction, responded to and complied with the orders of exclusion.

9. A large quantity of primary source materials not found in the Appendix has been selected and bound together. These have been made available in triplicate. It is proposed that one set be retained at this Headquarters. Two sets are forwarded with this report. It is requested that one set be retained in the office of the Adjutant General, War Department, and the other forwarded to the Library of Congress for future reference. The great volume of secondary source materials will remain on file at this Headquarters. All of these data will be available for research purposes whenever the Secretary of War so directs.

A large, stylized handwritten signature in dark ink, appearing to read 'J. L. DeWitt'.

J. L. DEWITT,  
*Lieutenant General, U. S. Army,*  
*Commanding.*

Department of Justice

Alien Enemy Control Unit

Washington

April 30, 1943

146-42-2  
DEPARTMENT OF JUSTICE  
MAY 1 1951  
DIVISION OF

MEMORANDUM FOR THE SOLICITOR GENERAL

Re: Japanese Brief

ATTORNEY GENERAL

Last week with our draft of the Hirabayashi brief I transmitted to Mr. Raum some material which I thought he would find helpful in obtaining a background view of the context of this case. In particular, I sent him a copy of Harpers Magazine for October 1942, which contains an article entitled The Japanese in America, The Problem and Solution, which is said to be by "An Intelligence Officer". Without attempting to summarize this article, it stated among other things that:

1. The number of Japanese aliens and citizens who would act as saboteurs and enemy agents was less than 3,500 throughout the entire United States.
2. Of the Japanese aliens, "the large majority are at least passively loyal to the United States".
3. "The Americanization of Nisei (American-born Japanese) is far advanced."
4. With the exception of a few identified persons who were prominent in pro-Japanese organizations the only important group of dangerous Japanese were the Kibei (American-born Japanese predominantly educated in Japan).
5. "The identity of Kibei can be readily ascertained from United States Government records."
6. "Had this war not come along at this time, in another ten or fifteen years there would have been no Japanese problem, for the Issei would have passed on, and the Nisei taken their place naturally in American communities and national life."

This article concludes: "To sum up: The 'Japanese Problem' has been magnified out of its true proportion largely because of the physical characteristics of the Japanese people. It should be handled on the basis of the individual, regardless of citizenship and not on a racial basis." (Emphasis in original.)

I thought this article interesting even though it was substantially anonymous. I now attach much more significance to it because a memorandum prepared by Lt. Col. K. D. Ringle, who has until very recently been assis-

tant District Intelligence Officer, 11th Naval District, in charge of naval intelligence in that district (which includes Los Angeles), and who was formerly Assistant District Intelligence Officer in Hawaii, has come to my attention. A comparison of this memorandum with the article leaves no doubt that the author of the Harpers article is Lt. Com. K. D. Ringle. There are many long passages in the first person relating to personal experiences which are identical in the two writings.

In addition, I am informed entirely unofficially by the persons in the Office of Naval Intelligence that Lt. Com. Ringle in fact was lent to War Relocation Authority to prepare a manual on the background of the Japanese who were being evacuated from an Intelligence or security viewpoint, for the use of the WRA personnel. After this memorandum was prepared permission was obtained to abstract it and publish it anonymously in Harpers. Thus the Harpers article, which clearly indicates that the method of evacuation was wrong and that it would have been sufficient to evacuate not more than 10,000 known Japanese and that it would now be safe to release all but not more than 10,000 presently identified Japanese, was written by a Naval Intelligence officer who was on duty from 1940 until very recently in the Los Angeles area, from which approximately one-third of the evacuation came.

I have furthermore been most informally, but altogether reliably, advised that both the article and the WRA memorandum prepared by Lt. Com. Ringle represent the views, if not of the Navy, at least of those Naval Intelligence officers in charge of Japanese counter-intelligence work. It has been suggested to me quite clearly that it is the view of these officers that the whole evacuation scheme was carried on very badly and that it would have been sufficient to evacuate the following three groups:

1. The Kibei.
2. The parents of Kibei.
3. A known group of aliens and citizens who were active members of pro-Japanese societies such as the Japanese Navy League, the Military Virtue Society, etc.

Since the naval officers believe that it was necessary to evacuate only about 10,000 people they could have identified by name, they did not feel that it was necessary to evacuate all of the Japanese. Presumably, they did not make this view known fourteen months ago for the reasons that Secretary Knox was at that time greatly exercised about the Japanese Fifth Column and that, since it was the Army's problem, it was safer to keep quiet than to have the political storm then raging.

In retrospect it appears that this Department made a mistake fourteen months ago in not bringing the Office of Naval Intelligence into the



controversy. I suppose that the reason that it did not occur to any of us to do this was the extreme position then taken by the Secretary of the Navy.

