

H.R. 4110 -- THE CIVIL LIBERTIES ACT OF 1983

TESTIMONY BY
NORMAN Y. MINETA, M.C.

HOUSE COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON ADMINISTRATIVE LAW
AND GOVERNMENTAL RELATIONS

WASHINGTON, D.C.

JUNE 20, 1984

THANK YOU VERY MUCH, MR. CHAIRMAN. MANY OF US IN THIS ROOM HAVE BEEN WORKING ON THE REDRESS ISSUE FOR SEVERAL YEARS BECAUSE OF OUR BELIEF IN ITS URGENCY AND IMPORTANCE. TODAY IS, THEREFORE, A DAY OF PROFOUND EXCITEMENT, AND I APPRECIATE YOUR LEADERSHIP IN SCHEDULING THIS HEARING.

AS YOU KNOW, MR. CHAIRMAN, CONGRESS, WITH THE ASSISTANCE OF THIS SUBCOMMITTEE, ENACTED IN 1980 PUBLIC LAW 96-317 CREATING A SPECIAL COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS. THAT COMMISSION WAS TO STUDY THE INTERNMENT DURING WORLD WAR II OF AMERICANS OF JAPANESE ANCESTRY AND OF ALEUT ISLANDERS, AND TO "RECOMMEND APPROPRIATE REMEDIES."

I BELIEVE THE COMMISSION'S WORK WAS EXHAUSTIVE AND COMPLETE. ITS REPORT, "PERSONAL JUSTICE DENIED" IS THE DEFINITIVE STUDY OF THE INTERNMENT. I HAVE COMPLETE CONFIDENCE IN ITS WORK, AND I STRONGLY ENDORSE THE REPORT.

THAT REPORT SHOWED CONCLUSIVELY THAT AMERICANS OF JAPANESE ANCESTRY WERE LAW ABIDING, LOYAL AMERICANS WHO POSED ABSOLUTELY NO THREAT TO THE PEACE AND SECURITY OF THIS NATION, AND WANTED NOTHING MORE THAN THE OPPORTUNITY TO SHARE IN THE LIBERTY AND DEFENSE OF THIS NATION.

MOREOVER, THE COMMISSION CLEARLY CONCLUDED THAT THE INTERNMENT CONSTITUTED "A GRAVE PERSONAL INJUSTICE" THAT VIOLATED OUR MOST BASIC NORMS OF CONSTITUTIONAL DUE PROCESS.

AFTER THE COMMISSION ISSUED ITS REPORT AND RECOMMENDATIONS LAST YEAR, A GROUP OF MEMBERS OF BOTH BODIES MET AND DECIDED TO DRAFT LEGISLATION THAT IMPLEMENTED ALL OF THE COMMISSION'S FINDINGS, "ALPHA TO OMEGA" AS ONE OF US SAID. THAT IS THE BILL NOW BEFORE US, H.R. 4110.

WE ARE HONORED TO HAVE MAJORITY LEADER JIM WRIGHT AS THE PRIME SPONSOR OF THIS BILL. HE ALSO AUTHORED THE LEGISLATION CREATING THE COMMISSION. THERE ARE 103 COSPONSORS OF THIS BILL IN ALL, INCLUDING THE CHAIRMAN AND RANKING MINORITY MEMBER OF THE HOUSE JUDICIARY COMMITTEE.

H.R. 4110 CONTAINS AN EXPLICIT LEGISLATIVE FINDING ACCEPTING THE COMMISSION'S FINDINGS AS ACCURATE AND COMPLETE. THE LEGISLATION ALSO INCLUDES THE FIVE SPECIFIC REMEDIES PROPOSED BY THE COMMISSION AS REMEDIES FOR THE HISTORIC DAMAGE TO CIVIL LIBERTIES CAUSED BY THE INTERNMENT.

THESE FIVE REMEDIES IN THE BILL ARE:

FIRST, A FORMAL APOLOGY BY THE GOVERNMENT FOR THE INTERNMENT. AS TITLE I OF THE BILL STATES, "ON BEHALF OF THE NATION, THE CONGRESS APOLOGIZES."

SECOND, A REQUEST THAT THE PRESIDENT OFFER PARDONS TO THOSE FEW DOZEN INDIVIDUALS WHO WERE CONVICTED OF VIOLATING THE INTERNMENT AND ASSOCIATED LAWS AND DIRECTIVES BECAUSE OF THEIR REFUSAL TO ACCEPT RACIALLY DISCRIMINATORY TREATMENT.

THIRD, A REQUEST THAT THE ADMINISTRATION REVIEW "WITH LIBERALITY" APPLICATIONS FOR ADMINISTRATIVE RELIEF SUCH AS CHANGING DISHONORABLE DISCHARGES TO HONORABLE STATUS. SEVERAL THOUSAND YOUNG MEN WERE SUMMARILY THROWN OUT OF THE ARMED FORCES SOLELY BECAUSE OF THEIR JAPANESE ANCESTRY. NO NEW STATUTORY AUTHORITY IS CREATED HERE.

FOURTH, THE CREATION OF A TRUST FUND TO FINANCE EDUCATIONAL, SOCIAL AND HUMANITARIAN PROGRAMS DESIGNED TO FOSTER KNOWLEDGE AND CONCERN FOR CIVIL LIBERTIES. THIS FUND WOULD HAVE \$1.5 BILLION IN FUNDS APPROPRIATED BY CONGRESS AND WOULD EXIST ONLY UNTIL THOSE FUNDS WERE SPENT. THE FUND WOULD BE MANAGED BY A NINE MEMBER BOARD OF DIRECTORS.

