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**AB-491 California Civil Liberties Public Education Act.** (2017-2018)

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**Assembly Bill No. 491**

**CHAPTER 292**

An act to amend Sections 13000, 13015, 13020, 13025, and 13030 of the Education Code, relating to education.

[ Approved by Governor September 26, 2017. Filed with Secretary of State September 26, 2017. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 491, Muratsuchi. California Civil Liberties Public Education Act.

The California Civil Liberties Public Education Act establishes a grant program, administered by the State Librarian, for the stated purpose of sponsoring educational activities and the development of educational materials to ensure that the events surrounding the exclusion, forced removal, and internment of citizens and permanent residents of Japanese ancestry will be remembered and so that the causes and circumstances of this and similar events may be illuminated and understood. The act requires the State Librarian to select as grant recipients applicants who meet certain criteria, and the act lists criteria that grant applicants are encouraged to meet. The act provides a list of entities that are eligible to apply for a grant. The act provides that funding for the grant program is subject to an appropriation in the annual Budget Act or other measure.

This bill would revise the act to, among other things, expand the scope of the grant program to include content linking the exclusion, forced removal, and internment of citizens and permanent residents of Japanese ancestry with current civil liberties challenges, as specified. The bill would revise the criteria that a project is required to meet, and criteria that applicants are encouraged to meet, in order to be awarded a grant. The bill would also revise the list of the entities that are eligible to apply for a grant.

This bill would establish an advisory committee, as specified, to evaluate and make recommendations to the State Librarian based on grant applications.

This bill would require the State Librarian to submit a specified report to the Legislature and the Governor.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 13000 of the Education Code is amended to read:

**13000.** (a) This part shall be known and may be cited as the California Civil Liberties Public Education Act. The purpose of the California Civil Liberties Public Education Act is to sponsor public educational activities and the development of educational materials to ensure that the events surrounding the exclusion, forced removal, and internment of citizens and permanent residents of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood.

(b) The Legislature finds and declares that the federal Commission on Wartime Relocation and Internment of Civilians (CWRIC) was established by Congress in 1980 to “review the facts and circumstances surrounding Executive Order 9066, issued in February 19, 1942, and the impact of such Executive Order on American citizens and permanent residents... and to recommend appropriate remedies.” The CWRIC issued a report of its findings in 1983 with the reports “Personal Justice Denied” and “Personal Justice Denied-Part II, Recommendations.” The reports were based on information gathered “through 20 days of hearings in cities across the country, particularly the West Coast, hearing testimony from more than 750 witnesses: evacuees, former government officials, public figures, interested citizens, and historians and other professionals who have studied the subjects of Commission inquiry.”

(c) The lessons to be learned from the internment of Japanese Americans during World War II are embodied in “Personal Justice Denied-Part II, Recommendations.” The CWRIC concluded as follows: “In sum, Executive Order 9066 was not justified by military necessity, and the decisions that followed from it—exclusion, detention, the ending of detention and the ending of exclusion—were not founded upon military considerations. The broad historical causes that shaped these decisions were race prejudice, war hysteria, and a failure of political leadership. Widespread ignorance about Americans of Japanese descent contributed to a policy conceived in haste and executed in an atmosphere of fear and anger at Japan. A grave personal injustice was done to the American citizens and resident aliens of Japanese ancestry who, without individual review or any probative evidence against them were excluded, removed and detained by the United States during World War II.”

(d) The Legislature finds and declares that President Ronald Reagan signed into law the federal Civil Liberties Act of 1988 and declared during the signing ceremony that “This is a great day for America.” In that act the Congress declared as follows:

“The Congress recognizes that, as described in the Commission on Wartime Relocation and Internment of Civilians, a grave injustice was done to both citizens and permanent residents of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II. As the Commission documents, these actions were carried out without adequate security reasons and without any acts of espionage or sabotage documented by the Commission, and were motivated largely by racial prejudice, wartime hysteria, and a failure of political leadership. The excluded individuals of Japanese ancestry suffered enormous damages, both material and intangible, and there were incalculable losses in education and job training, all of which resulted in significant human suffering for which appropriate compensation has not been made. For these fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry, the Congress apologizes on behalf of the Nation.”

