

Court's Jurisdiction In Jap Exclusion Case O. K'd

WASHINGTON, June 1.—(AP)—The Supreme Court of the United States ruled today that the Ninth Federal Circuit Court has jurisdiction to review the conviction of a Japanese on a charge of remaining in a California area from which members of his race had been excluded, when no prison sentence or fine was imposed and he was merely placed on probation for five years.

Justice Black delivered the unanimous decision, involving Fred Toyosaburo Korematsu of San Leandro, Calif. He was accused of remaining in San Leandro after noon, May 9, 1942, contrary to an order issued by Lieut. Gen. John L. De Witt, commanding the Fourth Army and the Western Defense Command.

The Japanese was convicted in the Northern California Federal District Court, which placed him on probation and suspended the pronouncing of a judgment. Later, he requested the district court to impose sentence and the motion was denied. He then appealed to the Circuit Court.

Being "in grave doubt" concerning its jurisdiction to review the controversy, the Circuit Court certified the question to the Supreme Court and asked for instructions. The question certified was whether the probation order was "a final decision reviewable on appeal" by a circuit court.
