

## SCENE 2, Oral Arguments

### Introduction

**Marshall bangs the gavel and says,** ""The Honorable, Chief Justice and the Associate Justices of the Supreme Court of the United States. Oyez! Oyez! Oyez! All persons having business before the Honorable, Chief Justice of the Supreme Court of the United States, are admonished to draw near and give their attention, for the Court is now sitting. God save the United States and this Honorable Court!"

*(As this is said, the Chief and Justices file in and take their seats)*

**Chief Justice:** We are here today to hear the arguments in the case of Fred Korematsu v. the United States Government. Each side will have three to five minutes to present your arguments. When your time runs out, you will be notified by the Marshall and must stop speaking. You will then be asked questions by the Justices.

Is the counsel for Fred Korematsu, the plaintiff in this case, prepared to begin?

**Attorneys for Fred Korematsu (plaintiff) will then say:**

Yes your honor.

**Chief Justice:** You may approach the podium to present your argument.

*(Attorneys for Fred Korematsu, walk from the table over to the podium)*

**“May it please the Court...”**

“Our names are \_\_\_\_\_ and we are here today representing Fred Korematsu, the plaintiff in this case.”

“Fred Korematsu” respectfully asks this court to reverse the Circuit Court decision declaring that the internment of the Japanese was constitutional.”

**(This part comes straight from your Argument Brief)**

1. Hook and introduction
2. “To our first point...”
3. “Which leads us to our second point...”
4. “Which leads to our third point...”

5. Give specific reasons why the counter claims are simply not true.
6. “For these reasons”, present your conclusion, restating the position and most important points. (Your client) respectfully asks this court to reverse the court’s decision.

“Thank you, Your Honors” (all team members)

**Chief Justice will then say:** Justices, do you have questions to ask of the counsel for Fred Korematsu?

*(Four of the Justices raise their hands, and they ask the questions of the counsel for Fred Korematsu, one at a time.)*

**Chief Justice with then say,** *Counsel for the U.S. Government, are you prepared to proceed?*

**Counselors will say then say:**

*Yes your honor*

**Chief Justice will then say:**

You may then approach the podium to present your argument.

**“May it please the Court...”**

“Our names are \_\_\_\_\_ and we are here today representing the U.S. Government, the defendant this case.”

“The U.S. Government” respectfully asks this court to affirm the Circuit Court’s decision declaring that the internment of the Japanese was constitutional.”

**(This part comes straight from Argument Brief)**

1. Hook and introduction
2. “To our first point...”
3. “Which leads us to our second point...”
4. “Which leads to our third point...”
5. Give specific reasons why the counter claims are simply not true.
6. “For these reasons”, present your conclusion, restating the position and most

important points. (Your client) respectfully asks this court **to affirm** the Circuit Court's decision.

“Thank you, Your Honors” (all team members)

**Chief Justice will then say: Justices, do you have questions to ask of the counsel for the U.S. Government?**

*(Four of the Justices raise their hands, and they ask the questions of the counsel for the U.S. Government, one at a time.)*

**Chief Justice will then say:**

The court will now meet to discuss the issue before us this morning. There will be a decision shortly.

**Marshall:** Hear ye, hear ye. All those having had business before this honorable court, the United States Supreme Court, shall now depart. For this court now stands adjourned.

**Sign is walked across the stage that states:  
Deliberation on the part of the U.S. Supreme Court**

**Chief Justice says:** Justices, we have all studied these briefs and the legal background of this case before these oral arguments. We have analyzed the decision that was made by the US. Circuit Court of Appeals. I believe some of you had already made a decision before the arguments took place. Do any of you have any further comments?

**Associate Justice \_\_\_\_\_:** I not only believe that the Fifth Amendment was violated, I also agree that the 14<sup>th</sup> Amendment was violated. The 14<sup>th</sup> amendment also deals with due process.

**Chief Justice says:** Thank you, Justice \_\_\_\_\_. I would agree with your assessment.

**Associate Justice \_\_\_\_\_:** In addition, after hearing these oral arguments, I would have to agree with the counselors representing Fred Korematsu that the prior decision made by the Circuit Court of Appeals was based on fear and racism and was unconstitutional.

**Chief Justice will then say:** Are we ready to take a vote? (Justices nod “yes”) How many believe that the U.S. Government's action of interning the Japanese, and Fred Korematsu was unconstitutional? (Justices all raise their hands).

It is the opinion of this court then, that Fred Korematsu and the Japanese Internment was unconstitutional. I am assigning Justice \_\_\_\_\_ to write the official opinion of the court and release it to the public.

(Justices leave the bench while the press does their part!)

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**Press:**

**Two – four students with the following posters:**

**Read all about it...Korematsu case overturned!**

**U.S. Supreme Court loses case!**

**Japanese Internment Illegal!**

**United States Admits Mistake!**