(e) The Legislature further finds and declares that, just as in 1942 when President Franklin Roosevelt issued Executive Order 9066 calling for the exclusion and incarceration of Japanese Americans as national security threats, so in 2017 President Donald Trump has issued executive orders calling for a travel ban for immigrants and refugees from Muslim-majority countries on the basis of national security. Moreover, during the 2016 presidential campaign, President Trump called for “a total and complete shutdown of Muslims entering the United States,” as well as for a national Muslim registry. These actions and proposed actions made 75 years after the issuance of Executive Order 9066 highlight the ongoing need for public educational activities and the development of educational materials to ensure that the exclusion and incarceration of Japanese Americans will not only be remembered, but also properly understood, so that no group or community is ever again unjustly targeted as Japanese Americans were during World War II.

**SEC. 2.** Section 13015 of the Education Code is amended to read:

**13015.** (a) The State Librarian shall allocate grants pursuant to the program established by this part. The grants awarded under the program shall be awarded on a competitive basis.

(b) The State Librarian may contract with service providers or vendors to further the intent of the program established by this part.

(c) An advisory panel is hereby established and will be appointed to evaluate and make recommendations to the State Librarian based on grant applications. The members of the advisory panel shall be appointed as follows:

- (1) The Governor shall appoint five members.
- (2) The Speaker of the Assembly shall appoint two members.
- (3) The Senate Committee on Rules shall appoint two members.

(d) The State Librarian shall award grants for applications that meet all of the following criteria:

- (1) Applicants demonstrate the capability to administer and complete the proposed project within specified deadlines and within the specified budget.
- (2) Applicants have the experience, knowledge, and qualifications to conduct quality educational activities regarding the exclusion and detention of Japanese Americans during World War II and to link that period of history with current civil liberties

challenges, including, but not limited to, civil rights violations or civil liberties injustices that are perpetrated on the basis of an individual's race, national origin, immigration status, religion, gender, or sexual orientation.

(3) Projects link the Japanese American exclusion and detention experience with the experiences of other communities or populations so that the cause and circumstances of this and similar violations of civil rights or acts of injustice may be illuminated and understood and link those experiences with current civil liberties challenges, including, but not limited to, civil liberties injustices that are perpetrated on the basis of an individual's race, national origin, immigration status, religion, gender, or sexual orientation.

(4) Projects are designed to maximize the long-term educational impact of this chapter.

(5) Projects build upon, contribute to, and expand upon the existing body of educational and research materials on the exclusion and detention of Japanese Americans during World War II or similar violations of civil rights or acts of injustice carried out against a particular community or population.

(6) Projects include the variety of experiences regarding the exclusion and detention of Japanese Americans and its impact before, during, and after World War II, including those Japanese Americans who served in the military and those who were incarcerated in Department of Justice camps, and link those experiences with current civil liberties challenges, including, but not limited to, civil liberties injustices that are perpetrated on the basis of an individual's race, national origin, immigration status, religion, gender, or sexual orientation.

(e) Applicants for grants pursuant to this section are encouraged to do each of the following:

(1) Involve former detainees, those excluded from the military area, and their descendants in the development and implementation of projects.

(2) Involve individuals and their descendants from communities or populations that have experienced civil rights violations or acts of injustice in the development and implementation of projects.

(3) Develop a strategy and plan for raising the level of awareness and understanding among the American public regarding the exclusion and detention of Japanese Americans during World War II so that the causes and circumstances of this and similar events may be illuminated and understood.

(4) Develop a strategy and plan in the development and implementation of projects for raising the level of awareness and understanding among the American public regarding current civil liberties challenges, including, but not limited to, civil rights violations or civil liberties injustices that are perpetrated on the basis of an individual's race, national origin, immigration status, religion, gender, or sexual orientation.

(5) Develop a strategy and plan for reaching the broad, multicultural population through project activities.

(6) Develop local and regional consortia of organizations and individuals engaged in similar educational, research, and development efforts.

(7) Coordinate and collaborate with organizations and individuals engaging in similar educational, research, and development endeavors to maximize the effect of projects.

(8) Utilize creative and innovative methods and approaches in the research, development, and implementation of their projects.

(9) Seek matching funds, in-kind contributions, or other sources of support to supplement their proposal.

(10) Use a variety of media, including new technology, and the arts to creatively and strategically appeal to a broad American public while enhancing and enriching community-based educational efforts.

