



# JAPANESE AMERICAN CITIZENS LEAGUE / JACL

Headquarters: 1765 Sutter Street, San Francisco, CA 94115  
DC Office: 1850 M Street NW, Suite 1100 • Washington, DC • 20036  
Phone: (202) 223-1240 • Fax: (202) 296-8082 • E-mail: [natdir@jacl.org](mailto:natdir@jacl.org)

## Summary of Legal Actions taken by JACL during past Biennium

*Adapted from a report given by Michelle Yoshida, JACL Legal Counsel, at 2010 JACL Convention*

### **Al-Marri vs. Pucciarelli, Illinois**

- Amicus brief
- *Habeas corpus* case challenging the detention of only remaining individual held in US as an enemy combatant.
- Question of whether President can order military to seize and detain, indefinitely without charge or trial, individuals lawfully residing in the United States based on government assertions of plans to commit terrorist activities.
- Given the legacy of the Japanese American experience during WWII, JACL filed brief in support of safeguarding the civil rights of all individuals.

### **Ashcroft vs. Iqbal, New York**

- Amicus brief.
- Javid Iqbal, an Arab Muslim immigrant living in US, was rounded up and detained following terrorist attack on September 11, 2001. Iqbal sued government after his release, claiming his constitutional rights were violated during his detention.
- JACL voiced its support for the protection against unconstitutional restrictions on the right to judicial review; preclusion of indefinite and mandatory detention; and prohibition of discriminatory practices that target individuals of particular ethnicities.

### **Strauss vs. Horton, California**

- Amicus brief. Others include the Anti-Defamation League, Bet Tzedek Legal Services, Asian Law Caucus and Public.
- Petition for Writ of Mandate requesting that the California Supreme Court issue an order invalidating Proposition 8, which bans same-sex marriage in the state of California.
- JACL has been a long-time supporter of marriage equality.

### **Hawaii**

- Amicus brief along with Equal Justice Society.
- Requested United States Supreme Court affirms state court decision that ruled Hawaii's governor's unilateral attempt to sell 1500 acres of land once owned by the sovereign Kingdom of Hawaii and eventually ceded to the State of Hawaii as part of the 1959 Admission Act undercuts the heart of Hawaii's reconciliation commitment to Native Hawaiians.
- The attempted sale constitutes a breach of the State's trust obligation to hold those unique lands until the Hawaiian peoples' unrelinquished claims were resolved.

### **Northwest Austin Municipal Utility District Number One vs. Holder, Texas**

- Amicus brief.
- Disputed constitutionality of section 5 of the Voting Rights Act, which requires jurisdictions with egregious histories of voting discrimination to get federal approval or preclearance of their new voting practices or procedures before they can be implemented.

- Brief highlighted case of Asian American voters in Section 5 jurisdictions who continue to encounter discrimination. Part of JACL's continued efforts to help lead the APA community in expansion and re-authorization of provisions of the Voting Rights Act of 1992 and 2006. Furthered JACL's adoption of resolutions supporting the Voting Rights Act at the 2006 JACL Convention.

#### **Horne vs. Flores, Arizona**

- Amicus brief.
- Language access approach in supporting of the enforcement of the Equal Educational Opportunities Act and advocating that equal access to a public education is a fundamental civil right.
- Brief highlighted ways in which appropriate language instruction addresses the needs of the millions of limited English proficient students in the United States public schools.

#### **Minidoka Internment National Monument, Idaho**

- Co-plaintiff. Others include a broad coalition of concerned groups including Friends of Minidoka and Preservation Idaho.
- Litigation in federal district court challenging a permit issued to build a 13,000 head dairy feedlot a mile away from Minidoka Internment National Monument.
- A feedlot facility would have devastating consequences on the former concentration camp, endangering its historic assets and its function as a public park.

#### **Friendly House vs. Whiting, Arizona**

- Co-plaintiff.
- Challenges constitutionality of Senate Bill 1070. SB 1070 is a comprehensive set of state immigration laws conflicting with the federal immigration system enacted by Congress. It will cause widespread racial profiling and subject many persons of color, including countless US citizens and legal residents, to unlawful interrogations, searches, seizures and arrests. Its enactment is a violation of the Supremacy Clause and core civil rights and civil liberties secured by the United States Constitution, including the First Amendment right to freedom of speech and expressive activity, the Fourth Amendment right to freedom from unreasonable searches and seizures, and the Equal Protection Clause guarantee.
- JACL challenges the constitutionality of a law that perpetuates racial profiling and inequality.