

Assembly Concurrent Resolution

No. 19

Introduced by Assembly Member Pan

February 19, 2013

Assembly Concurrent Resolution No. 19—Relative to Japanese American state employees.

LEGISLATIVE COUNSEL'S DIGEST

ACR 19, as introduced, Pan. Japanese American: discrimination: apology.

This measure would acknowledge that the State of California made a grievous mistake that injured loyal employees who were dedicated to serving the people of California when it dismissed over 300 Americans of Japanese ancestry as a result of Senate Concurrent Resolution 15 (SCR 15) of 1942 by Senator John Swan. This measure would resolve to issue a public apology to the state civil service employees who were dismissed.

Fiscal committee: no.

1 WHEREAS, In early 1942, over 300 Americans of Japanese
2 ancestry, all of whom met the state civil service requirement of
3 American citizenship, were employed by the State of California;
4 and
5 WHEREAS, On January 19, 1942, the California State
6 Legislature adopted Senate Concurrent Resolution 15 (SCR 15)
7 authored by Senator John Swan; and
8 WHEREAS, SCR 15 authorized the State Personnel Board to
9 “take every proper means to prevent anyone securing a position
10 on the eligible list of the state civil service or from being certified

1 to a civil service position in the state service who is not loyal to
2 the United States and to further make such rules as may be
3 necessary to provide for the dismissal from the service of such
4 persons as may be proved to be disloyal to the United States of
5 America in this present war”; and

6 WHEREAS, On January 27, 1942, a State Personnel Board staff
7 analysis opined that the board could do little in response to SCR
8 15, and that no blanket discharge of employees on the ground of
9 dual citizenship, or nationality of parents was possible. The board
10 was aware it would not be justified in ordering dismissal of an
11 individual without “evidence of acts, statements, or courses of
12 conduct tending to show disloyalty”; and

13 WHEREAS, On January 30, 1942, the State Personnel Board
14 commenced an investigation into the loyalty of persons applying
15 to take an exam, on eligibility lists for state jobs, and employed
16 by the State of California; and

17 WHEREAS, Japanese Americans were the focus of
18 investigations by the State Personnel Board, and the board prepared
19 lists of identified employees that contained only Japanese
20 surnames; and

21 WHEREAS, No other group of employees was investigated;
22 and

23 WHEREAS, On February 5, 1942, Mike Masaoka, National
24 Secretary for the Japanese American Citizens League, appeared
25 before the State Personnel Board and was assured that there would
26 be no summary or arbitrary dismissals; and

27 WHEREAS, Earl Warren, Attorney General for the State of
28 California, wrote on February 7, 1942, “It is my conclusion that
29 said order [SCR 15], discriminating as it does against naturalized
30 citizens and against American born citizens of the first generation,
31 violates the civil liberties of citizens as guaranteed by the
32 Constitution of the United States and of this State and is in conflict
33 with our Civil Service Act”; and

34 WHEREAS, On February 27, 1942, the California Board of
35 Equalization dismissed all employees of Japanese ancestry; and

36 WHEREAS, Over the following weeks, every employee of
37 Japanese ancestry was terminated from state employment; and

38 WHEREAS, The State Personnel Board adopted a resolution
39 that read:

40

1 “Whereas, a state of war does exist between the United States
2 of America and the Axis Powers, Germany, Italy, Japan, and
3 others; and

4 Whereas, certain employees of the State Personnel Board
5 are of Japanese ancestry and the morale among other
6 employees of said Board has been adversely affected by their
7 being required to be associated in their work with these
8 employees of Japanese ancestry, and

9 Whereas, there is a general lack of confidence on the part
10 of the public and State employees in the loyalty of many of
11 said employees of Japanese ancestry, and

12 Whereas, this Board is convinced that the welfare of the
13 United States of America, and a successful conclusion of the
14 war can best be achieved by safeguarding the public and its
15 property from any possible espionage or fifth column activities
16 such as were employed in the attack on Pearl Harbor, and
17 participation in such activities can be prevented by separating
18 those persons of Japanese ancestry now employed by this
19 Board by separating them from State service,

20 Now, therefore be it resolved, that the following named
21 employees ... are hereby immediately suspended, and

22 Be it further resolved that the Secretary be and he is hereby
23 ordered to prepare charges against said persons pursuant to
24 the law.”

