

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE RESOLUTION

No. 654 Session of  
2014

---

INTRODUCED BY COHEN, BISHOP, K. BOYLE, CALTAGIRONE, KIRKLAND,  
KOTIK, MCNEILL, READSHAW, ROEBUCK AND FRANKEL,  
FEBRUARY 19, 2014

---

REFERRED TO COMMITTEE ON RULES, FEBRUARY 19, 2014

---

A RESOLUTION

1 Designating January 30, 2014, as "Fred Korematsu Day of Civil  
2 Liberties" in Pennsylvania.

3 WHEREAS, Fred Korematsu was born in Oakland, California, on  
4 January 30, 1919, as the third of four sons to Japanese  
5 immigrant parents; and

6 WHEREAS, Fred Korematsu worked in his family's flower nursery  
7 in Oakland, California, where he encountered racism as a young  
8 man; and

9 WHEREAS, Fred Korematsu registered for military duty under  
10 the Selective Training and Service Act of 1940, but was not  
11 selected because of stomach ulcers and instead worked as a  
12 welder in the Oakland shipyards in order to contribute his  
13 services to his country's defense; and

14 WHEREAS, Fred Korematsu lost his job in the shipyards  
15 following the attack on Pearl Harbor by the Imperial Japanese  
16 Navy on December 7, 1941; and

17 WHEREAS, Fred Korematsu became one of the thousands of

1 Japanese-American citizens living on the west coast during World  
2 War II who were interned as a result of President Franklin D.  
3 Roosevelt's issuing Executive Order 9066 on February 19, 1942,  
4 which authorized the Secretary of War and his military  
5 commanders to remove all persons of Japanese ancestry, including  
6 American citizens, from the west coast; and

7 WHEREAS, Fred Korematsu refused to heed the orders issued by  
8 Western Defense Commander General John L. DeWitt in sending  
9 Japanese-Americans citizens to concentration camps and continued  
10 to live and work in Oakland until his arrest on May 30, 1942,  
11 and incarceration at a jail in San Francisco; and

12 WHEREAS, The American Civil Liberties Union of Northern  
13 California asked Mr. Korematsu if he would be willing to use his  
14 case to test the constitutional legality of the internment of  
15 Japanese Americans; and

16 WHEREAS, Fred Korematsu agreed and was assigned Wayne M.  
17 Collins as his defense attorney; and

18 WHEREAS, Fred Korematsu appealed his case all the way to the  
19 United States Supreme Court, where the high court ruled against  
20 him in a 6-3 decision on December 18, 1944, that declared the  
21 incarceration was justified by "military necessity" and claimed  
22 that Americans of Japanese ancestry were radio-signaling enemy  
23 ships from shore and were prone to dishonesty; and

24 WHEREAS, Fred Korematsu's conviction was formally vacated on  
25 November 10, 1983, by United States District Judge Marilyn Hall  
26 Patel of the United States District Court of Northern California  
27 in San Francisco on the grounds of government misconduct and  
28 material evidence that had been suppressed, altered and  
29 destroyed at the time of the 1944 United States Supreme Court  
30 decision, an action considered to be a pivotal movement in civil

1 rights history; and

2 WHEREAS, This action cleared Mr. Korematsu's name, but did  
3 not overturn the 1944 United States Supreme Court decision; and

4 WHEREAS, Fred Korematsu remained an activist throughout his  
5 life, and in 1998 he received the nation's highest civilian  
6 honor in the United States, the Presidential Medal of Freedom,  
7 from President William J. Clinton; and

8 WHEREAS, Fred Korematsu filed two amicus curiae briefs with  
9 the Supreme Court after the 9/11 terrorist attacks on the United  
10 States when he felt prisoners were detained at Guantanamo Bay  
11 for too long, warning the government not to repeat the mistakes  
12 of the Japanese internment; and

13 WHEREAS, Fred Korematsu also spoke out about racial profiling  
14 in 2004 by stating, "No one should ever be locked away simply  
15 because they share the same race, ethnicity, or religion as a  
16 spy or terrorist. If that principle was not learned from the  
17 internment of Japanese-Americans, then these are very dangerous  
18 times for our democracy"; therefore be it

19 RESOLVED, That the House of Representatives recognize and  
20 honor the contributions Fred Korematsu made to raising the  
21 awareness about the challenges faced by Americans of Japanese  
22 ancestry during World War II, Americans of Middle-Eastern  
23 descent post-9/11 and any other American suffering the  
24 discriminatory effects of profiling due to age, ethnicity, race,  
25 religion and other characteristics separating them from  
26 mainstream America.