To have done so would have been wholly reasonable, since by the terms of the so-called delimitation agreement it was agreed that Naval Intelligence should specialize on the Japanese, while Army Intelligence occupied other fields. I have not seen the document, but I have repeatedly been told that Army, before the war, agreed in writing to permit the Navy to conduct its Japanese intelligence work for it. I think it follows, therefore, that to a very considerable extent the Army, in acting upon the opinion of Intelligence officers, is bound by the opinion of the Naval officers in Japanese matters. Thus, had we known that the Navy thought that 90% of the evacuation was unnecessary, we could strongly have urged upon Gen. DeWitt that he could not base a military judgment to the contrary upon Intelligence reports, as he now claims to do.

Lt. Com. Ringle's full memorandum is somewhat more complete than the version published in Harpers and I think you will be interested in reading it. In the past year I have looked at great numbers of reports, memoranda, and articles on the Japanese, and it is my opinion that this is the most reasonable and objective discussion of the security problem presented by the presence of the Japanese minority. In view of the inherent reasonableness of this memorandum and in view of the fact that we now know that it represents the view of the Intelligence agency having the most direct responsibility for investigating the Japanese from the security viewpoint, I feel that we should be extremely careful in taking any position on the facts more hostile to the Japanese than the position of Lt. Com. Ringle. I attach the Department's only copy of this memorandum.

Furthermore, in view of the fact that the Department of Justice is now representing the Army in the Supreme Court of the United States and is arguing that a partial, selective evacuation was impracticable, we must consider most carefully what our obligation to the Court is in view of the fact that the responsible Intelligence agency regarded a selective evacuation as not only sufficient but preferable. It is my opinion that certainly one of the most difficult questions in the whole case is raised by the fact that the Army did not evacuate people after any hearing or on any individual determination of dangerousness, but evacuated the entire racial group. The briefs filed by appellants in the Ninth Circuit particularly pressed the point that no individual consideration was given, and I regard it as certain that this point will be stressed even more, assuming that competent counsel represent appellants, in the Supreme Court. Thus, in one of the crucial points of the case the Government is forced to argue that individual, selective evacuation would have been impractical and insufficient when we have positive knowledge that the only Intelligence agency responsible for advising Gen. DeWitt gave him advice directly to the contrary.

In view of this fact, I think we should consider very carefully whether we do not have a duty to advise the Court of the existence of the Ringle memorandum and of the fact that this represents the view of the Office of Naval Intelligence. It occurs to me that any other course of conduct might approximate the suppression of evidence.

As I have said, my information that the Ringle memorandum represents the view of the Office of Naval Intelligence has come to me informally. I feel, therefore, that we have an obligation to verify my informal information. I believe that we should address an inquiry to the Secretary of the Navy, making reference to the Ringle memorandum, and stating that we have been advised that this represents the Navy's view and asking the Secretary if in fact the views of ONI, at the time of the evacuation, coincided with Com. Ringle's.

The Ringle memorandum originally came into my possession from WRA and we noticed the parallel between the memorandum and the article in this office. Attorneys for WRA furthermore are among the persons who have advised us that the Ringle memorandum represents the official Navy view. In view of the fact that any other information which I have obtained is highly confidential, I would prefer to refer in a letter to Secretary Knox only to WRA.

I have prepared for your consideration a draft of a letter which you might wish to send to Mr. Knox.

Edward J. Ennis  
Director, Alien Enemy Control Unit

Attachment

STANDARD FORM NO. 64

*Office Memorandum* • UNITED STATES GOVERNMENTPERSONAL AND CONFIDENTIAL

TO : The Attorney General

DATE:

FROM : J. Edgar Hoover - Director, Federal Bureau of Investigation FEB - 7 1944

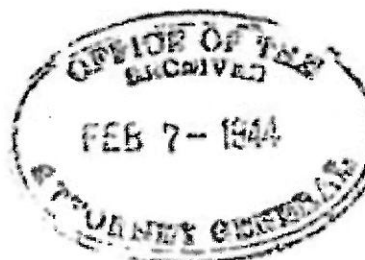
SUBJECT: Reported Bombing and Shelling of the West Coast

There is attached a memorandum relative to Lieutenant General DeWitt's final report on the Japanese evacuation of the West Coast.

Certain statements were made in the report indicating that immediately after the attack on Pearl Harbor there was a possible connection between the sinking of United States ships by Japanese submarines and alleged Japanese espionage activity on the West Coast. It was also indicated that there had been shore-to-ship signaling, either by radio or lights, at this time.

As indicated in the attached memorandum, there is no information in the possession of this Bureau as the result of investigations conducted relative to submarine activities and espionage activity on the West Coast which would indicate that the attacks made on ships or shores in the area immediately after Pearl Harbor have been associated with any espionage activity ashore or that there has been any illicit shore-to-ship signaling, either by radio or lights.