25
26 WHEREAS, Over 314 employees with Japanese surnames were
27 terminated; and

28 WHEREAS, Seasonal and probationary employees did not have
29 a right of appeal, and only permanent employees could file an
30 appeal of the dismissal; and

31 WHEREAS, Sixty-three employees were able to file an appeal,
32 and these employees retained James C. Purcell and William E.
33 Ferriter to represent their case against the State Personnel Board;
34 and

35 WHEREAS, All employees were dismissed on the same charges
36 without regard to individual job performance, and as a result, many
37 charges were not applicable to individuals employees; and

38 WHEREAS, Charges A to G, inclusive, against employees
39 included allegations that employees were citizens of the Empire
40 of Japan and subjects of the Emperor of Japan, employees could

1 read and write Japanese and subscribed to Japanese newspapers,
2 employees attended Japanese schools that taught the Japanese
3 language, employees were members of Japanese organizations,
4 employees reduced the morale and efficiency of public service
5 employees, employees has failed to report that they had attended
6 Japanese schools, and military zones restricted the movement of
7 employees and prohibited employees from properly performing
8 their duties as state employees; and

9 WHEREAS, On May 27, 1942, the State Personnel Board filed
10 Supplemental Charges H and I that stated that employees were
11 confined by the federal government and could not carry out their
12 duties, and alleged that the employees were dual citizens of Japan;
13 and

14 WHEREAS, In response to the supplemental charges, James C.
15 Purcell filed a case on behalf of Mitsuye Endo, a California state
16 employee, before the Circuit Court of Appeals, petitioning for her
17 release from federal confinement; and

18 WHEREAS, In response to the possibility that the constitutional
19 rights of employees could be raised, the Secretary to the State
20 Personnel Board suggested that the board exercise its “police
21 power” to protect the public order, safety, health, morals and
22 welfare from Japanese persons; and

23 WHEREAS, On December 18, 1944, the United States Supreme
24 Court decided in favor of Mitsuye Endo, and state employees
25 continued their appeal to regain their jobs; and

26 WHEREAS, On September 4, 1946, a hearing was held before
27 the referee of the State Personnel Board regarding the charges;
28 and

29 WHEREAS, The Attorney General’s office indicated at the
30 hearing that the employees had been the most thoroughly
31 investigated people in the history of this country, and that nothing
32 had been disclosed to substantiate the charges in any way; and

33 WHEREAS, The state could not produce any proof, and the
34 case was submitted as to the charges without any evidence; and

35 WHEREAS, On September 28, 1946, employees were sent
36 telegrams indicating that they had only 10 days to report to work
37 and be reinstated to their jobs; and

38 WHEREAS, It was not possible for employees, who were
39 scattered across the country as a result of their federal confinement,

1 to return within the 10-day window, and only a handful of
2 employees were re-employed; and

3 WHEREAS, In August 1947, the State Personnel Board provided
4 backpay only for the period between the date of suspension and
5 the date of the employees confinement by the federal government;
6 and

7 WHEREAS, Employees were not compensated by the state or
8 federal government for their wage losses suffered over the four
9 and one-half years that they were denied their jobs; and

10 WHEREAS, Assembly Bill 2710 authored by Assembly Member
11 Patrick Johnson was signed into law on August 17, 1982, by
12 Governor Jerry Brown; and

13 WHEREAS, Assembly Bill 2710 provided \$5,000 as symbolic
14 compensation for the unfair dismissal of Japanese American
15 employees during World War II; and

16 WHEREAS, Assembly Bill 2710 did not provide an apology
17 for the unjust actions of the State of California, the California State
18 Legislature, or the California State Personnel Board; now,
19 therefore, be it

20 *Resolved by the Assembly of the State of California, the Senate*
21 *thereof concurring, That the State of California made a grievous*
22 *mistake that injured loyal employees who were dedicated to serving*
23 *the people of California; and be it further*

24 *Resolved, That the Legislature issue a public apology to the state*
25 *civil service employees who were dismissed as a result of SCR*
26 *15; and be it further*

27 *Resolved, That the Chief Clerk of the Assembly transmit copies*
28 *of this resolution to the author for appropriate distribution.*
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31 **CORRECTIONS:**

32 **Introduced Line—Page 1.**

33 **Text—Page 5.**

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