

Office of the President

TO MEMBERS OF THE COMMITTEE ON EDUCATIONAL POLICY:

**ACTION ITEM**

*For Meeting of July 16, 2009*

**POWERPOINT PRESENTATION**

**CONFERRING OF HONORARY DEGREES AND SUSPENSION OF BYLAW 29.1**

**EXECUTIVE SUMMARY**

In September 2008, the Academic Senate and the Vice President for Student Affairs jointly charged a special task force to consider how the University of California might recognize its students whose educations were interrupted by Executive Order 9066. That task force completed its work in March 2009, and has recommended to the administration and the Academic Senate that the University of California award a special honorary degree to students enrolled in the University in 1941-1942 who were unable to complete their degree because of Executive Order 9066. The Academic Senate unanimously adopted the recommendations at the meetings of the Academic Council on April 29, and the Assembly of the Academic Senate on June 17, 2009.

In spring 1942, approximately 700 University of California students enrolled in undergraduate and graduate programs at the Berkeley, Los Angeles, San Francisco, and Davis campuses, were ordered to be removed from the coastal zones of California as a result of Executive Order 9066, which led to the confinement of persons of Japanese descent in internment camps. Although some of those students eventually completed their studies and earned degrees at the University, the majority did not. Executive Order 9066 also resulted in over 400 students being removed from the University of Washington and over 40 students being removed from the University of Oregon and Oregon State University. In spring 2008, the universities of Washington and Oregon awarded honorary degrees to their students affected by Executive Order 9066.

Regents Bylaw 29.1 permits the President to recommend to the Board, after consultation with the Academic Senate, that an honorary degree be awarded. Under Bylaw 29.1, three quarters of the members of the Board present at the meeting following the meeting at which the President makes the recommendation typically are required to approve the proposed honorary degree. Bylaw 29.1(c) limits the total number of honorary degrees that may be awarded at one campus to four in a single year. The Policy on the Awarding of Honorary Degrees sustains a moratorium on the award of honorary degrees which has been in place since 1972, first as a prerogative of the President and later as the policy of the Board adopted in 1986.

### **RECOMMENDATION**

The President recommends that the Committee on Educational Policy recommend to the Regents that a special class of honorary degrees be awarded to students prevented from completing their University of California degrees as a result of Executive Order 9066 pursuant to regulations adopted by the Assembly of the Academic Senate on June 17, 2009.

The President recommends further that the Committee on Educational Policy recommend to the Regents that the Board, on a one-time basis justified by unique circumstances, temporarily suspend Bylaw 29.1 (Honorary Degrees) and the Policy on the Awarding of Honorary Degrees pursuant to Bylaw 7.3 to permit the award of a special honorary degree to these students.

### **BACKGROUND**

In spring 1942, an estimated 700 persons of Japanese ancestry who were University of California students at the Berkeley, Los Angeles, San Francisco, and Davis campuses were subject to removal from the West Coast pursuant to Executive Order 9066. At the time, UC faculty and administrators protested the inclusion of students in the order, arranged for some students to complete the semester's course work while in internment camps, and helped arrange for some students to be enrolled in universities outside of the exclusion area. The Congress has since determined that the internment of Japanese-Americans was wrong, and Congress provided monetary compensation pursuant to the Civil Liberties Act of 1988. The Ninth Circuit Court of Appeals has concluded that had it been presented with complete information by the Federal Government at the time, the United States Supreme Court would not have sustained the validity of the Japanese internment.

In October 1992, the Berkeley campus held a public ceremony to present diplomas to surviving students who graduated in spring 1942 but were not permitted to return to campus to attend their graduation ceremony. Likewise, in 1991-92 UCLA hosted a series of educational events that paid tribute to the campus' Japanese American students from 1942, including awarding a regular (i.e., non-honorary) degree to an alumna who was only a few units short of obtaining her UCLA degree. In spring 2008, public universities in Washington and Oregon granted honorary degrees to individuals and their descendants, in cases of deceased individuals, whose educations at those institutions were disrupted by Executive Order 9066. Since then, UC has received requests to recognize its interned Japanese-American students who were unable to return to UC to complete their degrees.

Regents Bylaw 29.1 limits the award of honorary degrees to four per campus per year. In fact, the University of California has not awarded honorary degrees since 1972 under a moratorium adopted by the Regents at that time and reaffirmed since.

In September 2008, a joint Administration-Academic Senate Task Force was convened to consider and recommend to the Academic Council and to the President:

1. Whether any recognition of enrolled students who were prevented from completing their degrees due to federal action now generally viewed as misguided and unjust is appropriate.
2. What precedent would be established by such recognition.
3. What mechanisms are available to the University of California to recognize such students.
4. Given the mechanisms available to UC, what recognition, if any, is appropriate; and
5. If such students are to be recognized, how UC should handle cases in which the students of 1942 are deceased.