Attachment

*Quinn*

# The New York Times



A charcoal drawing by Miné Okubo, who was incarcerated in the Topaz internment camp in Utah at the same time as Fred Korematsu. Okubo studied fine art at Berkeley and in Europe, and worked on government art projects (including a W.P.A. mural with Diego Rivera) before the government interned her and other Japanese-Americans on the West Coast. In 1946 she included hundreds of her drawings in a memoir, "Citizen 13660." CreditMiné Okubo; Topaz Museum, Delta, Utah

## When Lies Overruled Rights

By **KAREN KOREMATSU**

Feb. 17, 2017

When President Trump signed an executive order temporarily banning travel from seven majority Muslim countries, he hurled us back to one of the darkest and most shameful chapters of American history. Executive orders that go after specific groups under the guise of protecting the American people are not only unconstitutional, but morally wrong. My father, and so many other Americans of Japanese descent, were targets of just such an order during World War II.

Seventy-five years ago on Sunday, under President Franklin D. Roosevelt's Executive Order 9066, all people of Japanese ancestry living on the West Coast were forced to leave their homes and report to incarceration camps. Two-thirds were American citizens. Fred Korematsu, my father, then 23, refused to go. A proud and loyal citizen, he had tried to enlist in the National Guard but was rejected and was wrongly fired from his job as a welder in an Oakland, Calif., shipyard. He was arrested and tried for defying the executive order. Upon conviction, he was held in a horse stall at a hastily converted racetrack until he and his family were moved to a desolate camp in Topaz, Utah. My father told me later that jail was better than the camp.

He appealed his conviction to the Supreme Court. In his case, and in cases brought by Minoru Yasui and Gordon Hirabayashi — among the most infamous cases in American legal history —

the court in 1944 upheld the executive order. Justice Frank Murphy vehemently opposed the majority decision, writing in a dissenting opinion, “Racial discrimination in any form and in any degree has no justifiable part whatever in our democratic way of life.” In the hysteria of war and racialized propaganda, my father’s citizenship did not protect him. For him and the 120,000 other Japanese-Americans incarcerated during World War II, there was no attempt to sort the loyal from the disloyal.

In 1982, almost 40 years after my father’s conviction, evidence was discovered proving that the wartime government suppressed, altered and destroyed material evidence while arguing my father’s, Yasui’s and Hirabayashi’s cases before the Supreme Court. The government’s claims that people of Japanese descent had engaged in espionage and that mass incarceration was necessary to protect the country were not only false, but had even been refuted by the government’s own agencies, including the Office of Naval Intelligence, the F.B.I. and the Federal Communications Commission.

With that evidence, my father reopened his case. In November 1983, he stood before a Federal District Court judge, Marilyn Hall Patel, and said, “As long as my record stands in federal court, any American citizen can be held in prison or concentration camps without a trial or a hearing.” Judge Patel overturned my father’s conviction, declaring that his case “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

Although his conviction was vacated, my father was keenly aware that his case was never formally overturned, even though it was widely discredited by scholars and even the courts. He was a quiet, soft-spoken man, but he spent the rest of his life speaking around the country about the government misconduct that led to incarceration, in hopes of preventing it from occurring again. In 1998, President Bill Clinton awarded him the Presidential Medal of Freedom for the brave stand he took against an unjust government action.

In 1991, President George H. W. Bush declared, “The internment of Americans of Japanese ancestry was a great injustice, and it will never be repeated.” But it can happen again. Since my father’s death in 2005, I have taken on his work to remind Americans what happens when our Constitution is ignored in the name of national security. We need to scrutinize Mr. Trump’s executive orders and any other attempts to single out groups for repression. Let us come together to reject discrimination based on religion, race or national origin, and to oppose the mass deportation of people who look or pray differently from the majority of Americans.

“Stand up for what is right,” my father said. “Protest, but not with violence. Don’t be afraid to speak up. One person can make a difference, even if it takes 40 years.”

Karen Korematsu is the founder and executive director of the Fred T. Korematsu Institute.

