



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5142

by Rep. Theresa Mah

SYNOPSIS AS INTRODUCED:

5 ILCS 490/69 new

Amends the State Commemorative Dates Act. Provides that January 30 of each year is designated as Fred T. Korematsu Day, to be observed throughout the State as a day in honor of the man and his courageous fight and efforts for civil liberties, and to encourage schools and institutes of higher learning in this State to incorporate the story of Fred Korematsu and his valiant stand for American values of justice into their curricula. Provides a preamble. Effective immediately.

LRB100 18152 RJF 33347 b

1 AN ACT concerning government.

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

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

18 WHEREAS, Fred Korematsu, in a selfless act of sacrifices,
19 agreed to be the representative for those wrongfully
20 imprisoned, and appealed his case with the help of Earnest
21 Besig of the American Civil Liberties Union; the case was heard
22 by the United States Supreme Court; and

23 WHEREAS, The Supreme Court upheld the decision to imprison

1 Fred Korematsu in a 6-3 ruling, as well as the
2 constitutionality of discrimination against a racial group as
3 justified under conditions of war; that decision remains a
4 scourge upon civil liberties and American values of equal
5 protection; the conviction of Fred Korematsu was overturned via
6 a writ of error corum nobis on November 10, 1983 by the United
7 States District Court of Northern California; the Supreme Court
8 decision has yet to be challenged; and

9 WHEREAS, Fred Korematsu and his legal team appealed to
10 overturn his conviction, inspiring the Civil Liberties Act of
11 1988, which was signed into law by President Ronald Reagan,
12 which formally apologized to those wrongfully incarcerated
13 under Executive Order No. 9066, and acknowledged the order was
14 issued because of "racial prejudice, wartime hysteria, and a
15 failure of political leadership"; Fred Korematsu was later
16 awarded the Presidential Medal of Freedom from President Bill
17 Clinton, the highest honor awarded to a civilian who has
18 admirably served the interests of the Nation; and

19 WHEREAS, Fred Korematsu continued throughout his life to
20 raise his voice for the voiceless and defend the defenseless in
21 solidarity with those denied civil liberties, including
22 speaking out against the solitary confinement of an American
23 Muslim man in a United States military prison without trial;
24 and

1 WHEREAS, Fred Korematsu passed away on March 30, 2005;
2 today, the Fred Korematsu Institute works to educate people
3 about his life story and the importance of civil liberties; the
4 institute also aims to promote awareness by schools, the
5 general public, and state and federal legislators of Fred
6 Korematsu by observing his birthdate, January 30, as Fred T.
7 Korematsu Day of Civil Liberties and the Constitution;
8 therefore

9 **Be it enacted by the People of the State of Illinois,**
10 **represented in the General Assembly:**

11 Section 5. The State Commemorative Dates Act is amended by
12 adding Section 69 as follows:

13 (5 ILCS 490/69 new)

14 Sec. 69. Fred T. Korematsu Day. January 30 of each year is
15 designated as Fred T. Korematsu Day, to be observed throughout
16 the State as a day in honor of the man and his courageous fight
17 and efforts for civil liberties, and to encourage schools and
18 institutes of higher learning in this State to incorporate the
19 story of Fred Korematsu and his valiant stand for American
20 values of justice into their curricula.

21 Section 99. Effective date. This Act takes effect upon

1 becoming law.