

# KOREMATSU INSTITUTE

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FOR CIVIL RIGHTS AND EDUCATION

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## **Governor Arnold Schwarzenegger Signs Fred Korematsu Day Bill** ***Bill Establishes January 30 as Fred Korematsu Day of Civil Liberties and the Constitution***

**SAN FRANCISCO** – Civil rights groups all over the country rejoiced when Governor Schwarzenegger yesterday signed into law Assembly Bill 1775, establishing January 30 as Fred Korematsu Day in the state of California, the first time in United States history a day is named after an Asian American. The bill, authored by Assemblymembers Warren T. Furutani (D – South Los Angeles County) and Marty Block (D – San Diego), is in honor of the late Fred Korematsu, a man who became a civil rights icon for defying the mass incarceration of Japanese Americans during World War II.

“This is historic not only for Californians but for all Americans,” says Ling Woo Liu, Director of the Korematsu Institute. “Establishing Korematsu Day ensures that Fred Korematsu’s legacy will not be forgotten and future generations of Californians will learn about the importance of protecting civil liberties.”

Korematsu Day was spearheaded by former San Diego Superior Court Judge Lillian Lim and Susan Woo, who were dismayed by the general lack of knowledge of the Fred Korematsu story. These concerns were shared with others who agreed it was important to establish a Fred Korematsu Day where schools would incorporate into their curriculum the history of the Japanese American incarceration. An ad hoc committee was then formed within the Southwest Center for Asian Pacific American Law, with the goal of establishing a Fred Korematsu Day.

“I would like to thank Governor Schwarzenegger for signing this significant piece of legislation, which promotes the protection of freedom and constitutional rights,” said Assemblymember Furutani. “Fred Korematsu was an ordinary man who did an extraordinary thing during a time when his constitutional rights were violated, and as a consequence, changed the course of history. The Fred Korematsu Day of Civil Liberties and the Constitution will provide an important teaching moment for California and its students.”

“As a trailblazer of civil rights who stood against the incarceration of Japanese Americans during World War II, Fred Korematsu’s legacy reminds us that we must use this dark period in our history as a teaching tool to educate future generations on the importance of preserving civil liberties for everyone,” said Assemblymember Block. “I thank the Governor for signing the Fred Korematsu Day of Civil Liberties and the Constitution into law because it further ensures that Fred’s legacy of bravery and sacrifice will be taught in classrooms and help us remain vigilant against the racism and stereotyping he fought to overcome.”

During World War II, Korematsu was a 23-year-old welder in San Leandro, California who defied military orders that ultimately led to the evacuation and incarceration of 120,000 Japanese Americans, including Korematsu and his family. The Korematsu family was held first in the Tanforan Race Track Assembly Center in San Bruno, Calif., and then incarcerated in the Topaz incarceration camp in Utah.

He took his challenge to the military orders to the U.S. Supreme Court, which, in 1944, upheld his conviction on the ground that the forced removal of Japanese Americans was justified by “military necessity.” That decision has been widely condemned as one of the darkest chapters in American legal history.

After four decades of having to live with a “disloyalty” conviction on his record that limited him from securing full-time work, Korematsu filed suit to reopen his case on proof that the government, when arguing his case during the war, had suppressed, altered, and destroyed material evidence that contradicted the government’s claim of military necessity.

In 1983, the Federal District Court for the Northern District of California granted his petition for a writ of *error coram nobis* (a notice of error) and overturned his conviction.

“Fred Korematsu’s eventual court victory taught America about the fragility of civil rights especially during times of international tensions,” said attorney Dale Minami, a member of Korematsu’s legal team and Steering Committee of the Korematsu Institute. “It reinforced our belief that civil rights must be fought for and are not simply guaranteed by the courts or by any governmental institution.”

Korematsu went on to champion the cause of civil liberties, not only seeking redress for Japanese Americans who were wrongfully incarcerated, but also traveling the country to advocate for the civil rights of other victims of excessive government action, especially after 9/11. He passed away in 2005 at the age of 86.

"After my father's conviction was overturned in 1983, his focus and mission was education," said Karen Korematsu. "He believed it was important to teach about his struggle for justice and the Japanese American incarceration so that the mistakes of history would not be repeated in the future. The significance of this day will enable students of today and tomorrow to learn and discuss the lessons of American history relevant to the current discussions of the Constitution and our civil liberties."

The first Fred Korematsu Day will be celebrated on January 30, 2011 on Fred Korematsu’s birthday. The Korematsu Institute, launched last year by the Asian Law Caucus and in partnership with the Korematsu family, plans to roll out curriculum in K-12 schools that week and on all future Korematsu Days.

*In a post-9/11 nation where national security policies are based on fear and prejudice, the Korematsu Institute is dedicated to advancing pan-ethnic civil rights through education, activism and leadership development.*

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