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### Speaker Bios

**Vincent T. Chang** is a Partner at Wollmuth Maher & Deutsch, specializing in complex litigation in such areas as bankruptcy, real estate, insurance, mortgage securitizations, hedge funds, reinsurance, bondholder litigation, investment banking, antitrust, and securities. Mr. Chang is a graduate of Harvard College, magna cum laude, and Harvard Law School, cum laude. Mr. Chang clerked for the Hon. Robert B. Krupansky, United States Court of Appeals for the Sixth Circuit, and was an associate and then counsel at Davis Polk & Wardwell. Mr. Chang is a past President of the Asian American Bar Association of New York ("AABANY"). He is the Vice President of the New York County Lawyers Association and serves on its Executive Committee, Nominating Committee and Board of Directors. Mr. Chang has co-chaired NYCLA's Federal Court and Public Policy Committees and has served as NYCLA's Treasurer. He also serves on the House of Delegates of the New York State Bar Association, has served on its Nominating Committee and serves on its Committee of Bar Leaders and Federal Legislative Priorities Committee. He has served on the Standing Committee on the American Judicial System of the American Bar Association and has served as Vice Chair of two committees of the Antitrust Section of the American Bar Association. Mr. Chang is Vice President of the Asian American Law Fund of New York and has served on the Board of Directors of the South Asian Bar Association of New York. Mr. Chang served on the Board of Directors of Legal Services NYC. Mr. Chang served on the Judiciary Committee of the New York City Bar Association and is a recipient of its Diversity and Inclusion Champion Award. Mr. Chang serves as an adviser on the Second Circuit Judicial Council Committee on Civic Education & Public Engagement. Mr. Chang is a member of the Departmental Disciplinary Committee for the First Department and a member of the New York Continuing Legal Education Board. Mr. Chang has been listed as a "Super Lawyer" in business litigation in New York.

**Yang Chen** is the Executive Director of AABANY, a position he has held since August 2009. Mr. Chen has been active in AABANY for many years, having served on the Board and numerous committees, including the Judicial Affairs (now Judiciary) Committee, of which he was a chair. Mr. Chen served as AABANY's President in 2008. Before becoming AABANY's Executive Director, Mr. Chen was a partner at Constantine Cannon, a boutique firm specializing in antitrust and complex commercial litigation. He was among the group that founded the firm in 1994, which started as Constantine & Associates. Before joining Constantine Cannon, Mr. Chen was an associate in the New York office of McDermott, Will & Emery and before that he was associated with Breed, Abbott & Morgan (now Winston & Strawn). Mr. Chen is a graduate of the New York University School of Law and Binghamton University.

**Denny Chin** is a United States Circuit Judge for the Second Circuit. Judge Chin graduated from Princeton University magna cum laude and received his law degree from Fordham Law School, where he was managing editor of the Law Review. After clerking for the Honorable Henry F. Werker, United States District Judge for the Southern District of New York, he was associated with the law firm Davis Polk & Wardwell. He served as an Assistant United States Attorney in the Southern District of New York from 1982 until 1986, when he and two of his colleagues from the U.S. Attorney's Office started a law firm, Campbell, Patrick & Chin. In 1990, he joined Vladeck, Waldman, Elias & Engelhard, P.C. (now Vladeck, Raskin & Clark, P.C.), where he specialized in labor and employment law. From September 13, 1994, through April 23, 2010, Judge Chin served as a United States District Judge for the Southern District of New York. Judge Chin has taught legal writing at Fordham Law School since 1986. He has taught "Asian Americans and the Law" at Fordham Law School and will be teaching a similar course at Harvard Law School in the Spring 2018. While in private practice, he provided extensive *pro bono* representation to the Asian American Legal Defense and Education Fund. He served as President of AABANY from January 1992 through January 1994. He has served on the boards of numerous non-

profit organizations. Judge Chin was born in Hong Kong. He was the first Asian American appointed a United States District Judge outside the Ninth Circuit.

**Francis H. Chin** is a senior administrator at Brooklyn Law School, focusing on information technology. Mr. Chin is also chair of AABANY's Professional Development Committee, coordinating its continuing legal education program. He has previously served as member of the board of directors and various other officer positions for AABANY; in 2010, Mr. Chin received AABANY's MVP Award for outstanding member contribution. He has been involved with the Hon. Thomas Tang Moot Court Competition in various capacities since 1996, including hosting, judging and problem writing. Mr. Chin has joined in the writing, performing, and stage managing of Asian Pacific American historical trial reenactments held yearly since 2006 led by Judge Denny Chin. Among other activities, Mr. Chin also serves on the board of directors for the NYU College of Arts and Science Alumni Association. While attending Brooklyn Law School, Mr. Chin co-authored the McGraw-Hill computer text *HTML Publishing on the Internet*, one of the first commercial manuals on creating websites. After graduation, he was of counsel to Llorens and Meneses in New Jersey, where he practiced residential real estate, business formation, and immigration, and then was technology counsel at Netmatrix (now Epiq), an e-discovery and knowledge management firm in New York. Mr. Chin holds a bachelor's degree in computer science from New York University, a law degree from Brooklyn Law School and a certificate in Transnational Law from Duke University School of Law at the University of Hong Kong Faculty of Law; he is admitted to practice in New York and New Jersey.

