

Legislative Analysis



FRED KOREMATSU DAY

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House Bill 4018 as reported from committee
Sponsor: Rep. Sharon MacDonell
Committee: Government Operations
Complete to 4-27-23

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4018 would amend 2003 PA 225 to designate January 30 of each year as Fred Korematsu Day in recognition of Fred Korematsu's contributions to civil rights.¹

Fred Korematsu was an American citizen of Japanese ancestry who in 1942 was arrested for violating an order that essentially required all Americans of Japanese ancestry in Alaska, California, western Washington and Oregon, and southern Arizona² to leave their homes, businesses, jobs, and schools to report for relocation to a government incarceration camp.³ Those subject to the order were allowed to bring with them only what they could carry.⁴

Korematsu defied the order and contested his arrest and conviction for doing so, arguing that the order violated the Fifth Amendment constitutional provision that says a person cannot be deprived of life, liberty, or property without due process of law. He pursued his case all the way to the United States Supreme Court, which in December 1944, in a 6-to-3 decision, ruled against him.

Over the following years, Korematsu continued to fight to clear his record and for civil rights protections for all American citizens. In 1983, his conviction was formally vacated by a federal district judge. To date, the Supreme Court has not overruled its 1944 decision in *Korematsu v United States*, although it included remarks disparaging *Korematsu* in an opinion handed down in 2018.

January 30 was Fred Korematsu's birthday. He died in 2005 at the age of 86.

The bill would take effect 90 days after being enacted.

Proposed MCL 435.304

¹ The act currently designates March 31 as Cesar E. Chavez Day, July 14 as President Gerald R. Ford Day, and July 30 as Henry Ford Day.

² <https://www.nps.gov/articles/images/Visio-yellow-latest-WRA.jpg>

³ Some 120,000 people were held in the camps, two-thirds of whom were American citizens. The vast majority, if not all, of those who were not citizens had immigrated to the United States more than two decades earlier (before the Immigration Act of 1924 prevented immigration from Japan). However, federal law prohibited them, on the basis of race, from becoming naturalized citizens.

⁴ <https://www.nps.gov/articles/historyinternment.htm>

See also <https://www.smithsonianmag.com/smithsonian-institution/eighty-years-after-us-incarcerated-japanese-americans-trauma-scars-remain-180979519/>

BACKGROUND:

In 2010, California established January 30 as Fred Korematsu Day of Civil Liberties and the Constitution. Five other states have since enacted legislation declaring January 30 to be Fred Korematsu Day: Hawaii (2013), Virginia (2015), Florida (2015), Arizona (2022), and New Jersey (2023). Several more have dedicated the day by proclamation.⁵

FISCAL IMPACT:

The bill would have no fiscal impact on the state or local units of government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

⁵ <https://korematsuinstitute.org/wp-content/uploads/2022/02/FKD-Brochure.pdf>