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Senate Bill 18 (as introduced 1-17-23)  
Sponsor: Senator Stephanie Chang  
Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 2-16-23

(Senate-passed version)

## **CONTENT**

The bill would amend Public Act 225 of 2003, which designates Cesar E. Chavez Day, Gerald R. Ford Day, and Henry Ford Day, to designate January 30 of each year as "Fred Korematsu Day".

The bill contains the following statement:

The legislature recognizes the contributions to civil liberties made by Fred Korematsu. Fred Korematsu was born to Japanese immigrant parents in Oakland, California, on January 30, 1919, the third of four sons. Fred Korematsu was one of the many American citizens of Japanese ancestry living on the West Coast during World War II. Following the attack on Pearl Harbor by the Imperial Japanese Navy on December 7, 1941, President Franklin Delano Roosevelt issued Executive Order No. 9066 on February 19, 1942. The order authorized the Secretary of War and his military commanders to require all Americans of Japanese ancestry to be placed in internment camps. Fred Korematsu is famously known for his arrest, at the age of 23, on May 30, 1942, and conviction on September 8, 1942 for defying the government's order to report to an assembly center to be moved to an internment camp. He appealed his case all the way to the United States Supreme Court. In the December 1944 landmark decision of *Korematsu v United States*,<sup>1</sup> the high court ruled against him with a 6-to-3 decision that declared that the incarceration was justified by the Army's claims that Americans of Japanese ancestry were radio-signaling enemy ships from shore and were prone to dishonesty. Fred Korematsu later moved to Detroit, Michigan, where his younger brother resided. There he met his wife Kathryn, and the two wed before moving to California to raise their children, Karen and Ken. Fred Korematsu's conviction was formally vacated on November 10, 1983 by United States District Judge Marilyn Hall Patel of the United States District Court of Northern California in San Francisco. This action, considered to be a pivotal moment in civil rights history, cleared Fred Korematsu's name but did not overturn the 1944 Supreme Court decision. Fred Korematsu remained an activist throughout his life. On February 9, 1989, Fred Korematsu spoke to 400 students, faculty, and former internees at the University of Michigan Law School. He said, "America finally came through for me, but I don't want this to happen again". In 1998, he received the nation's highest civilian honor, the Presidential Medal of Freedom, from President

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<sup>1</sup> 323 US 214 (1944). In *Trump v. Hawaii*, 585 US \_\_\_ (2018), Chief Justice John Roberts, writing for the majority, wrote, ". . . *Korematsu* was gravely wrong the day it was decided, and has been overruled in the court of history, and - to be clear - 'has no place in law under the Constitution'." (citing Justice Robert H. Jackson's dissent from *Korematsu*). Legal scholars disagree, however, on whether this statement actually constitutes an overturning of *Korematsu*.

Clinton for his contributions. Fred Korematsu served on the Constitution Project's bipartisan Liberty and Security Committee from 2001 until his death on March 30, 2005. Fred Korematsu was recognized in 2010 when the state of California passed the Fred Korematsu day of civil liberties and the constitution bill, making January 30 of each year the first day in United States history designated to honor an Asian American. Fred Korematsu Day has also been recognized in Hawaii, Utah, Georgia, and Virginia. Fred Korematsu is considered by many as a national civil rights hero whose growing legacy continues to inspire people of all backgrounds.

The bill would take effect 90 days after its enactment.

Proposed MCL 435.304

### **PREVIOUS LEGISLATION**

*(Please note: The information in this summary provides a cursory overview of previous legislation and its progress. It does not provide a comprehensive account of all previous legislative efforts on the relevant subject matter.)*

The bill is a reintroduction of Senate Bill 65 from the 2021-2022 Legislative Session. The bill was referred to the Senate Committee on Government Operations but received no further action.

Legislative Analyst: Stephen P. Jackson

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco, Jr.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.