

Introduced by Senator Pan

(Principal coauthors: Senators Liu and Nguyen)

(Principal coauthors: Assembly Members Bonta, Chang, Chau, Chiu, Chu, Kim, Low, Ting, and Williams)

June 2, 2015

Senate Joint Resolution No. 12—Relative to Mitsuye Endo Tsutsumi.

LEGISLATIVE COUNSEL'S DIGEST

SJR 12, as introduced, Pan. Mitsuye Endo Tsutsumi: Presidential Medal of Freedom nomination.

This measure would state the Legislature's support of the nomination of Mitsuye Endo Tsutsumi for the Presidential Medal of Freedom.

Fiscal committee: no.

1 WHEREAS, Mitsuye Endo was among 120,000 Japanese
2 Americans residing on the west coast of the United States who
3 were forced from their homes in the aftermath of the attack on
4 Pearl Harbor; and

5 WHEREAS, Pursuant to President Franklin D. Roosevelt's
6 Executive Order No. 9066, Mitsuye Endo and her family were
7 uprooted from their Sacramento home and incarcerated first in the
8 Tule Lake War Relocation Camp in California, and later in the
9 Topaz War Relocation Camp in Utah. Altogether, Endo spent
10 nearly three years surrounded by barbed wire and guard towers in
11 some of the most remote and desolate areas of the United States;
12 and

13 WHEREAS, Based on Mitsuye Endo's background as a loyal
14 American citizen, a Nisei (second-generation Japanese American)
15 from Sacramento who was Christian, had never been to Japan, and

1 had a brother serving in the United States Army, Endo was selected
2 as the plaintiff for a test case challenging Japanese internment;
3 and

4 WHEREAS, Endo’s case, *Ex parte Mitsuye Endo* (1944) 323
5 U.S. 283, was a habeas corpus case challenging the authority of
6 Executive Order No. 9066 and the War Relocation Authority to
7 detain a “concededly loyal” American citizen without charges.
8 The case was first filed on July 13, 1942, while Endo was
9 incarcerated at Tule Lake, denied in 1943, and appealed to the
10 United States Supreme Court in 1944; and

11 WHEREAS, While her case was proceeding, Endo rejected an
12 offer from the government for conditional release, choosing instead
13 to remain incarcerated to allow her case to continue through the
14 court system; and

15 WHEREAS, On December 18, 1944, the United States Supreme
16 Court ruled 9-0 in favor of Endo, stating that “A citizen who is
17 concededly loyal presents no problem of espionage or sabotage.
18 Loyalty is a matter of the heart and mind not of race, creed, or
19 color. He who is loyal is by definition not a spy or a saboteur.
20 When the power to detain is derived from the power to protect the
21 war effort against espionage and sabotage, detention which has no
22 relationship to that objective is unauthorized”; and

23 WHEREAS, On December 17, 1944, the Roosevelt
24 administration, which had been alerted in advance of the court’s
25 ruling, rescinded Executive Order No. 9066; and

26 WHEREAS, Beginning on January 2, 1945, only two weeks
27 after the Endo decision, Japanese Americans held in the camps
28 were released and able to return to the west coast of the United
29 States. With the exception of Tule Lake, the incarceration camps
30 began closing shortly thereafter; and

31 WHEREAS, It has been noted that the United States Supreme
32 Court’s decision in Endo created significant tension with the court’s
33 decision in *Fred Toyosaburo Korematsu v. United States* (1944)
34 323 U.S. 214, which was decided the same day. In short, the court
35 held in *Korematsu* that the government could criminally punish
36 someone for refusing to be illegally imprisoned; and

37 WHEREAS, Mitsuye Endo was the only female plaintiff in the
38 four United States Supreme Court cases that challenged the legality
39 of military orders selectively affecting over 120,000 Japanese
40 Americans during World War II; and

1 WHEREAS, The three remaining plaintiffs included Fred
 2 Korematsu, who challenged the exclusion order; Gordon
 3 Hirabayashi, who challenged the exclusion and curfew orders; and
 4 Minoru Yasui, who challenged the curfew order; and

5 WHEREAS, Although two of these plaintiffs, Fred Korematsu
 6 and Gordon Hirabayashi, were awarded the Presidential Medal of
 7 Freedom, Endo, who brought the only victorious legal challenge
 8 filed by a Japanese American during World War II, has not; and

9 WHEREAS, Endo is an authentic American heroine who made
 10 a principled, courageous, and historic stand and voluntarily
 11 sacrificed her own freedom to secure the rights of all Japanese
 12 Americans who were forcibly removed from their homes and
 13 confined in camps without the benefit of due process; now,
 14 therefore, be it

15 *Resolved by the Senate and the Assembly of the State of*
 16 *California, jointly,* That the Legislature supports the nomination
 17 of Mitsuye Endo Tsutsumi for the Presidential Medal of Freedom;
 18 and be it further

19 *Resolved,* That the Secretary of the Senate transmit copies of
 20 this resolution to the President and Vice President of the United
 21 States, to the Speaker of the House of Representatives, to the
 22 Majority Leader of the Senate, to each Senator and Representative
 23 from California in the Congress of the United States, and to the
 24 author for appropriate distribution.

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CORRECTIONS:
 Heading—Line 3.

