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SCR-11 Day of Remembrance. (2017-2018)

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Senate Concurrent Resolution No. 11

CHAPTER 21

Relative to a Day of Remembrance.

[Filed with Secretary of State March 28, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SCR 11, Pan. Day of Remembrance.

This measure would declare February 19, 2017, as a Day of Remembrance in order to increase public awareness of the events surrounding the internment of Americans of Japanese ancestry during World War II.

Fiscal Committee: no

WHEREAS, On February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066, under which more than 120,000 Americans and resident aliens of Japanese ancestry were incarcerated in 10 internment camps scattered throughout western states during World War II; and

WHEREAS, Executive Order 9066 deferred the American dream for more than 120,000 Americans and resident aliens of Japanese ancestry by inflicting a great human cost of abandoned homes, businesses, careers, professional advancements, and disruption to family life; and

WHEREAS, Endo's case, *Ex parte Mitsuye Endo* (1944) 323 U.S. 283, was a habeas corpus case challenging the authority of Executive Order No. 9066 and the War Relocation Authority to detain a "concededly loyal" American citizen without charges. The case was first filed on July 13, 1942, while Endo was incarcerated at Tule Lake, denied in 1943, and appealed to the United States Supreme Court in 1944; and

WHEREAS, While her case was proceeding, Endo rejected an offer from the government for conditional release, choosing instead to remain incarcerated to allow her case to continue through the court system; and

WHEREAS, On December 18, 1944, the United States Supreme Court rule 9-0 in favor of Endo, stating that "A citizen who is concededly loyal presents no problem of espionage or sabotage. Loyalty is a matter of the heart and mind not of race, creed, or color. He who is loyal is by definition not a spy or a saboteur. When the power to detain is derived from the power to protect the war effort against espionage and sabotage, detention, which has no relationship to that objective is unauthorized."; and

WHEREAS, On December 17, 1944, the Roosevelt administration, which had been alerted in advance of the court's ruling, rescinded Executive Order No. 9066; and

WHEREAS, Beginning January 2, 1945, only two weeks after the Endo decision, Japanese Americans held in camps were released and able to return to the West Coast of the United States. With the exception of Tule Lake, the incarceration camps

began closing shortly thereafter; and

WHEREAS, Despite their families being incarcerated behind barbed wire in the United States, approximately 33,000 veterans of Japanese ancestry fought bravely for our country during World War II, serving in the 100th Infantry Battalion, the 442nd Regimental Combat Team, and the 522nd Field Artillery Battalion; and

WHEREAS, On June 21, 2000, President William Jefferson Clinton elevated 20 Japanese Americans who served in the 100th Infantry Battalion and the 442nd Regimental Combat Team and who were among 52 individuals who received the nation's second highest military decoration, the Distinguished Service Cross, to receive the nation's highest military decoration, the Medal of Honor, bringing the total number of Japanese Americans who so received the Medal of Honor to 21; and

WHEREAS, In 2010, President Barack Obama granted the Congressional Gold Medal, collectively, to the 100th Infantry Battalion and 442nd Regimental Combat Team in recognition of their dedicated service during World War II; and

WHEREAS, Nearly 6,000 veterans of Japanese ancestry served with the Military Intelligence Service and have been credited for shortening the war by two years by translating enemy battle plans, defense maps, tactical orders, intercepted messages and diaries, and interrogating enemy prisoners; and

WHEREAS, Many Japanese American veterans continued a life of public service after the war, including Medal of Honor recipient and United States Senator Daniel Inouye, who passed away in December 2012 while representing his home state of Hawaii; and

WHEREAS, Nearly 40 years after the United States Supreme Court decisions upholding the convictions of Fred Korematsu, Min Yasui, and Gordon Hirabayashi for violations of curfew and Executive Order 9066, it was discovered that officials from the United States Department of War and the United States Department of Justice had altered and destroyed evidence regarding the loyalty of Americans and resident aliens of Japanese ancestry and withheld information from the United States Supreme Court; and

WHEREAS, Dale Minami, Peggy Nagae, Dennis Hayashi, Rod Kawakami, and many attorneys and interns contributed innumerable hours to win a reversal of the original convictions of Korematsu, Yasui, and Hirabayashi in 1983 by filing a petition for writ of error coram nobis on the grounds that fundamental errors and injustice occurred; and

WHEREAS, On August 10, 1988, President Ronald Wilson Reagan signed into law the federal Civil Liberties Act of 1988, finding that Executive Order 9066 was not justified by military necessity and, hence, was caused by racial prejudice, war hysteria, and a failure of political leadership; and

WHEREAS, The federal Civil Liberties Act of 1988 apologized on behalf of the people of the United States for the evacuation, internment, and relocation of Americans and permanent resident aliens of Japanese ancestry during World War II. The act also provided for restitution to those individuals of Japanese ancestry who were interned; and

WHEREAS, February 19, 2017, marks 75 years since the signing of Executive Order 9066 and a policy of grave injustice against American citizens and resident aliens of Japanese ancestry; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California declares February 19, 2017, as a Day of Remembrance in this state to increase public awareness of the events surrounding the internment of Americans of Japanese ancestry during World War II; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Governor, the Superintendent of Public Instruction, the State Library, and the California State Archives.