

According to Gene Levine and Colbert Rhodes

The concept of community refers to the existence of a real group, not merely a social category [which]...usually includes self-consciousness that stem from common cultural patterns and experiences as well as from in-group marriages, internal friendship networks, and organizational membership and participation.

Geographical location...must also be considered. Given [geographical] clustering, occasions for group interactions are obviously increased.(111.)

They go on to point out that there are two basis for membership in a community: the social basis (having a significant degree of social interaction with other group members), and a cultural basis (sharing behavioral norms, values, etc., with other members). Other authors, such as Gordon Allport in The Nature of Prejudice,(112.) make a distinction between "in-groups" (what we have been referring to as "community") and "reference groups". A reference group is "an in-group that is warmly accepted, or a group in which the individual wishes to be included."(113.)

Allport goes on to discuss what happens when the in-group and reference groups are distinct. The examples he gives are of members of ostracized minority groups, who, while they themselves, through their values, behaviors and expectations identify themselves with the dominant community, are rejected by that community which "persist[s] in regarding...[his] ethnic in-group as far more important" than the individual does himself. Where individuals persist in having a reference group which is in some way incompatible with his in-group, a situation arises in which "he repudiates his own in-group [and] ... develops a condition that Kurt Lewin has called 'self-hate'."(114.) Allport then presents some studies which lead him to conclude that "the dominant majority is for [the ethnic minority member] a reference group. It exerts a strong pull upon him, forcing attitudinal conformity."(115.)

#### b. The Japanese American Community.

Almost by definition, most immigrant groups have a distinction between their in-group (community), and reference group. How their own community will differ from that of the dominant society does differ between groups of immigrants. Levine and Rhodes describe what they believe to be some of the most salient characteristics setting the Japanese American community apart from American society as a whole.

The primary emphasis in the Japanese ethical system is upon the notion of social obligation. In Japan the family, not the individual, is the unit of society. Each person feels a sense of ethical responsibility to the family, to the community, and to the rest of the nation, which is seen as a larger family.... The Issei viewed their community as...an



extension of their kinship group...They saw their community as a set of interdependent families; and within their collectivist system, family functions are an intertwined part of community functions.(116.)

S. Frank Miyamoto describes how these social relations fit into the structure of the communities.

The immigrants recreated the highly organized and tightly-knit structures characteristic of the villages and towns of Japan.... Relations tended to be ordered within a loose hierarchical structure constituted by the family and extended kin relations at the base, the kenjinkai (prefectural association) at an intermediate level, and the Japanese Association, a coordinating social-political-welfare agency, at the top.... Their exceptionally low rates of delinquency, criminality, and public welfare dependency...were attributable to the solidarity of the communities.(117.)

One major community institution was a financial one. "Since white bankers would not finance Issei businesses, their financial needs were met through an adaptation of a Japanese custom, the money pool," which was a way an unsecured loan could be obtained from a group of friends and paid back later with a money gift (rather than a stipulated interest payment). In this way, even strictly financial institutions were extensions of the basic notion of social obligation to the well-being of the community, which was itself understood as an extension of family. Even employment relationships were treated by analogy to family relationships. "Economic relations among Japanese were based on kinship concepts that extended to all levels of society, including the ties between employee and employer. Issei employers included employees, particularly the unmarried, in their homes."(118.)

It can be seen, then, that particularly for the Issei, there were community institutions beyond the obvious ones of churches, newspapers, and fraternal organizations which contributed to the well-being of community members. These institutions depended to a large extent on the notions of family and society which the Issei brought with them to America from Japan, and which were adopted to some extent by their Nisei children.

What of these more tangible institutions of churches, schools, and newspapers? Many functions beyond just the opportunity for group interaction and information exchange took place here. For the Issei, few of whom ever reached any degree of fluency in English, they served to reaffirm ties with the culture in which they had been raised. For their children, the Nisei:

Next to parental authority, education was the strongest mold of values. To preserve their cultural heritage and to ensure their children's success in the Japanese community, or, if necessary, in Japan, Issei stressed the learning of the Japanese language. Such language instruction was not unusual among first-generation immigrant groups. A large segment of the Nisei attended Japanese language school



despite the generation gap which developed between Issei and Nisei as the young Japanese Americans came to identify more closely with American values. These classes were held after school, which made for a very long day of "education," drawing resentment from many Nisei and resulting in few ever truly mastering Japanese. The education program of the schools was diverse but the lessons typically embodied and taught respect for parents and elders, self-reliance, obligation, hard work and other virtues believed to be inherently Japanese. The language school also supplied a stage for Japanese folklore, plays, songs, novels and movies, all emphasizing Japanese ethics that in many instances paralleled the "puritan work ethic."(119.)

