City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

Legislation Text

File #: 180047, **Version:** 0

Declaring January 30, 2018 Fred Korematsu Day of Civil Liberties and the Constitution in Philadelphia.

WHEREAS, Fred Korematsu was born in Oakland, California, on January 30, 1919 to Japanese immigrant parents; and

WHEREAS, Upon graduation from high school in 1937, Korematsu wanted to serve his country in the military and attempted to enlist, but was rejected because his Selective Service classification had been changed to "Enemy Alien" despite his being a citizen of the United States; and

WHEREAS, Korematsu then worked at the docks in Oakland as a shipyard welder, quickly rising through the ranks to foreman, until his union barred all people of Japanese ancestry and his employment was terminated; and

WHEREAS, When World War II broke out, Korematsu suffered from frequent discrimination like so many other Americans of Japanese ancestry; he was turned away from restaurants and shops and denied the right to work, travel, and ultimately to reside in his native State of California; and

WHEREAS, In 1942, Civilian Exclusion Order No. 34 was authorized by President Franklin D. Roosevelt's Executive Order No. 9066; the order imposed strict curfew regulations and required over 100,000 United States citizens and permanent residents of Japanese ancestry to leave their homes on the West Coast and submit to imprisonment based solely on their ancestry; and

WHEREAS, Korematsu refused to comply with the order, and rather than reporting to the assembly center with the rest of his family, Korematsu chose to carry on his life as an American citizen and a citizen of the State of California in defiance of the law; and

WHEREAS, Korematsu was arrested on May 30, 1942, and charged with violating the military's exclusion order; after his conviction in federal court, he was held in squalor in a former horse racing track and then sent with his family to the Topaz concentration camp in Utah, one of ten camps that were used to incarcerate Americans of Japanese ancestry; and

WHEREAS, Believing the discriminatory conviction went against freedoms guaranteed by the Constitution, Korematsu appealed his case with representation from the American Civil Liberties Union; and

WHEREAS, Though the appeal was heard by the United States Supreme Court in 1944, justice was denied to Korematsu when the Supreme Court upheld his conviction by a six to three vote on the grounds that incarceration was a "military necessity" and not caused by beliefs founded in racism, a decision that is now regarded as a black mark on our nation's constitutional jurisprudence; and

WHEREAS, Tens of thousands of Americans of Japanese ancestry fought for the United States in World War II, receiving many honors and distinctions for their brave service, with some soldiers recruited directly from the

concentration camps and others having family members who were imprisoned in the camps; and

WHEREAS, Those who were sent to the camps or otherwise affected by the exclusion order suffered immense and incalculable damage from the lasting trauma of being uprooted from lives and families for no reason other than their race; many families birthed or raised young children in prison conditions, and countless individuals lost personal property including homes, businesses, and prized possessions; and

WHEREAS, Korematsu's conviction for evading internment was overturned in 1983, using a rare legal theory intended to correct a court's fundamental error or to reverse a manifest injustice, because new evidence demonstrated that in Korematsu's original case the government had knowingly submitted false information to the Supreme Court; and

WHEREAS, In this ruling, the federal court found that “a grave injustice was done,” and that Korematsu “stands as a caution that in times of distress the shield of military necessity and national security must not be used to protect governmental actions from close scrutiny and accountability. It stands as a caution that in times of international hostility and antagonisms our institutions, legislative, executive, and judicial, must be prepared to exercise their authority to protect all citizens from the petty fears and prejudices that are so easily aroused”; and

WHEREAS, Korematsu’s legal victory paved the way for similar rulings in other cases for other formerly interned Japanese Americans, and influenced the passage of the federal Civil Liberties Act of 1988, in which Congress acknowledged that the incarceration of Japanese Americans occurred because of racial prejudice, wartime hysteria, and a failure of political leadership, and extended an official apology; and

WHEREAS, Korematsu continued to speak out to defend fundamental constitutional rights, and in 2003 filed a "Friend-of-the-Court" brief with the United States Supreme Court on behalf of Muslim inmates held at Guantanamo Bay, warning that the government's extreme national security measures were reminiscent of the past; in 2004, he filed a similar brief on behalf of an American Muslim man being held in solitary confinement without a trial in a United States military prison; and

WHEREAS, Korematsu’s bravery was recognized in 1998, when President Bill Clinton awarded him the Presidential Medal of Freedom, and in 2010, five years after his death, when California was the first state to recognize Fred Korematsu Day as a permanent holiday to be observed on January 30th; and

WHEREAS, Korematsu's lifelong pursuit of justice on his own behalf and for countless others embodies the founding ideals and traditions of our nation; he remains an enduring symbol of every American's right to liberty, due process, and equality without regard to race, ethnicity, or national origin; and

WHEREAS, The profound injustice done to Korematsu and more than 100,000 Americans of Japanese ancestry continues to serve as a sobering reminder of the evils associated with legislating based on xenophobia and racism, particularly in light of current proposals such as to limit or ban immigrants and refugees from the United States based on their Muslim faith; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the City of Philadelphia hereby declares January 30, 2018 Fred Korematsu Day of Civil Liberties and the Constitution in Philadelphia; and be it

FURTHER RESOLVED, That Engrossed copies of this resolution be presented to the Philadelphia Chapter of the Japanese Americans Citizens League as well as Shofuso Japanese House and Garden in honor of the

observance of Korematsu Day.

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