**Kathy Hirata Chin** is Senior Counsel at Cadwalader, Wickersham & Taft LLP. She is a member of the litigation group specializing in healthcare and real estate issues. Ms. Chin graduated from Princeton University magna cum laude and Columbia Law School, where she was Editor-in-Chief of the Journal of Transnational Law. She served as Commissioner on the New York City Planning Commission from 1995 to 2001 and is currently a Commissioner on the New York City Commission to Combat Police Corruption, a position she has held since Mayor Michael Bloomberg appointed her in August 2003. She has served on the Federal Magistrate Judge Merit Selection Panel for the Eastern District of New York, Governor Mario Cuomo's Judicial Screening Committee for the First Department, the Gender Bias Committee of the Second Circuit Task Force, former Chief Judge Judith Kaye's Commission to Promote Public Confidence in Judicial Elections, chaired by John Feerick, the Second Circuit Judicial Conference Planning and Program Committee, and the Board of Directors of the New York County Lawyers Association. She currently serves on the Attorney Emeritus Advisory Council and the Commercial Division Advisory Council, appointed to both by former Chief Judge Jonathan Lippman of the New York State Court of Appeals, and as Vice Chair on the Board of Directors of the Medicare Rights Center, a national nonprofit organization dedicated to helping older adults and people with disabilities get affordable health care, as well as on the Board of Directors of New York Lawyers for the Public Interest, a non-profit that advocates for marginalized New Yorkers. In December 2012 and again in December 2014, she was nominated for appointment to the New York State Court of Appeals by the New York State Commission on Judicial Nomination. In May 2015, the New York City Bar honored Ms. Chin with its Diversity and Inclusion Champion Award. In April 2016, she was appointed by Governor Andrew Cuomo to the First Department Judicial Screening Committee. She has served as Co-Chair of the Enhance Diversity in the Profession Committee of the City Bar since September 2016.

**Anna Mercado Clark** is an Associate at Phillips Lytle LLP. Ms. Clark has extensive experience in complex business and commercial litigation in both state and federal courts, including expertise in electronic discovery issues. Additionally, Ms. Clark counsels clients on data privacy and security matters and white collar criminal investigations, having previously served as an Assistant District Attorney. She is a member of the firm's Diversity Committee, where she helps design and facilitate a pipeline diversity program called "Peace Out." She is a founding member of the National Filipino American Lawyers Association (NFALA) and the Filipino American Lawyers Association of New York (FALA-NY), for

which she is presently a Board Member after having served as its inaugural Vice President. Ms. Clark received her undergraduate degree in Biology from Rutgers University and her J.D. from Fordham University School of Law. While in law school, she interned for the Hon. Denny Chin in the Southern District of New York and received several regional and national moot court awards, including the National Best Oralist Award at the Thomas Tang Moot Court Competition. She has been an active AABANY member since law school, particularly in the Litigation Committee. She was recognized as a *New York Metro Super Lawyers* Rising Star in 2014 through 2017.

**Andrew T. Hahn** is a Partner in the Trial Group of Duane Morris LLP's New York Office. Mr. Hahn focuses his practice on commercial litigation matters involving contract disputes, including franchising, insurance, commercial leases, employment, and other corporate disputes. He also handles complex litigation including class actions relating to products liability and toxic torts, consumer fraud, and insurance issues. He has experience in government contracts, intellectual property, bankruptcy and banking litigation. He is certified as a neutral for the American Arbitration Association and the International Institute for Conflict Prevention and Resolution. Mr. Hahn received his J.D. from Cornell Law School in 1986, and a B.A. in History, *cum laude*, from Cornell University in 1983, when he was also commissioned as a Distinguished Military Graduate from the US Army ROTC Program. He also attended Airborne School at Fort Benning, GA in 1981 and graduated with his basic parachutist wings. He served on active duty as a Captain of the U.S. Army Judge Advocate General's Corps from 1986 to 1990, and on reserve status from 1990 to 1996. In 2008, Mr. Hahn was the President of the National Asian Pacific American Bar Association ("NAPABA"). As President of NAPABA, he briefed White House Counsel, U.S. Senators, and the U.S. Attorney General on issues regarding appointments of APA attorneys. He also served in 2004 as the President of AABANY. He was also active as a Board member with the Korean American Lawyers Association of Greater New York ("KALAGNY"), which bestowed upon him the honor of a Trailblazer's Award in February 2008. Mr. Hahn also served as a Member of the Judiciary Committee from 1996 to 1999 of the Association of the Bar of the City of New York. He has served on numerous judicial screening panels for candidates in New York City. In May 2011, the City Bar honored Mr. Hahn with its Diversity Champion Award. In 2017, the New York Law Journal honored Mr. Hahn with its Distinguished Leader Award.