Education was not only for the young, nor did it take place only in the schools. Churches, particularly for the early immigrants, served as night schools and social gathering places. Frank Miyamoto concluded from a study conducted in Seattle that for these Issei:

There was ... the immediate necessity of becoming acquainted with the American ways of behavior, speaking, and understanding, and in consequence the churches became centers in which the young immigrants, ambitious to learn the language and thus rise in the American economic scale, crowded in with hopes of improving themselves.(120.)

Early communities benefited from their churches in other ways as well. In some communities they helped to ameliorate some of the bad feelings of the general community toward the Japanese Americans. They provided an attractive, convenient place to meet friends. The churches also served as an employment agency, particularly for those in domestic service.(121.)

This is an outline of the status of the Japanese American community prior to World War II. With the outbreak of war, drastic changes would disrupt the social fabric of the community far beyond that imposed upon any other group in the United States.

### c. Community Damages-Effects of the Exclusion and Detention on the Japanese American Community.

Soon after Pearl Harbor, the FBI took into custody all those individuals who had been active in the Japanese American Community. Three lists of 'suspect' persons had been prepared by the FBI, and contained the names of everybody who had any kind of influence in the community whatsoever. Japanese Language teachers and newspaper writers, and other community leaders were taken from their offices and homes, some in the middle of the night, to be held incommunicado while they were interrogated by the authorities. This large scale round-up (nearly 1,300 persons by December 11, 1941, and nearly 2,200 before the program was completed) disrupted the Japanese American community at all



levels.(122.)

At the lowest level, many families were now headed by Issei women who, by and large, lacked fluency in English, and were thus handicapped in their dealings with the dominant society. At higher levels, the support structures normally present in the Japanese American community were functional only at reduced levels or not at all. Rumors were rampant, and with the normal channels of communications disrupted or closed, chaos and panic were everywhere. Into this gap stepped local JACL leaders who "copied the bulletins from headquarters, had some of the information translated into Japanese and ran off their own mimeographed newsletters which were distributed door to door by Boy Scouts."(123.)

Later, during the exclusion and detention, the forced breakdown of the Japanese American social structure continued. Families, the basic unit of any society, were broken apart. In some cases this was due to the previous removal of the head of the household by the FBI for interrogation. In others, this separation was because older children had established their own households and were thus assigned different family numbers from those of their parents at the time of registration. For most of these families, it would be many months or years before they were reunited, and for some these family reunions never took place at all.

My father was arrested either December 7 or December 8. He was working for the Japanese Association of San Francisco and San Jose. After Pearl Harbor he figured that ...somebody needed to cover the Japanese community in San Jose...I walked him to the bus stop...and that was the last time I saw him.

And I guess that was probably the last time that anybody saw him in our family...We have a few letters from him...I think he died in Bismark, North Dakota. It's really kind of sad if you think about it, that I don't know where he died.(124.)

Even in those cases where the immediate family was kept together, the "extended family" of the community was not.

These were our people, and we loved them. We never dreamed we would be separated -- relatives and close friends, a community. The village people, we were just like brothers and sisters.... Suddenly we found out we wouldn't be going to the same place. That was a traumatic disappointment and a great sadness for us.(125.)

A major force leading to the disintegration of family structure was the army-style organization of the camps themselves. Family and community structure, no matter how well defined the borders between levels in the hierarchy, are the result of both top-down and bottom-up social demands. In the camps, as in the army or in prisons, all demands were from the top down. Had the planners and administrators of the program fully appreciated the



extent and variety of demand for which they would have to make provision, living conditions would have been better. As it was, decisions about division of resources and conditions leading to a stable family and community life were postponed or ignored until after the damage had already been done.

Food is a basic resource in any community, and meals often a major contributor to social harmony. In the camps, meals were prepared, served and eaten in shifts, cafeteria style, rather than by individual families. Besides the health problems this posed (food spoilage, lack of necessary special diet for people with special problems such as expectant mothers and diabetic), it also meant that children were implicitly encouraged to remove themselves more and more from direct parental control.