The task force included representatives of the Academic Senate, the administration, and the community at large. The Task Force was co-chaired by Vice President Judy Sakaki and UC Davis Law Professor Daniel Simmons. The Task Force completed its work in March 2009. After its own deliberations and consultation with the Office of General Counsel, it recommended that the Academic Senate adopt Regulations that would authorize the award of a unique honorary degree to all students who were enrolled at a University of California campus in 1941-1942 and who were unable to complete degree requirements as a consequence of being subject to removal under Executive Order 9066. The proposed Senate Regulation would be contingent upon the Regents' suspension of Bylaw 29.1 on a one-time basis. The task force recommendation was unanimously adopted as a Resolution (see Attachment 1) by the Academic Council on April 29 and subsequently, on June 17, by the Assembly of the Academic Senate. During the discussion preceding the unanimous vote in favor of the Resolution, the Assembly expressed its intention that the honorary degrees be awarded posthumously to those eligible individuals who are deceased.

After reviewing the events following Executive Order 9066, the record of University faculty and administration efforts to assist affected students at that time, the 1988 action by Congress and the President of the United States to apologize and offer compensation for the mass internment, and the actions taken at the universities of Washington and Oregon to confer honorary degrees, the Task Force concluded unanimously that the University of California should offer honorary degrees to this class of students. Task Force members considered alternatives, such as awarding certificates or holding convocations without awarding degrees, but found these to be inappropriate and declined to recommend any other measure as a substitute for the award of honorary degrees. Members of the Task Force have located records in the University libraries that list the names of all students enrolled in academic year 1941-1942.

In addition to the constraints imposed by Bylaw 29.1 and the Regents' Policy on the Awarding of Honorary Degrees, the Task Force considered the Senate Regulations that govern the award of degrees, including the language those Regulations prescribe for diplomas. The Task Force also determined that the interned students were prevented from obtaining a variety of degrees – from Bachelor of Arts to Doctor of Medicine. Rather than restrict the proposed restorative action to

one subset of students or complicate it by establishing multiple honorary degrees, the Task Force recommended that the Senate adopt a Regulation that would create a new “Honorary Degree of the University of California *Inter Silvas Academi Restituere Iustitiam*<sup>1</sup> (to restore justice within the groves of academe)” to be awarded to “persons enrolled at a campus of the University of California during the academic year 1941-1942 who were subject to removal or exclusion under Executive Order 9066, and who were therefore unable to receive a degree from a University of California campus.”

The Task Force crafted its recommendation in a manner that took account of not only the unique historical circumstances created by Executive Order 9066 but also the formal recognition by the Congress and the President in 1988 that grave injustices were done to a large class of innocent individuals solely on account of race and/or national origin. The Task Force believes that these circumstances are sufficiently unique that its recommendations do not set a precedent for the future award of honorary degrees.

Concurrent with the Task Force deliberations, Assemblymember Warren Furutani introduced Assembly Bill 37, which would require the Community Colleges and the California State University and “would request the Regents of the University of California to work with their respective colleges and universities to confer an honorary degree upon each person, living or deceased, who was forced to leave his or her postsecondary studies as a result of federal Executive Order 9066 which caused the incarceration of individuals of Japanese ancestry during World War II.” A similar bill in California authorizing the award of high school diplomas received unanimous support in the Legislature and was signed into law in 2003.

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<sup>1</sup> The Latin wording is constructed in parallel with a well known quotation from the Latin poet Horace, who described the search for truth in the groves of Plato’s academy with the phrase “*Inter silvas academi quaerere verum.*” We have substituted “*restituere iustitiam*” (restore justice) to address the unique circumstances of this case. According to UC Berkeley Professor of Classics Robert Knapp, the infinitive, as used by Horace and replicated in “*restituere,*” is used poetically to express purpose or intent. There is a more formal alternative that would convey the same meaning: “*Inter silvas academi ad iustitiam restituendam.*”

**RESOLUTION OF THE ASSEMBLY OF THE  
ACADEMIC SENATE  
OF THE  
UNIVERSITY OF CALIFORNIA**

**TO AMEND THE REGULATIONS OF THE ACADEMIC SENATE  
ADDING NEW ARTICLE 3 TO CHAPTER 1 OF TITLE II WITH REGULATION  
SECTION 625, AND 626, AND AMENDING CHAPTER 4 BY CHANGING THE TITLE  
THERE TO, AMENDING SECTION 730, AND ADDING NEW SECTION 736**