**Neal Katyal** is a partner at Hogan Lovells in Washington D.C. He is the former Acting Solicitor General of the United States. He has extensive experience in matters of patent, securities, criminal, employment, and constitutional law. Neal has orally argued 34 cases before the Supreme Court of the United States, with 32 of them in the last 8 years. In the 2016-17 Term alone, Neal argued 7 cases in 6 separate arguments at the Supreme Court, far more than any other advocate in the nation (the next highest number, 4 arguments, was reached by two attorneys). At the age of 47, he has already argued more Supreme Court cases in U.S. history than has any minority attorney, with the exception of Thurgood Marshall (with whom Neal is currently tied). As Acting Solicitor General, Neal represented the federal government in all appellate matters before the Supreme Court and the Courts of Appeals nationwide. He argued major Supreme Court cases, such as his successful defense of the constitutionality of the Voting Rights Act of 1965, his victorious defense of former Attorney General John Ashcroft for alleged abuses in the war on terror, and his unanimous victory against eight states that sued the nation's leading power plants for contributing to global warming. He was the only head of the Solicitor General's office to argue a case in the U.S. Court of Appeals for the Federal Circuit, on the question of whether aspects of the human genome were patentable. In 2011 Neal received the highest award given to a civilian by the U.S. Department of Justice, the Edmund Randolph Award. The Chief Justice of the United States has twice appointed him to the Advisory Committee on Federal Appellate Rules. Neal has also served as a law professor for nearly two decades at Georgetown University Law Center, where he was one of the youngest professors to have received tenure and a chaired professorship in the university's history.

**Karen Korematsu** is the Founder and Executive Director of the Fred T. Korematsu Institute and the daughter of the late Fred T. Korematsu. In 2009, on the 25th anniversary of the reversal of Fred's WWII conviction, Karen established the Fred T. Korematsu Institute. Since her father's passing in 2005, Karen has carried on Fred's legacy as a civil rights advocate, public speaker and public educator. She shares her passion for social justice and education at K-12 public and private schools, colleges and universities, law schools, teachers' conferences, and organizations across the country. One of Karen's most significant accomplishments was working with Assembly Member Warren Furutani to successfully establish in 2011 a perpetual "Fred Korematsu Day of Civil Liberties and the Constitution" for the State of California on January 30. Fred Korematsu is the first Asian American in U.S. history who has been honored with a statewide day. Karen is a lead member of the National Advisory Boards of both the Fred T. Korematsu Center for Law and Equality at Seattle University School of Law and the Fred T. Korematsu Chair in Law and Social Justice at the William S. Richardson School of Law, University of Hawai'i at Manoa. In 2013, she was appointed as an Advisory Member to the California Task Force on K-12 Civic Learning by the Honorable Tani G. Cantil-Sakauye, California Supreme Court Chief Justice and Chair of the Judicial Council, and Tom Torlakson, California State Superintendent of Public Instruction. She is a current board member for Asian Americans Advancing Justice-AAJC in Washington, D.C., and a former member of the Board of Directors for Marin Ballet and Asian Americans Advancing Justice-Asian Law Caucus.

**Lauren U. Y. Lee** obtained her B.A. from the University of Pennsylvania, *magna cum laude*, and her J.D. from the Temple University School of Law, *magna cum laude*, where she was a Law Faculty Merit Scholar and a member of law review. After law school, she clerked for the late Honorable James McGirr Kelly, U.S. District Judge for the Eastern District of Pennsylvania. From 2002-2016, she practiced complex commercial litigation at Cadwalader, Wickersham & Taft LLP, where she served on Cadwalader's Diversity Initiative, co-founded, and was co-chair of, Cadwalader's resource group for Asian American attorneys, and was Cadwalader's Fellow in the 2012 Leadership Council on Legal Diversity Fellows Program. Ms. Lee actively supports several non-profit organizations that assist low income immigrants and promote civil rights of Asian Americans. In 2007, Ms. Lee was recognized for her pro bono work with Korean women seeking legal resident status under the Violence Against Women Act and was a recipient of the Sanctuary For Families Pro Bono Advocacy Award. She served on the Board of the Asian American Legal Defense And Education Fund ("AALDEF") from 2008-2014, and founded, and was formerly co-chair of, AALDEF's Young Professional Committee. In 2014, she joined the Board of the Korean American Family Services Center ("KAFSC"), which assists victims of domestic violence, and currently serves as the Secretary of the Board and Chair of its Development Committee.

