STAND. COM. REP. NO.

Honolulu, Hawaii FEB 1 1 2013

RE: S.B. No. 856

Honorable Donna Mercado Kim President of the Senate Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 856 entitled:

"A BILL FOR AN ACT RELATING TO HOLIDAYS,"

begs leave to report as follows:

The purpose and intent of this measure is to recognize Fred Korematsu and his commitment to preserving civil liberties by establishing January 30 of each year as "Fred Korematsu Day".

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Korematsu Institute for Civil Rights and Education, American Civil Liberties Union of Hawaii, Japanese Cultural Center of Hawai'i, Hawai'i Council for the Humanities, and five private individuals.

Your Committee finds that Fred Korematsu is an American civil rights hero who refused to comply with Executive Order 9066 that mandated the incarceration of one hundred twenty thousand people of Japanese ancestry in 1942. After he was arrested and convicted for defying the executive order, Mr. Korematsu appealed his case to the United States Supreme Court. The Supreme Court ruled against him and held that the internment of Japanese-Americans was a military necessity. In 1983, Mr. Korematsu re-opened his case, and his conviction was overturned in federal court based on subsequently discovered evidence that the government hid evidence from the Supreme Court that showed that Japanese-Americans did not commit any acts of treason to justify mass evacuation, incarceration, and exclusion. In 1998, Mr. Korematsu was awarded



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the Presidential Medal of Freedom, the nation's highest civilian honor.

In 2010, California established January 30 of every year as "Fred Korematsu Day of Civil Liberties and the Constitution", making it the first permanent day named after an Asian American in United States history. Similarly, this measure establishes January 30 of every year as "Fred Korematsu Day" to celebrate, honor, and encourage public education and awareness of Fred Korematsu and his commitment to preserving civil liberties.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 856 and recommends that it pass Second Reading and be referred to the Committee on Technology and the Arts.

> Respectfully submitted on behalf of the members of the Committee on Judiciary and Labor,

CLAYTON HEE, Chair



## The Senate Twenty-Seventh Legislature State of Hawai'i

## Record of Votes Committee on Judiciary and Labor JDL

	Committee Referral: Date:			
5B 856 JDL, TEC 2/5/13				
The committee is reconsidering its previous decision on this measure.				
If so, then the previous decision was to:				
The Recommendation is:				
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)				
SHIMABUKURO, Maile S.L. (VC)				·
GABBARD, Mike				
IHARA, Jr., Les				
SLOM, Sam				
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TOTAL	5			
Recommendation:				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod   File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

\*Only one measure per Record of Votes