

1 [Declaring January 30, 2011, as Fred T. Korematsu Day of Civil Liberties]

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3 **Resolution declaring January 30 as Fred T. Korematsu Day of Civil Liberties.**

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5 WHEREAS, The struggle for civil liberties has often been inspired by ordinary  
6 Americans who have had the courage to stand up and fight for their Constitutional rights; and,

7 WHEREAS, On February 19, 1942 President Franklin D. Roosevelt issued Executive  
8 order 9066, which, through orders issued by Secretary of War and the U.S. Army, authorized  
9 and implemented the forced removal from the West Coast of over 120,000 persons of  
10 Japanese descent from their homes to American concentration camps for the duration of  
11 World War II; and,

12 WHEREAS, Fred T. Korematsu refused to comply with the military orders issued under  
13 Executive Order 9066, and was convicted in San Francisco federal court for violating military  
14 orders. With the help of Ernest Besig of the ACLU, Mr. Korematsu challenged the  
15 constitutionality of his conviction. However, in December 1944, the U.S. Supreme court  
16 rejected Mr. Korematsu's challenge, upholding the constitutionality of the internment of an  
17 ethnic population without any criminal charges or disloyal acts; and,

18 WHEREAS, In the early 1980's, researchers discovered evidence that the government  
19 had engaged in knowing and deliberate fraud on the courts in securing Mr. Korematsu's  
20 conviction. This included fabrication of evidence designed to show that the military  
21 commander's internment decision had been based on military considerations rather than race  
22 prejudice; and,

23 WHEREAS, On November 10, 1983 at the federal court hearing of his *coram nobis*  
24 petition, Mr. Korematsu addressed the Court on the importance of his case, "As an American  
25 citizen being put through this shame and embarrassment...we can never forget this incident

1 as long as we live. The horse stalls that we stayed in were made for horses, not human  
2 beings. According to the Supreme Court decision regarding my case, being an American  
3 citizen was not enough. They say you have to look like one, otherwise they say you can't tell  
4 a difference between a loyal and a disloyal American...Therefore, I would like to see the  
5 government admit that they were wrong and do something so this will never happen again to  
6 any American citizen of any race, creed, or color." The Hon. Marilyn Hall Patel granted Mr.  
7 Korematsu's petition and set aside his conviction based on the government's corruption of  
8 the judicial process through its misconduct; and,

9 WHEREAS, On January 15, 1998, President Clinton awarded Mr. Korematsu the  
10 Presidential Medal of Freedom in recognition of his advocacy on behalf of all Americans for  
11 our constitutional rights and liberties, saying, "...In the long history of our country's constant  
12 search for justice, some names of ordinary citizens stand for millions of souls: Plessy, Brown,  
13 Parks. To that distinguished list, today we add the name of Fred Korematsu."; and,

14 WHEREAS, For the rest of his life, until his passing on March 30, 2005, Mr. Korematsu  
15 devoted himself to educating the American public, particularly children and youth, about the  
16 history of internment and the need to stand up for rights and liberties of all people; and,

17 WHEREAS, the California Assembly and State Senate both unanimously passed AB  
18 1775, the Fred Korematsu Day of Civil Liberties and the Constitution, and Governor Arnold  
19 Schwarzenegger signed this bill into law on September 23, 2010: now therefore, be it

20 RESOLVED, that the Board of Supervisors declares January 30 Fred T. Korematsu  
21 Day of Civil Liberties and the Constitution, to commemorate the spirit and meaning of Fred  
22 Korematsu's life, and the importance of preserving and protecting our civil rights and liberties,  
23 even in times of real or perceived crisis.