AND FIFTH, THE PAYMENT OUT OF THAT TRUST FUND OF \$20,000 TO EACH OF THE ESTIMATED 60,000 SURVIVORS OF THE INTERNMENT CAMPS. THE \$20,000 FIGURE WAS SET BY THE COMMISSION.

ALTHOUGH THE LOSS OF PROPERTY AND INCOME FROM THE INTERNMENT IS ESTIMATED AT PERHAPS AS HIGH AS \$6.2 BILLION IN COMPARABLE CURRENT DOLLARS, THESE PAYMENTS ARE INTENDED, IN MY MIND, NOT AS COMPENSATION FOR LOST PROPERTY BUT AS LIQUIDATING DAMAGES RESULTING FROM THE PROFOUND ABRIDGEMENT OF BASIC CONSTITUTIONAL RIGHTS.

THESE PAYMENTS ARE INTENDED AS COMPENSATION FOR A CONSTITUTIONAL LOSS OF RIGHTS, NOT UNLIKE THE PAYMENTS ANTICIPATED IN THIS SUBCOMMITTEE'S BILL H.R. 3142. I WOULD ADD THAT THOSE WHO WERE KEPT IN CAMP FOR TWO YEARS WOULD BE RECEIVING \$27.39 A DAY, FAR LESS THAN THE \$200 A DAY LIMIT IMPOSED BY H.R. 3142.

I SHARE THE BELIEF OF MANY THAT THESE PAYMENTS ARE AN ESSENTIAL ELEMENT OF THE LEGISLATIVE PACKAGE, AND THAT ANY STEP SHORT OF COMPENSATION WOULD BE AN EMPTY GESTURE.

SIMILAR RECOMMENDATIONS ARE INCLUDED FOR THE FEW HUNDRED ALEUTS WHO WERE INTERNED.

THE CASE FOR THIS LEGISLATION IS BASED ON THE CONCLUSION THAT THE INTERNMENT WAS CAUSED NOT BY ANY MILITARY OR SECURITY NECESSITY BUT BY PREJUDICE, IGNORANCE, FEAR AND GREED.

MOREOVER, THE INTERNMENT CONSTITUTES ONE OF THE MOST SIGNIFICANT AND INDEFENSIBLE ABRIDGEMENTS OF CIVIL RIGHTS IN OUR HISTORY. I REALIZE THAT PEOPLE OF GOOD FAITH MAY WELL DISAGREE ON THE MOST APPROPRIATE REMEDY FOR THE DAMAGE LEFT BY THE INTERNMENT. BUT SURELY THE INTERNMENT ITSELF IS NOTHING MORE THAN A SHAMEFUL AND DISHONORABLE EPISODE THAT IS A BLOT ON OUR NATION'S RECORD UNTIL ERASED WITH THIS LEGISLATION.

WHEN WE WERE FIRST RELEASED FROM CAMP, AMERICANS OF JAPANESE ANCESTRY DID NOT THINK PRIMARILY OF OUR LEGAL RIGHTS. OUR MAIN GOAL WAS TO REBUILD OUR LIVES, REBUILD OUR BUSINESSES, AND REGAIN OUR STANDING IN THE COMMUNITY. WE WERE SHAMED AND HELD UP TO PUBLIC HUMILIATION BY THE INTERNMENT, AND FRANKLY WE JUST DID NOT WANT TO THINK OR SPEAK ABOUT IT. ALL OUR ENERGIES WENT INTO REBUILDING. THAT REBUILDING PROCESS BEGAN TO END IN THE EARLY 1960s. THAT IS, IT TOOK TWENTY YEARS FOR US TO GET BACK WHAT THIS GOVERNMENT TOOK FROM US IN 1942.

AND THEN WE BEGAN TO THINK AGAIN ABOUT WHAT HAD HAPPENED TO US. AND OUR CHILDREN BEGAN TO ASK QUESTIONS ABOUT THE MISSING YEARS, THE SILENT YEARS THAT WERE NEVER DISCUSSED AT HOME. THE MOVEMENT FOR REDRESS BEGAN SLOWLY AND BUILT UP STEAM. IN THE 1970s, WE OBTAINED PASSAGE OF TWO BILLS PROVIDING SOCIAL SECURITY AND CIVIL SERVICE RETIREMENT PROTECTIONS FOR THOSE INTERNED.

BUT ONE PROBLEM REMAINED. OUR GOVERNMENT HAD LABELED US -- AND BY US I DO MEAN ALL 120,000 OF US -- AS VAGUELY UNTRUSTWORTHY AND A DANGER TO THE REPUBLIC.

MR. CHAIRMAN, ON BEHALF OF ALL AMERICANS OF JAPANESE ANCESTRY WHO WERE INTERNED, I ASK AND ENTREAT THIS SUBCOMMITTEE TO GIVE US BACK OUR HONOR. GIVE BACK THE DIGNITY AND THE PRIDE THAT THIS GOVERNMENT SO UNNECESSARILY TOOK FROM US IN 1942. EVERY CITIZEN OF THIS LAND WILL BENEFIT FROM OUR REDEDICATION TODAY TO EQUAL JUSTICE.