

## ACT 94

S.B. NO. 856

A Bill for an Act Relating to Holidays.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Ten weeks after the bombing of Pearl Harbor, on February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066 authorizing the removal of any or all individuals from military areas as deemed necessary and desirable and mandating the forced internment of Americans of Japanese ancestry. In turn, the military defined Hawaii and the entire west coast of the United States as a military area, resulting in the relocation of more than one hundred ten thousand Americans of Japanese ancestry to remote internment camps built by the United States military in scattered locations around the nation.

One month later, on March 21, 1942, the United States Congress passed Public Law 77-503, which established penalties for violations of Executive Order 9066.

In 1980, the actions of the United States government, including the internment of Americans of Japanese ancestry during World War II, were reviewed by the United States Commission on Wartime Relocation and Internment of Civilians. The Commission concluded in June 1983 that the decision to remove persons of Japanese ancestry to United States prison camps occurred because of "race prejudice, war hysteria, and a failure of political leadership."

It should be noted, however, that several Americans of Japanese ancestry challenged the validity and constitutionality of Executive Order 9066 and Public Law 77-503.

Fred Korematsu, a Japanese-American, was living on the west coast of the United States during World War II, when he was arrested and convicted of defying government orders to report to an internment camp. He appealed and lost his case at the United States Supreme Court, which ruled his incarceration was warranted. Forty-one years later, on November 10, 1983, United States District Court Judge Marilyn Hall Patel vacated Korematsu's conviction, an action considered pivotal in civil-rights history.

Born in 1918 in Washington state to Japanese parents who had immigrated to the United States, Gordon Hirabayashi was charged by a federal grand jury in Seattle with violation of Public Law 77-503. He appealed his case to the United States Supreme Court in the first challenge to Executive Order 9066 but lost his appeal when the Supreme Court unanimously ruled to uphold Mr. Hirabayashi's conviction for violating the Executive Order. Forty-four years later, in September 1987, his conviction was vacated.

Min Yasui was born in October 1916 in Oregon to Japanese parents and was commissioned as a second lieutenant in the Army Infantry Reserve. Although receiving orders to report to Fort Vancouver in Portland, Mr. Yasui was told that he was unacceptable for service and was immediately ordered off the base. Mr. Yasui was turned away eight more times after offering to fulfill his service to his country. On March 28, 1942, Mr. Yasui directly challenged the constitutionality of Executive Order 9066 and was arrested. Although his case was appealed to the United States Supreme Court, the Supreme Court upheld the conviction of Mr. Yasui for violating Executive Order 9066. Forty-two years later, in 1984, the courts vacated Mr. Yasui's conviction.

A native of Sacramento, California, Mitsuye Endo was the only female resister of Executive Order 9066. Ms. Endo's case reached the United States Supreme Court and was the only internment case in which the Supreme Court ruled unanimously in favor of the plaintiff. Ms. Endo's petition before the Supreme Court forced federal authorities to re-examine the constitutionality of Executive Order 9066 and ultimately resulted in a decision by the Supreme Court that officially re-opened the west coast of the United States for resettlement by Americans of Japanese ancestry.

The purpose of this Act is to establish a day, each year, to recognize the actions of individuals who fought for the constitutional and civil rights of all Americans, particularly those of Japanese ancestry, and the pivotal role they played in the history of the United States.

SECTION 2. Chapter 8, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§8- Civil Liberties and the Constitution Day.** January 30 shall be known and designated as “Civil Liberties and the Constitution Day” to celebrate, honor, and encourage public education and awareness of the commitment of individuals to preserving civil liberties for Americans of Japanese ancestry and actions to promote equal rights for all citizens. This day is not and shall not be construed to be a state holiday.”

SECTION 3. New statutory material is underscored.<sup>1</sup>

SECTION 4. This Act shall take effect upon its approval.

(Approved June 7, 2013.)

**Note**

1. Edited pursuant to HRS §23G-16.5.