According to the Commission on Wartime Relocation and Internment of Civilians:

Evacuees feared and resented the changes forced by life in the centers, particularly the breakdown of family authority, created in part by a situation in which children no longer depended so heavily on their parents. Family separation was common, and mass living discouraged normal communication and family activity. Perhaps most difficult, the position of the head of the family had been weakened. No longer the breadwinner providing food and shelter, he had been supplanted by the government; his authority over the family and his ability to lead and discipline were diminished. Children unsettlingly found their parents as helpless as they. (126.) (citations omitted)

This breakdown of the family and community is directly attributable to the misguided exclusion and detention policies of the federal government. Through their hard work and efforts, Japanese Americans have managed to overcome some of these obstacles. The overall affects of the exclusion and detention are not yet known, and are still being studied.



### 3. Precedent for Group Compensation.

There are several precedents for providing group charitable and educational compensation which are found in the enacted laws of Congress.

#### a. Rehabilitation of the Philippines Act (1946)

In the Rehabilitation of the Philippines Act of 1946(127.), some \$400 million was authorized by Congress to assist in the rebuilding of the Philippine economy following World War II, as well as to help allow the Philippines to become independent from the United States.(128.) The Act provided for rebuilding roads, ports and harbors, improving public health services, restoring inter-island commerce, training persons for the merchant marines, establishing inter-island air facilities, meteorological facilities, and rehabilitating the fisheries.(129.)

#### b. Alaska Native Claims Settlement Act (1976)

In the Alaska Native Claims Settlement Act of 1976, Congress provided extensive land and monetary grants to Alaskan natives, mainly to quiet claims of the Alaskan natives to aboriginal land.(130.)

Congress provided up to \$962.5 million in funds to the Alaska native fund, as well as fee title to over 40 million acres of land in Alaska.(131.) The payments are structured so that \$462.5 million is disbursed from the U.S. Treasury over an 11 year period, and royalties of 2% up to a ceiling of \$500 million from mineral development in Alaska would be disbursed over an open period of time. The settlement involved around 80,000 Alaskan Indians, Eskimos and Aleuts.(132.)

### D. The Enactment of Redress for Japanese Americans is a Legitimate Exercise of Power by Congress.

#### 1. Source of Power to Provide Monetary Restitution to Japanese Americans in H.R. 442.

Congress may legislate as it sees fit as concerns the legal or moral debts of the nation. In an 1896 case, United States v. Realty Company(133.), the U.S. Supreme Court concluded that the power of Congress to pay debts under Article 1, Section 8 of the Constitution, includes debts of a moral nature:

The nation, speaking broadly, owes a 'debt' to an individual when his claim grows out of general principles of right and justice; when, in other words, it is based upon considerations of a moral or merely honorary nature, such as are binding on the conscience or the honor of the individual, although the debt could obtain no recognition in a court of law. The power of Congress extends at least as far as the



recognition and payment of claims against the government which are thus founded.(134.)

The Realty Company doctrine has been recently reaffirmed by the Supreme Court in a 1982 decision involving the Sioux Nation of Indians.(135.)

## 2. Providing Monetary Restitution to Japanese Americans Does Not Establish a Pernicious Precedent.

Providing monetary restitution to Japanese Americans does not establish a pernicious precedent by which other groups who have suffered racial discrimination in the past will come knocking at the doors to the U.S. Treasury. At most, H.R. 442 establishes the principle that the actual victims of racial discrimination have the opportunity to obtain monetary compensation for losses which were improperly imposed upon them by the Federal Government. It does not in any sense require the government to provide compensation to others who have been the subject of racially discriminatory actions in our nation's history.

H.R. 442 has been narrowly drafted to provide monetary restitution only to those Japanese Americans who are alive at the date of enactment of the legislation.(136.) As such, if there were such a thing as legislative precedent, which there is not, H.R. 442 would only stand as precedent for allowing those who were actually harmed by the racial discrimination to receive compensation, and then only if they survive to present their claim to Congress.

The claim by Japanese Americans must also be distinguished from those who talk about non-governmentally imposed racial discrimination. The Constitution serves to limit and define the powers of the federal government.(137.) It serves to protect the liberty of individuals and to protect private rights against the intrusion of government.(138.) The exclusion and detention of Japanese Americans was a violation of the spirit, if not the letter, of the constitutional provisions intended to protect people against the excesses of government.