**Linda Lin** is Vice President, Assistant General Counsel at QBE North America (QBE) where she is the legal advisor for the QBE's Specialty Division and Excess & Surplus Lines business. QBE's Specialty Division includes management and professional liability, accident & health, trade credit, surety, aviation, inland marine, healthcare and the Specialty Program business. Prior to joining QBE, Linda served as Senior Complex Claims Director at Berkshire Hathaway Specialty Insurance (BHSI), where she supported BHSI with respect to management, professional, employment practices, fiduciary, fidelity and cyber liability matters. Linda began her career in the insurance industry at Liberty International Underwriters (LIU) in management liability claims. Prior to LIU, Linda was a litigation associate at the law firm of Willkie Farr & Gallagher LLP. She also served as law clerk to the Hon. Dora L. Irizarry, U.S. District Judge for the Eastern District of New York. Linda received her B.A. in Philosophy, Politics and Law with honors from Binghamton University and her Juris Doctorate *cum laude* from Brooklyn Law School, where she was a member of the Moot Court Honor Society. Linda is a past president of the Asian American Bar Association of New York (AABANY) and currently serves as the co-chair of its Advisory and Judiciary Committees. In 2011, Linda was appointed by the New York City Council as a Commissioner on the New York City Districting Commission, which was tasked with redrawing the City's Councilmatic district lines. Linda is a founder of the law school division of the Sonia & Celina

Sotomayor Judicial Internship Program (formerly known as the Joint Minority Bar Judicial Internship Program). Linda also received the Best Lawyers Under 40 award from NAPABA in 2016.

**Kiyo A. Matsumoto** was appointed as a United States District Judge for the Eastern District of New York in July 2008, after serving as a United States Magistrate Judge. She graduated with high honors from the University of California at Berkeley, and thereafter from the Georgetown University Law Center. After two years in private practice, she joined the U.S. Attorney's Office for the Eastern District of New York, where she served for over twenty years, as an Assistant U.S. Attorney and as Deputy Chief, First Deputy Chief, and Chief of the Civil Division. Judge Matsumoto was an adjunct legal research and writing professor at Brooklyn Law School, and taught a government civil litigation clinic and seminar at New York University School of Law. She has served as a trustee and vice chair of the board of the Federal Bar Council, a member of the Second Circuit Courts Committee of the Federal Bar Council, the Judiciary Committee, the Federal Courts Committee and the Nominating Committee of the City Bar of New York, Vice Chair of the Mayor's Committee on City Marshals, the Joint Committee on Local Federal Rules for the Eastern and Southern Districts of New York, the Eastern District of New York's Committee on Civil Litigation, the American Bar Association Standards Review Committee and the Civil Procedure Drafting Committee of the National Conference of Bar Examiners. She is a member of AABANY and of NAPABA.

**Dale Minami** is recognized as one of the top personal injury lawyers in the San Francisco Bay Area. He was selected as a Super Lawyer for each year from 2004 through 2017 in the Personal Injury category, one of the Top 100 Super Lawyers for Northern California in 2005 and from 2007 to 2017, and in the Top Ten Super Lawyers in the Personal Injury Category from 2013 through 2017. He was also named as one of Northern California's Best Lawyers by Best Lawyers, recognized three times as one of the 500 Best Lawyers in America by Lawdragon Magazine (2005, 2013-2014, 2014-2015), one of Top 100 Litigation lawyers in the State of California by the American Society of Legal Advocates in 2014, and in the top 3% of attorneys in the nation by The Legal News. He is a member of the Multi-Million Dollar Advocates forum, which admits only attorneys who have achieved more than one million dollar awards for their clients. He has been involved in significant litigation involving the civil rights of Asian Pacific Americans and other minorities, such as *Korematsu v. United States*, a lawsuit to overturn a 40-year-old conviction for refusal to obey exclusion orders aimed at Japanese Americans during World War II, originally upheld by U.S. Supreme Court. Other landmark decisions involving Mr. Minami include: *United Pilipinos for Affirmative Action v. California Blue Shield*, the first class action employment lawsuit brought by Asian Pacific Americans on behalf of Asian Pacific Americans; *Spokane JACL v. Washington State University*, a class action on behalf of Asian Pacific Americans to establish an Asian American Studies program at Washington State University; and *Nakanishi v. UCLA*, a claim for unfair denial of tenure that resulted in the granting of tenure after several hearings and widespread publicity over discrimination in academia. He was a co-founder of the Asian Law Caucus, the first community interest law firm serving Asian Pacific Americans in the country; a co-founder of the Asian American Bar Association of the Greater Bay Area, the first Asian American Bar Association in the United States; an original incorporator of the Asian American Legal Defense and Education Fund, the Asian Pacific Bar of California, and the Coalition of Asian Pacific Americans, one of the nation's first political action committees focused on Asian American candidates and issues.