**ADOPTED BY THE ASSEMBLY OF THE UNIVERSITY OF CALIFORNIA  
JUNE 17, 2009**

**WHEREAS:** A large number of Japanese American students enrolled on campuses of the University of California were forced to leave the University under the terms of Presidential Executive Order 9066 and related military orders,

**AND**

**WHEREAS:** The Congress and the President of the United States declared in the Civil Liberties Act of 1988 that:

The Congress recognizes that, as described by the Commission on Wartime Relocation and Internment of Civilians, a grave injustice was done to both citizens and permanent resident aliens of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II. As the Commission documents, these actions were carried out without adequate security reasons and without any acts of espionage or sabotage documented by the Commission, and were motivated largely by racial prejudice, wartime hysteria, and a failure of political leadership. The excluded individuals of Japanese ancestry suffered enormous damages, both material and intangible, and there were incalculable losses in education and job training, all of which resulted in significant human suffering for which appropriate compensation has not been made. For these fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry, the Congress apologizes on behalf of the Nation.

**AND**

**WHEREAS:** Convictions of Gordon Hirabayashi and Fred Korematsu for violating the curfew and exclusion orders proceeding from Executive Order 9066, which were affirmed by the United States Supreme Court (*Hirabayashi v. United States*, 320 U.S. 81 (1943); *Korematsu v. United States*, 323 U.S. 214 (1944)), were set aside on findings by District Courts that were described by the Ninth Circuit Court of Appeal as indicating that, "the reasoning of the Supreme Court would probably have been profoundly and materially affected if the Justice Department had advised it of the suppression of evidence which established the truthfulness of the allegations made by Hirabayashi and Korematsu concerning the real reason for

the exclusion order.” *Hirabayashi v. United States*, 828 F.2d 591, 603-604 (9th Cir. 1987),

**AND**

**WHEREAS:** But for the exclusion order, in the normal course of events students enrolled in the University of California would have completed the requirements for their academic degrees and would have become members of the University academic community,

**AND**

**WHEREAS:** University of California Regents Bylaw 29.1 a. requires that honorary degrees may be awarded upon recommendation of the President of the University and approval by a three-fourths vote of the members present.

**AND**

**WHEREAS:** University of California Regents Bylaw 29.1 c. limits the number of honorary degrees that may be awarded by a campus at a ceremony to three, and to no more than four honorary degrees in any one academic year.

**THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE ACADEMIC SENATE OF THE UNIVERSITY OF CALIFORNIA THAT:**

The Regulations of the Academic Senate of the University of California are hereby amended as follows:

1. Add to Title II. Curricula, Chapter 1. General Provisions, a new Article 3 to provide as follows:

**Chapter 1. General Provisions, a new Article 3 to provide as follows:**

**Article 3. Special Honorary Degree for Students enrolled in Academic Year 1941-1942.**

**625.**

(a) Persons enrolled at a campus of the University of California during the academic year 1941-1942 who were removed or excluded under Executive Order 9066, and who were therefore unable to receive a degree from a University of California campus, are awarded an Honorary Degree of the University of California *Inter Silvas Academi Restituere Iustitiam* (to restore justice among the groves of the academy).

(b) The Chair of the Academic Council shall present to the President a list of those persons determined to meet the requirements enumerated in paragraph (a) of this Regulation.

626.

The award of any degree under this Article 3 is conditioned upon amendment or suspension of the bylaws of the Regents of the University of California to expressly permit the award of the honorary degree described in regulation 625.

2. Chapter 4. Certificates, additions and deletions, amend section 730 and a new Section 736 as follows:

**Chapter 4. Diplomas and Certificates**

730.

Except as specified in Regulations 732, ~~and 734~~, 735, and 736, each diploma, certificate or other formal academic testimonial proposed for regular use in the University by its agencies or officers is subject to the approval of the Assembly or its agent on recommendation of the Division concerned.

736.

The Honorary Degree of the University of California *Inter Silvas Academi Restituere Iustitiam* awarded pursuant to Senate Regulation 625 shall be represented by a diploma in the following form:

**UNIVERSITY OF CALIFORNIA  
Honoris Causa  
Inter Silvas Academi Restituere Iustitiam**

By authority of the Regents and the Academic Senate of the University of California

.....

who was enrolled at the ..... campus of the University of California in the academic year 1941-1942 and who was excluded from continuing by reason of Executive Order 9066, is awarded this honorary degree.

s/.....

s/.....

[seal of the University]

The diploma shall be signed by the Governor of California, the President of the University, the Chair of the Board of Regents and the Chair of the Assembly.