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## SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

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**Bill No:** AB 491 **Hearing Date:** July 12, 2017  
**Author:** Muratsuchi  
**Version:** July 3, 2017  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Lynn Lorber

**Subject:** California Civil Liberties Public Education Act

**NOTE:** This bill was significantly amended on July 3; this is the first time the bill is being heard in its current form.

### SUMMARY

This bill establishes the framework for the use of funds provided in the 2017 Budget Act for the administration of the California Civil Liberties Public Education grant program by the State Librarian to educate the public regarding the history and the lessons of the World War II exclusion, removal, and detention of persons of Japanese ancestry, and of civil rights violations or civil liberties injustices that have been carried out against other communities.

### BACKGROUND

Existing law:

- 1) Establishes the California Civil Liberties Public Education Act for the purpose of sponsoring public educational activities and development of educational materials to ensure that the events surrounding the exclusion, forced removal, and internments of citizens and permanent residents of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood. (Education Code § 13000)
- 2) Requires the State Librarian to allocate grants, on a competitive basis, for the general purpose of establishing a legacy of remembrance as part of a continuing process of recovery from World War II exclusion and detention and specifically to do one or both of the following:
  - a) Educate the public regarding the history and the lessons of the World War II exclusion, removal, and detention of persons of Japanese ancestry through the development, coordination, and distribution of new educational materials and the development of curriculum materials to complement and augment resources currently available on this subject matter.
  - b) Develop videos, plays, presentations, speaker bureaus, and exhibitions for presentation to elementary, secondary, and community college audiences. (EC § 13015 and 13020)

- 3) Requires the State Librarian to select as grant recipients applicants who meet all of the following criteria:
  - a) Applicants demonstrate the capability to administer and complete the proposed project within specified deadlines and within the specified budget.
  - b) Applicants have the experience, knowledge, and qualifications to conduct quality educational activities regarding the exclusion and detention of Japanese-Americans during World War II.
  - c) Projects link the Japanese-American exclusion and detention experience with the experiences of other populations so that the cause and circumstances of this and similar violations of civil rights or acts of injustice may be illuminated and understood.
  - d) Projects are designed to maximize the long-term educational impact of this chapter.
  - e) Projects build upon, contribute to, and expand upon, the existing body of educational and research materials on the exclusion and detention of Japanese-Americans during World War II.
  - f) Projects include the variety of experiences regarding the exclusion and detention of Japanese-Americans and its impact before, during, and after, World War II including those Japanese-Americans who served in the military and those who were interned in Department of Justice camps. (EC § 13015)
- 4) Requires the State Librarian to assign the following order of priority to the criteria listed in # 3 as follows:
  - a) Highest priority shall be for criteria listed in # 3 a) – d).
  - b) Second priority shall be for criteria listed in # 3 e) – f). (EC § 13020)
- 5) Authorizes applicants for grants to include any of the following:
  - a) Non-profit organizations (501(c)(3)).
  - b) Four-year colleges and universities.
  - c) Cultural institutions, arts organizations, and community organizations.
  - d) Individual artists, writers, journalists, scholars, and educators.
  - e) Units of government.
  - f) Consortia composed of any of the entities described above. (EC § 13020)

- 6) Requires the State Librarian to report by January 1, 2001, to the Governor and the appropriate fiscal and policy committees of each house of the Legislature on the types of grants awarded and the accomplishments of the program. (EC § 13025)
- 7) Requires the State Librarian, subject to an appropriation for this purpose, to:
  - a) Review and identify programs with similar goals that may be combined with this project in the future.
  - b) Report to the Legislature by November 1, 2004, on the progress of the program and on the results of the review described above. (EC § 13030)

## ANALYSIS

This bill establishes the framework for the use of funds provided in the 2017 Budget Act for the administration of the California Civil Liberties Public Education grant program by the State Librarian to educate the public regarding the history and the lessons of the World War II exclusion, removal, and detention of persons of Japanese ancestry, and of civil rights violations or civil liberties injustices that have been carried out against other communities. Specifically, this bill:

- 1) Expands the general purpose of the California Civil Liberties Public Education grant program to:
  - a) Include similar civil rights violations or civil liberties injustices that have been carried out against other communities or populations.
  - b) Educate the public regarding the history and the lessons of civil rights violations or civil liberties injustices that have been carried out against other communities or populations, including but not limited to, civil rights violations or civil liberties injustices that are perpetrated on the basis of an individual's race, national origin, immigration status, religion, gender, or sexual orientation. This bill provides that educating the public is to be accomplished through the development, coordination, and distribution of new educational materials and the development of curriculum materials to complement and augment resources currently available on this subject matter.
  - c) Link historic civil rights violations or civil liberties injustices with current civil liberties challenges.
- 2) Modifies the type of entities that may apply for grant funds as follows:
  - a) Specifically authorizes 501(c)(3) non-profit organizations to include cultural institutions, arts organizations, and community organizations.
  - b) Limits the existing authority for applicants who are individual artists, writers, journalists, scholars, and educators to those who are fiscally

sponsored by a 501 (c)(3) nonprofit organization.

- 3) Expands the criteria by which grant applicants are selected by the State Librarian, and thereby assigned priority for receipt of grant funds, as follows:

*Adds to first priority criteria*

- a) Applicants have the experience, knowledge, and qualifications to link this period of history with current civil liberties challenges including but not limited to, civil rights violations or civil liberties injustices that are perpetrated on the basis of an individual's race, national origin, immigration status, religion, gender, or sexual orientation.
- b) Projects that also link this period of history with current civil liberties challenges described above.