(11) Include in the grant application scholarly inquiry related to the variety of experiences and impact of the exclusion and detention of persons of Japanese ancestry during World War II, as well as its relationship to the experience of other populations so that the causes, circumstances, lessons, and contemporary applications of this and similar events will be illuminated and understood.

(12) Include in the grant application scholarly inquiry related to the variety of experiences and impact of civil rights violations or acts of injustice carried out against a particular community or population, as well as their relationship to the experience of other communities or populations so that the causes, circumstances, lessons, and contemporary applications of this and similar events will be illuminated and understood.

(13) Add relevant materials to or catalogue relevant materials in libraries and other repositories for the creation, publication, and distribution of bibliographies, curriculum guides, oral histories, and other resource directories and supporting the continued

development of scholarly work on this subject by making a broad range of archival, library, and research materials more accessible to the American public.

(f) The State Librarian may adopt other criteria as he or she deems appropriate for his or her review of grant proposals. In reviewing projects for funding, scoring shall be based on an evaluation of all application materials: narratives, attachments, support letters, supplementary materials, and other materials that may be requested of applicants.

**SEC. 3.** Section 13020 of the Education Code is amended to read:

**13020.** (a) In the review process, the State Librarian shall assign the following order of priority to the criteria set forth in subdivision (d) of Section 13015:

(1) Criteria set forth in paragraphs (1) to (4), inclusive, shall be given highest priority.

(2) Criteria set forth in paragraphs (5) and (6) shall be given second priority.

(b) The State Librarian shall consider the overall breadth and variety of the field of applicants to determine the projects that would best fulfill its program and mission. Final grant awards may be for the full amount of the grant requests or for a portion of the grant request.

(c) Applicants for grants pursuant to this section may include any of the following:

(1) Nonprofit organizations exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code, including, but not limited to, cultural institutions, arts organizations, and community organizations.

(2) Four-year colleges and universities.

(3) Individual artists, writers, journalists, scholars, and educators who are fiscally sponsored by nonprofit organizations exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code.

(4) Units of government.

(5) Consortia composed of any of the entities described in paragraphs (1) to (4), inclusive.

(d) Grants allocated pursuant to this section shall be provided for the general purpose of establishing a legacy of remembrance as part of a continuing process of recovery from World War II exclusion and detention, as well as similar civil rights violations or civil liberties injustices that have been carried out against other communities or populations, and specifically to do the following:

(1) Educate the public regarding the history and the lessons of the World War II exclusion, removal, and detention of persons of Japanese ancestry through the development, coordination, and distribution of new educational materials and the development of curriculum materials to complement and augment resources currently available on this subject matter.

(2) Educate the public through the development, coordination, and distribution of new educational materials and the development of curriculum materials to complement and augment resources currently available on this subject matter regarding the history and the lessons of civil rights violations or civil liberties injustices that have been carried out against other communities or populations, including, but not limited to, civil rights violations or civil liberties injustices that are perpetrated on the basis of an individual's race, national origin, immigration status, religion, gender, or sexual orientation.

(3) Link historic civil rights violations or civil liberties injustices with current civil liberties challenges.

(4) Develop videos, plays, presentations, speaker bureaus, and exhibitions for presentation to elementary, secondary, and community college audiences.

**SEC. 4.** Section 13025 of the Education Code is amended to read:

**13025.** (a) On or before January 1, 2021, the State Librarian shall report to the Governor and the appropriate fiscal and policy committees of each house of the Legislature on the types of grants awarded and the accomplishments of the program established pursuant to this part.

(b) (1) The requirement for submitting a report imposed under subdivision (a) is inoperative on January 1, 2025, pursuant to Section 10231.5 of the Government Code.

(2) A report prepared pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

**SEC. 5.** Section 13030 of the Education Code is amended to read:

**13030.** (a) Funding for this program is subject to an appropriation in the annual Budget Act or other measure for this purpose.

(b) Subject to an appropriation in the annual Budget Act or other measure for this purpose, the State Librarian shall review and identify programs with similar goals that may be combined with this project in the future.

(c) Subject to an appropriation in the annual Budget Act or other measure for this purpose, the State Librarian shall report to the Legislature by November 1, 2021, on the progress of the program and on the results of the review required by subdivision (a).