

1992 Day of Remembrance
Cyril NishimotoUpdate on Redress Payments

ORA reports that to date, 49,500 people have been paid \$990 million in the two payment periods--fiscal years 1991 and 1992. About 500 more people will be paid by the end of September.

In October 1991 for this fiscal year, 23,000 checks were sent to recipients in the second payment group, those born July 1, 1920 through December 31, 1927. The remaining 2,000 were reserved for two groups: cases not yet verified for payment and a reserve group for new cases located by ORA or coming to ORA for the first time. Since the reserve fund wasn't used up, those who were born through May 31, 1928 can be paid now. Those born through May 31, 1928 who haven't heard from ORA can contact them (1(800) 395-4672 or 1(800) 727-1886 (TDD) M - F 9:30 to 5:30).

Originally, it was estimated that a total of 60-62,000 people would be given redress payments. But it now looks that 75,000 will be eligible. So the \$250 million which was originally allocated for payments in the fiscal 1993 budget would not have covered the 25,000 people yet to be paid.

But in the President's proposed budget an additional \$250 million was allocated for redress payments. So \$500 million could be available and the entire 25,000 people could be paid. But with the President's Budget bill, Congress could make changes before it passes the final budget. The budget may not be finalized until the end of the congressional session which usually has a recess at the end of August and is only called back in September under special circumstances. The process could even go on until the end of the year.

So, what about the trust fund to educate the public about the causes and circumstances of the internment, originally estimated to be funded at \$50 million after all individuals would be paid? With all the individuals who seem to be eligible for payments and with an uncertain budget process, it is unclear how much will be left for the public education trust fund.

Hawaii

Some of you may have seen an article in the New York Times on September 22, 1991 about claims for redress payments by over 400 Japanese Americans who were put into detention camps in Hawaii during World War II. The U.S. Department of Justice announced last month that it had found eligible, Japanese Americans who were removed from two areas: Lualualei Homesteads and a military installation containing a field artillery battery in south Oahu. The Justice Department found specific

Hawaii (cont'd)

government orders that clearly demonstrated that these Hawaii residents were evacuated solely on the basis of their Japanese ancestry. On that basis, they were eligible. There were many areas in Hawaii where everyone, regardless of ancestry was evacuated for reasons of public safety, and these people would not be eligible for redress. ORA is looking at 21 other areas to determine whether or not Japanese Americans in those areas are eligible as well.

Individuals who were born before June 1, 1928 and were evacuated from Lualualei or the artillery battery are eligible. Sixteen individuals so far have been determined eligible to receive redress payments in this fiscal year.

Veterans Administration Benefits

You may also have read about two Japanese American veterans whose pensions benefits were terminated by the Veterans Administration because they reported receiving redress payments. We know that the ORA and Congressman Robert Matsui sent letters of protest to the Veterans Administration Secretary Edward J. Derwinski, and that JACL is helping one of the veterans make an appeal of the termination. Although veterans benefits are not among the benefits designated as exempt in the Civil Liberties Act of 1988, it is very clear from the intent of the legislation that other federal governmental benefits like veterans benefits, were not to be included as income or resources for purposes of determining eligibility for receiving those benefits. At this time, there has not been a response from Derwinski, but it seems likely that this injustice will be corrected.

Locally, there have been individual cases that have required special attention. These I know about only because they have come to JASSI.

A Nisei woman was informed that her SSI benefits were overpaid by about \$1300, so the S.S. office was planning to recoup the whole amount over a period of a couple of years. Part of the reason was that interest payments on her redress check gave her too much income for SSI eligibility. After JASSI accompanied her to two conferences at the S.S. office, the recoupment amount was reduced to about \$750. Also due to the interest on her redress checks, her rent was increased on her subsidized apt. because of the increase in income. Now that her redress money is in a non-interest bearing account, JASSI is trying to help her get a refund and reduction of rent.

A few people have needed advice on the redress payments effect on Medicaid. It is supposed to have no effect because it is not considered as income and resources for determining eligibility for federal benefits. But many hospitals don't know that, so they need to be shown.

Redress appeals cases: JASSI + AALDEF are working together on two different cases of East Coast JAs who weren't incarcerated but had claims based on federal action taken against them which seems to be related to the policies which operated against JAs.