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HR-77 (2019-2020)

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REVISED FEBRUARY 20, 2020

AMENDED IN ASSEMBLY FEBRUARY 14, 2020

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CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

## HOUSE RESOLUTION

NO. 77

Introduced by Assembly Members Muratsuchi, Rendon, and Waldron

(Coauthors: Assembly Members Chau, Chiu, Gloria, ~~and Ting Ting~~, Aguiar-Curry, Arambula, Bauer-Kahan, Berman, Bigelow, Bloom, Boerner Horvath, Bonta, Brough, Burke, Calderon, Carrillo, Chen, Choi, Chu, Cooper, Cunningham, Megan Dahle, Daly, Diep, Eggman, Flora, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kamlager, Kiley, Lackey, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Melendez, Mullin, Nazarian, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Smith, Mark Stone, Voepel, Weber, Wicks, and Wood)

January 28, 2020

Relative to World War II Japanese American concentration camps.

## LEGISLATIVE COUNSEL'S DIGEST

HR 77, as amended, Muratsuchi.

WHEREAS, The California Legislature passed the California Alien Land Law of 1913 ~~followed by a more stringent 1920 law~~ that prohibited ~~people~~ *immigrants* of Japanese ancestry and from other parts of Asia from purchasing ~~agricultural land, or leasing land and other properties~~, and in 1945, the Legislature approved a \$200,000 grant to the Attorney General's office to investigate and prosecute land law cases against Japanese Americans, many of whom were incarcerated and unable to defend themselves; and

WHEREAS, On February 19, 1942, President Franklin Delano Roosevelt signed Executive Order No. 9066 (EO9066), under which more than 120,000 people of Japanese ancestry were incarcerated in 10 concentration camps scattered throughout western states and the State of Arkansas during World War II; and

WHEREAS, EO9066 ~~deferred the American dream for~~ inflicted upon more than 120,000 Americans and residents of Japanese ancestry ~~by inflicting~~ a great human cost of abandoned homes, businesses, farms, careers, professional advancements, disruption to family life, and public humiliation; and

WHEREAS, Then Governor Culbert Olson and members of the Assembly met with United States Army General John L. DeWitt, the head of the Western Defense Command, in the weeks after the Empire of Japan's attack on Pearl Harbor on December 7, 1941; and

WHEREAS, General DeWitt told the Governor and the legislators that the United States Army was not prepared to defend California, at that time, against a Japanese invasion if the Empire of Japan shifted its Navy from the Philippines to the West Coast of the United States; and

WHEREAS, General DeWitt also alleged that, while the majority of people of Japanese ancestry living in California were loyal to the United States, many were spies for the Empire of Japan. General DeWitt said that "the Japanese in this country have more [arms and ammunition] in their possession than our own armed forces." General DeWitt informed the Governor and the legislators, before President Roosevelt signed EO9066, of the plan to intern all people of Japanese ancestry on the West Coast; and

WHEREAS, The Assembly had previously approved legislation against Japanese Americans and, shortly after Pearl Harbor, had approved Senate Concurrent Resolution 15 (1942), questioning the loyalty of Japanese Americans and those holding dual citizenship. Senate Concurrent Resolution 15 requested that the State Personnel Board dismiss state employees who "may be proved to be disloyal to the United States of America in this present war"; and

WHEREAS, The State Personnel Board fired Mitsuye Endo from the Department of Motor Vehicles and other Japanese Americans working for the state government by the spring of 1942. Mitsuye Endo filed suit against the State of California, but she was removed and incarcerated while the case was pending, and she was living outside of California by the time the state Attorney General agreed to reinstate wrongfully terminated employees after the war. Endo also filed a suit challenging her removal and continued incarceration and the Supreme Court of the United States unanimously ordered her release from the concentration camp in December 1944, after the government conceded her loyalty to the United States; and

~~WHEREAS, General DeWitt urged state legislators to stop any further anti-Japanese bills, in order to prevent "stirring up" the Japanese in California or giving the Empire of Japan a reason to protect its nationals and invade before the United States Army was prepared to defend California; and~~

~~WHEREAS, General DeWitt's briefing created fear of an immediate invasion by the Empire of Japan and fear of Japanese Americans. The Assembly members returned to the Legislature in early 1942 to defeat anti-Japanese legislation and eliminate the State Guard created by Governor Olson; and~~

WHEREAS, During the next legislative session in 1943, the Assembly approved Senate Joint Resolution 3, on a 60-5 vote, urging Congress to determine the identity of those holding dual citizenship in the United States and Japan and to forfeit their citizenship and prevent them from becoming American citizens; and

WHEREAS, The Assembly approved Senate Joint Resolution 21 (1943) on a 52-0 vote, urging Congress to release "implements and commodities" owned by incarcerated Japanese Americans for use by other Americans during World War II; 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 Civilian Exclusion Order No. 34, in the case of Korematsu, and curfew in the cases of Yasui and Hirabayashi, all authorized pursuant to EO9066, it was discovered that officials from the United States Department of War and the United States Department of Justice had altered, destroyed, and withheld information that testified to the loyalty of the people of Japanese ancestry from the United States Supreme Court; and

WHEREAS, On May 24, 2011, Acting Solicitor General Neal Katyal said World War II Solicitor General Charles Fahy, who represented the United States Department of Justice in the Korematsu, Yasui, and Hirabayashi cases, "acted dishonorably" by withholding relevant information; and

WHEREAS, 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, In 1980, the United States Congress created the Commission on Wartime Relocation and Internment of Civilians to examine the actions and impact of EO9066. The commission held 20 days of public hearings, conducted 18 months of thorough investigation, and published its findings in 1983, which concluded that EO9066 was not justified by "military necessity" but was due to "racial prejudice, wartime hysteria, and a failure of political leadership"; and

WHEREAS, On August 10, 1988, President Ronald Wilson Reagan signed into law the federal Civil Liberties Act of 1988, finding that EO9066 was not justified by military necessity and, instead, was caused by "racial prejudice, wartime 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 forced exclusion, mass removal, and incarceration of Americans and permanent residents of Japanese ancestry during World War II. The act also provided for restitution to those individuals of Japanese ancestry who were incarcerated; and

WHEREAS, Given recent national events, it is all the more important to learn from the mistakes of the past and to ensure that such an assault on freedom will never again happen to any community in the United States; and

WHEREAS, The year 2020 marks the 76th anniversary of the Supreme Court of the United States' decisions in the Japanese American incarceration cases. While the Supreme Court ordered Mitsuye Endo released from incarceration, it denied, in *Korematsu v. United States*, that EO9066 reflected racial prejudice and upheld EO9066 in light of the "strategic imperative" to keep the west coast secure from invasion; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly apologizes to all Americans of Japanese ancestry for its past actions in support of the unjust exclusion, removal, and incarceration of Japanese Americans during World War II, and for its failure to support and defend the civil rights and civil liberties of Japanese Americans during this period; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.

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REVISIONS:

Heading—Line 3.

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