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- 1 REDRESS/REPARATIONS MEANS MONETARY COMPENSATION TO ALL INDIVIDUALS OR THEIR HEIRS WHO SUFFERED EVACUATION AND/OR INCARCERATION.

The tremendous social, economic, and psychological trauma of the violation of constitutional rights requires meaningful restitution on the part of the U.S. Government in the way of monetary compensation to individuals.

- A We recommend that Congress provide for the broadest, most substantial, and most expedient reparations possible through legislation of a direct appropriations bill.

1) By "broadest", we mean that reparations be paid to all individuals or their heirs who suffered losses and injuries as a result of Executive Order 9066 and/or related U.S. Government or military orders, including, those evacuated from Central and South American countries, Hawaii, Alaska, and others forcibly removed from their homes by the U.S. Government.

2) By "most substantial", we mean a minimum of \$25,000 OR MORE, per person. Extensive research and testimony presented to the Commission on Wartime Relocation and Internment of Civilians document losses suffered by the evacuees to be far exceeding earlier estimates.

3) By "expediency", we mean that payments begin no later than 6 months after the signing of the appropriation bill.

a) Reparations are payable in lump sums over a 2-year period, not to exceed five (5) years from the signing of the bill.

b) Payments to be disbursed to the elderly (65 years or older) first, and a special immediate allocation fund to be set up to ensure quick payment to this priority group.

c) Payments must be made within one year in any case.

4) All payments shall be direct payments made by the U.S. Government to individuals or their heirs and shall be free of all taxes and exempt from any administrative costs.

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2. REDRESS/REPARATIONS MEANS RESTITUTION TO THE JAPANESE AMERICAN COMMUNITY THROUGH THE ESTABLISHMENT OF A "JAPANESE COMMUNITY TRUST FUND"

- a. The purpose of this fund shall be to counteract the affects of the incarceration on the Japanese American communities. The Community Trust Fund is to supply funding to projects which contribute to or benefit a given Nikkei community in any of the following ways: Economic, educational, social and cultural. Funds shall be distributed in accordance with demographic considerations and the merit of the proposal. A community is defined as a consistent interaction of Nikkei people.
- b. Proposals meeting the aforementioned criteria shall be submitted to a Community Trust Fund Board for consideration. The Board shall screen proposals regionally and select those for final consideration. The Board shall meet once a year to consider proposals. Distribution of yearly funds shall be decided by majority vote of the Board.
- c. The Community Trust Fund shall be administered by a Community Trust Fund Board elected by the Nikkei community. Board members shall be elected regionally. Regions shall be divided equitably throughout the United States including both urban and non-urban regions. The Board shall be made up of 30-50 members.

Elections shall be held in the regions. Eligible voters must show proof of being Japanese. Identification will be required in order to cast a vote. In non-urban areas, special arrangements may be made to vote by mail. Voters must also show proof of residency in the region and be at least 18 years of age.

- d. The Community Trust Fund shall be funded by appropriations from Congress in the amount of 2 billion. The Community Trust Fund shall also receive funds not claimed by those eligible for reparations and funds donated to the Community Trust Fund. Interest the Fund accrues shall become part of the Fund.

The costs of administering the Community Trust Fund shall be from a separate appropriation from Congress and not be subtracted from the Community Trust Fund.

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3. REDRESS/REPARATIONS MEANS EXPOSING THE RACISM OF AND OVERTURNING THE LEGAL BASES THAT HAS JUSTIFIED THE EVACUATION AND THE CAMPS

Overturning the legal basis through Congressional or legal action will serve as a deterrant to the reinstatement of the concentration camps in the future. It will also provide a basis for granting and/or seeking of reparations through legislation and the court system.

Payment of a moral debt owed to those who suffered losses and/or injuries as a result of E.O. 9066 and/or related governmental orders, on the basis of constitutional violations and inadequacy of compensation provided by the American Japanese Claims Act of 1948.

We recommend that Congressional actions repudiate the legality of the camps including the following:

- Exercising its authority to enact enabling legislation to waive procedural barriers to individuals' right to sue the U.S. Government for damages.

This would include:

- 1) Repudiation of the legal basis (waiver of the res judicata effect) of the American Japanese Claims Act of 1948 and the Supreme Court cases of *Korematsu v. United States* (1944), *Hirabayashi v. United States* (1943) and *Ex Parte Endo* (1944)
- 2) Recognition of the inadequacy of the 18 month Statute of Limitations period of the American Japanese Claims Act of 1948.
- 3) Waiving of the U.S. Government's doctrine of sovereign immunity.

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- 4 REDRESS/REPARATIONS MEANS EDUCATING THE AMERICAN PUBLIC SO THAT FUTURE GENERATIONS MAY LEARN FROM THE MISTAKES OF THE PAST AND NOT KNOWINGLY ALLOW THEM TO HAPPEN AGAIN.

The U.S. Government shall make every effort to present a truthful and accurate account of the World War II concentration camps experience and the history that led up to it. This must include:

- 1) Incorporating the true circumstances and lessons of the incarceration into all U.S. history textbooks used in public schools and integrating this into the general educational system of this country. A Review Board of responsible citizens shall oversee the process and content of the text.
- 2) Designation of February 19th - the day on which President Roosevelt signed Executive Order 9066 - as a National Day of Remembrance. On this day, educational programs and discussions shall be held to educate people about the concentration camps and the meaning of civil rights.
- 3) Preservation of all the concentration camp sites and placing of plaques commemorating the unjust imprisonment at each site, and each one declared as National Historical Monument.
- 4) Establishment of public libraries and museums on the concentration camps and Japanese American history.
- 5) Make available, free of charge to the public, all commission documents, records, etc., which expenses to be borne by the Government.