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1                                    AMENDMENT TO HOUSE JOINT RESOLUTION 5

2            AMENDMENT NO. \_\_\_\_ . Amend House Joint Resolution 5 by  
3 deleting everything after the heading and replacing it with  
4 the following:

5            "WHEREAS, The people of Illinois seek to uphold the values  
6 that make the United States and the State of Illinois great,  
7 those of freedom, opportunity, equal justice under law for  
8 all, and all civil liberties enshrined in the United States  
9 and Illinois Constitutions; and

10           WHEREAS, Anti-immigrant sentiment and anti-immigrant  
11 extremism have factored into discrimination against Asian  
12 Americans and other marginalized people throughout our history  
13 and caused real harm to individuals and communities; and

14           WHEREAS, The people and the State of Illinois have a duty  
15 to uphold our founding values and actively work to learn from

1 our history and prevent the mistakes and tragedies of our  
2 past, including the unconstitutional use of executive orders  
3 to deny the guaranteed rights of citizenship; and

4 WHEREAS, It is most appropriate and necessary to  
5 commemorate those incredible individuals who have defended  
6 civil liberties and resisted oppression within our great  
7 nation; and

8 WHEREAS, An assault on civil liberties was launched on  
9 February 19, 1942 when President Franklin D. Roosevelt signed  
10 Executive Order No. 9066, authorizing the internment of all  
11 people of Japanese descent in the United States; under the  
12 order, those of Japanese ancestry, many American citizens,  
13 were subject to a curfew, ordered to submit to imprisonment,  
14 and placed in American internment camps without trial, access  
15 to legal counsel, or notice of any criminal charges; and

16 WHEREAS, Fred T. Korematsu of Oakland, California  
17 valiantly refused to comply with these directives in an  
18 admirable display of civil disobedience and continued to  
19 proudly live his life as a free American citizen; he was  
20 subsequently arrested and tried for refusing to comply with  
21 Civilian Exclusion Order No. 34, which was authorized by  
22 Executive Order No. 9066, and he was sent to Topaz internment  
23 camp in Utah; and

1           WHEREAS, Fred Korematsu, in a selfless act of sacrifice,  
2 agreed to be the representative for those wrongfully  
3 imprisoned and appealed his case with the help of Earnest  
4 Besig of the American Civil Liberties Union; the case was  
5 heard by the United States Supreme Court; and

6           WHEREAS, The Supreme Court upheld the decision to imprison  
7 Fred Korematsu in a 6-3 ruling, as well as the  
8 constitutionality of discrimination against a racial group as  
9 justified under conditions of war; that decision remains a  
10 stain upon civil liberties and American values of equal  
11 protection under law; his conviction was overturned via a writ  
12 of error coram nobis on November 10, 1983 by the United States  
13 District Court of Northern California; the Supreme Court  
14 recognized the error of the Korematsu decision and overturned  
15 it in a 2018 decision saying, "Korematsu was gravely wrong the  
16 day it was decided, has been overruled in the court of history,  
17 and-to be clear-'has no place in law under the  
18 Constitution.'"; and

19           WHEREAS, Fred Korematsu and his legal team appealed to  
20 overturn his conviction, inspiring the Civil Liberties Act of  
21 1988, which was signed into law by President Ronald Reagan and  
22 which formally apologized to those wrongfully incarcerated  
23 under Executive Order No. 9066 and acknowledged the order was

1 issued because of "racial prejudice, wartime hysteria, and a  
2 failure of political leadership"; he was later awarded the  
3 Presidential Medal of Freedom from President Bill Clinton, the  
4 highest honor awarded to a civilian who has admirably served  
5 the interests of the nation; and

6 WHEREAS, Fred Korematsu continued throughout his life to  
7 raise his voice for the voiceless and defend the defenseless  
8 in solidarity with those denied civil liberties, including  
9 speaking out against the solitary confinement of an American  
10 Muslim man in a United States military prison without trial;  
11 and

12 WHEREAS, Fred Korematsu passed away on March 30, 2005;  
13 today, the Fred Korematsu Institute works to educate people  
14 about his life story and the importance of civil liberties;  
15 the institute also aims to promote awareness of his life and  
16 work by schools, the general public, and state and federal  
17 legislators of his life with the observation of his birthdate,  
18 January 30, as Fred T. Korematsu Day of Civil Liberties and the  
19 Constitution; therefore, be it

20 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE  
21 HUNDRED FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE  
22 SENATE CONCURRING HEREIN, that we commend Fred T. Korematsu  
23 for his courageous efforts for civil liberties; and be it

1 further

2 RESOLVED, That we honor the legacy of Fred Korematsu, his  
3 institute, and his children who work so diligently to educate  
4 the public by encouraging schools and institutes of higher  
5 learning throughout the State of Illinois to incorporate his  
6 story and valiant stand for American values of justice into  
7 their curriculum; and be it further

8 RESOLVED, That suitable copies of this resolution be  
9 presented to the Illinois State Board of Education and each  
10 Illinois state university."