**Clara J. Ohr** is the General Counsel of East Coast Power & Gas, an energy service company (ESCO) in the Bronx, NY. Clara was previously the Legal Counsel and Compliance Officer for LUKOIL Pan Americas, LLC, where she oversaw all legal and compliance matters relating to the supply and trading of crude oil and petroleum products in the Western Hemisphere for the US-based subsidiary of LITASCO SA (Lukoil International Trading and Supply Company), the exclusive marketing and trading arm of PJSC "LUKOIL", the second-largest oil company in Russia. Her experience also includes serving as

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**Yasuhiro Saito** has guided some of the world's largest corporations through their toughest problems for more than twenty years. A partner and practice-group leader at prominent Wall Street law firms prior to founding his own firm, Saito Law Group, Mr. Saito serves regularly as lead counsel for large businesses faced with major corporate scandals and complex commercial disputes. A skilled advocate and trusted adviser, Mr. Saito has lead the defense of major financial institutions and large accounting firms in some of the largest financial and accounting scandals in the last two decades. Mr. Saito's most recent cases include white-collar criminal and civil litigation matters representing major banks and their senior executives (some subject of national press coverage), a white-collar criminal defense matter involving FCPA and kick-back allegation against a major medical device manufacturer (settled with federal authorities for over \$600 million), and a white-collar criminal defense matter involving allegations of OFAC violation and money laundering connected to the US-Iran nuclear deal and President Obama's pardoning of several defendants (subject of intense press coverage). Mr. Saito's clients include some of the world's largest banks, investment banks, major accounting firms, multinational trading firms, and large manufacturers in various industries such as chemical, pharmaceutical, medical device and automotive. Some of the world's largest law firms also call on him to represent their clients on special engagements.

**Vinoo Varghese** has been selected as a Super Lawyer and is a 2017 Martindale AV Preeminent rated attorney. Earlier in his career, the New York Law Journal honored him as a Rising Star and in 2012 he was a NAPABA Best Under 40 recipient. The National Association of Criminal Defense Lawyers, in court-filed papers, has recognized Varghese, a former prosecutor, for his courage in defending clients, the federal and state Constitutions, and the criminal defense bar at large. In his career, Varghese has won a complete acquittal for a client in a criminal tax trial against the IRS and DOJ Tax Division. Earlier, before the Second Circuit, he had secured a rarely granted retrial for that client. Some of Varghese's more notable white-collar representations have included Rengan Rajaratnam and Dan Halloran. Outside the courtroom, Varghese published an op-ed in the New York Post about O.J. Simpson's parole release and presented a CLE webinar on the Trump Administration's focus on the Foreign Corrupt Practices Act. Varghese graduated from Brooklyn Law School, New York University, and Chaminade High School.

**Ona T. Wang** is a partner at Baker Hostetler LLP, where she focuses on corporate criminal matters, securities litigation, and regulatory enforcement, as well as general and complex commercial litigation. She has successfully represented individuals, corporations, financial industry clients, and one of New York State's largest municipalities in state and federal criminal investigations and before federal regulatory agencies. She also represents and counsels corporate and institutional clients, including healthcare, pharmaceutical, financial services, and media companies, in complex commercial litigation and criminal, civil, and regulatory matters. She has led several teams in matters relating to the liquidation of Bernard L. Madoff Investment Securities LLC and has served as counsel to the receiver in *SEC v. Illarramendi* in the District of Connecticut. At Baker Hostetler, she is Vice Chair of the Pro Bono Committee and served previously as Hiring Partner and Pro Bono Coordinator for the New York office. She is a member of the Federal Bar Council American Inn of Court, a Life Fellow of the

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**David Weinberg** is a nationally recognized authority in communication strategies for litigation, mediation, and arbitration. As chief executive officer of *JURYGROUP*, he helps lawyers to define their audience, develop their image and deliver their message in crucial cases. Mr. Weinberg has frequently appeared on national television to demonstrate the forensic reconstruction of news events. He consulted on such events as the Simpson/Goldman murders, the bombing of the Oklahoma City Federal building, Federal confrontation in Waco, Texas with David Koresh and the Branch Davidians. He has participated in forensic investigations into the deaths of Jesse James, J. Edgar Hoover, the explorer Meriwether Lewis, and CIA scientist Frank Olsen. Mr. Weinberg is the editor of *Computer Animation in the Courtroom: A Primer*, a multimedia publication of the American Bar Association. He is a member and speaker in the American Academy of Forensic Science, former chairman of the Committee on the Use of Technologically Sophisticated Evidence for the American Bar Association's Lawyer's Conference, and former technology chair for the ABA Section of General Practice, Small Firm and Solo Practitioners. Mr. Weinberg holds a BA from the University of Illinois at Chicago and a JD from DePaul University School of Law.

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## **Acknowledgements**

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