*Adds to second priority criteria*

- c) Projects build upon, contribute to, and expand upon, the existing body of educational and research materials on similar violations of civil rights or acts of injustice carried out against a particular community or population.
  - d) Projects that also link this period of history with current civil liberties challenges, including but not limited to civil liberties injustices that are perpetrated on the basis of an individual's race, national origin, immigration status, religion, gender or sexual orientation.
- 4) Adds to the activities that applicants for grants are encouraged to do to include:
- a) Involvement of individuals and their descendants from communities or populations that have experienced civil rights violations or acts of injustice in the development and implementation of projects.
  - b) Develop a strategy and plan for raising the level of awareness and understanding among the American public regarding current civil liberties challenges including but not limited to, civil rights violations or civil liberties injustices that are perpetrated on the basis of an individual's race, national origin, immigration status, religion, gender, or sexual orientation in the development and implementation of projects.
  - c) Include in the grant application scholarly inquiry related to the variety of experiences and impact of civil rights violations or acts of injustice carried out against a particular community or population, as well as their relationship to the experience of other communities or populations so that the causes, circumstances, lessons, and contemporary applications of this and similar events will be illuminated and understood.

- 5) Modifies the existing authority of the State Librarian to establish an advisory panel to evaluate and make recommendations to the State Librarian based on grant applications to *require*, rather than authorize, the establishment of an

advisory panel, and establishes the panel's membership as follows:

- a) Five members appointed by the Governor.
  - b) Two members appointed by the Speaker of the Assembly.
  - c) Two members appointed by the Senate Rules Committee.
- 6) Authorizes the State Librarian to contract directly with service providers or vendors.
  - 7) Adds findings and declarations that draw similarities between Executive Order 9066 calling for the exclusion and incarceration of Japanese Americans and recent executive orders calling for a travel ban for immigrants and refugees from Muslim-majority countries.
  - 8) Changes references from "internment" to "incarceration."
  - 9) Updates existing deadlines for reports relative to the Civil Liberties Public Education grant program, by extending due dates to 2021.

#### STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "As the Civil Liberties program continues, it is important that the program continues to evolve and makes clear connections with modern civil liberties challenges that are being faced by communities today. The proposed amendments to the criteria of the California Civil Liberties Public Education Program will ensure that Japanese American incarceration is linked with modern civil rights violations and civil liberties challenges. This will also ensure that other communities are able to relate the history of the challenges they have faced, so that just as in the case of the Japanese American incarceration, the causes and circumstance of these events may be illuminated and understood. Given our nation's current political climate, the continuation of the California Civil Liberties Public Education Program is more important than ever. The program was established to ensure that the mistakes of the past are never forgotten or repeated and it is important that this valuable program is maintained and continues to thrive."
- 2) ***California Civil Liberties Public Education grant program.*** This grant program was funded from the 1998-99 through 2010-11 fiscal years. During this time, 366 grants were awarded, totaling \$8,845,303. Funding was eliminated beginning July 1, 2011. The 2016 Budget Act included \$1 million in one-time funds for the grant program. According to the 2016-17 grant application guidelines, grant requests may be made for one of two categories:
  - a) Major Preservation Projects or Public Media Projects, with a maximum grant request of \$150,000.
  - b) Community Projects, with a maximum grant request of \$40,000.

This bill expands the scope of this grant program by adding to the criteria that an applicant must meet, and thereby affecting priority for funding, to include projects that link the Japanese American exclusion and detention experience with current civil liberties challenges including injustices perpetrated on the basis of an individual's race, national origin, immigration status, religion, gender, or sexual orientation. This bill also states legislative findings and declarations that draw similarities between Executive Order 9066 calling for the exclusion and incarceration of Japanese Americans and recent executive orders calling for a travel ban for immigrants and refugees from Muslim-majority countries. *The Committee may wish to consider whether this is an appropriate expansion of the California Civil Liberties Public Education Act.*

- 3) **Recent grant awards.** The State Librarian issued a press release on May 2, 2017, announcing that more than \$922,000 was awarded to 29 organizations ranging from community groups to the California State University system. The press release notes that projects totaling more than \$4 million vied for \$1 million in one-time funds.  
<http://www.library.ca.gov/pressreleases/pdf/CivilLibertiesGrantees2016-17PRESS-RELEASE.pdf>
- 4) **Related Budget activity.** AB 97 (Ting, Chapter 14, 2017), the 2017 Budget Act, allocates \$3 million to the California State Library for the California Civil Liberties Public Education program, authorizes the State Librarian to use up to 5 percent for administration of the program, and requires funds to be available only until June 30, 2020. The Budget Act does not provide language specific to the components of the program, nor is the appropriation contingent upon legislation. Therefore, committee staff does not believe this bill is inconsistent any agreement in relation to the Budget Act.

## SUPPORT

Asian Pacific Policy and Planning Council  
 Berkeley Japanese American Citizens League  
 Council on American-Islamic Relations, California  
 Florin Japanese American Citizens League  
 Japanese American Citizens League, Northern California-Western Nevada-Pacific District  
 Japanese American Citizens League, Pacific Southwest District  
 Japanese American Cultural & Community Center  
 Japanese Community Youth Council of San Francisco  
 Loyola Marymount University, Department of Asian and Asian American Studies  
 National Association of Social Workers, California Chapter  
 National Japanese American Historical Society  
 Tanforan Assembly Center Memorial Committee  
 Tule Lake Committee  
 Numerous individuals

## OPPOSITION

California Right to Life Committee

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