There is no constitutional protection against discrimination practiced by individuals against individuals, except for the anti-slavery provisions of the Thirteenth Amendment. Federal statutes, rather, have provided protection against discrimination practiced by individuals.(139.) Many actions cited as past examples of racial discrimination involved little or no governmental action. By contrast, the exclusion and detention of Japanese Americans was undertaken directly by the government. H.R. 442 is intended to directly redress such actions.



As such, H.R. 442 does not establish a precedent for compensation unless there is direct governmental involvement, something which is usually lacking in other cited incidents of racism, and unless those who were subjected to the racist governmental action are alive to receive such compensation. Together, these two requirements are uniquely applicable to those surviving Japanese Americans who were excluded and detained by the Federal Government during World War II.

### III. Conclusion.

A republican form of government, even in times of war, should not blindly seek to do what is supposedly beneficial for the greater good by oppressing and tyrannizing a small minority, particularly where the citizens of that republic are endowed with constitutional rights intended to protect them from such tyranny and oppression.

It is generally recognized that an injustice was committed upon Japanese Americans by the federal government, and, further, that proper compensation has not been provided to them. The burden of the exclusion and detention should not fall solely upon Japanese Americans. Rather, the Federal Government should share in relieving some of the burden of the mistaken exclusion and detention policies adopted during World War II.

It is not manifestly unjust or unfair to require this nation to face its obligations. Nor is it improper to ask the citizens of the 1980's to help repay the obligations of a previous time.

This nation has a collective responsibility for the decisions made by its representatives both contemporaneous and precedent. One cannot selectively choose to accept only the privileges of citizenship while shirking the responsibilities, including the payment of previously incurred obligations, which are coincident with citizenship. To do so would, according to Charles Krauthammer, threaten the entire government bond market, which is based on just such a principle.(140.)

This nation has an obligation to Japanese Americans which has been unmet for more than 40 years. It is an obligation arising from the violation of principles considered so vital that it was embodied within the first Ten Amendments to our Constitution. It is a unique obligation which, if not fulfilled, will forever be a stain upon this nation's honor.



The people who would receive compensation under Section 204 of the bill are those Japanese Americans who were actually excluded and detained by the federal government during World War II. For the most part they were in their late teens or early twenties when they were placed in the so-called assembly and relocation centers. Now they are of retirement age. Of the 120,000 who were excluded and detained during the War, an estimated 55,000 to 60,000 are still alive at this time.

The time to act is now.

Respectfully submitted,

George Tim Gojio

3. Personal Justice Denied at 18.

4. Id.

5. Commission on Wartime Relocation and Internment of Civilians, Personal Justice Denied Part 2: Recommendations at 8, Washington, D.C. (1982) (Hereafter CWIC Recommendations).

6. CWIC Recommendations at 8.

7. Id. at 8-10.

8. See, Japanese-American and Aleutian Wartime Relocation: Hearings on H.R. 3387, H.R. 4110, and H.R. 4322 Before the Subcomm. on Admin. Law and Governmental Relations of the House Comm. on the Judiciary, 97th Congress, 1st Session (1984).

9. 97th Congress, 1st Session (1982).

9. H.R. 442 (97th Congress, 1st Session) sec. 101; S. 1053 (97th Congress, 1st Session) sec. 101.

10. Personal Justice Denied at 18.

11. Comment, Wartime Internment of Japanese-Americans: An Examination of Wartime Reparations Proposals, 6 Univ. of Puget Sound L.R. 97, 121 (1982) (Hereafter, Comment, Wartime Internment Reparations Proposals).

12. Comment, Wartime Internment Reparations Proposals at 109, 121.

13. Id. at 113, 115-16.

14. Id. at 119.

15. Id. at 120.

16. Id.

17. Id. at 121.

18. Philip Tajiwa Nash, Moving for Redress: Testimony and Justice for All: An Oral History of the Japanese American Detention Camps, 94 Yale L.J. 743, 752 (1982).



## FOOTNOTES

1. Act of July 31, 1980, Public L.No. 96-317, 94 Stat. 964 (1980).
2. Commission on Wartime Relocation and Internment of Civilians, Personal Justice Denied at 1, Government Printing Office, Washington, D.C. (1982) (Hereafter Personal Justice Denied).
3. Personal Justice Denied at 18.
4. Id.
5. Commission on Wartime Relocation and Internment of Civilians, Personal Justice Denied Part 2: Recommendations at 8, Washington, D.C. (1983) (Hereafter CWRIC Recommendations).
6. CWRIC Recommendations at 8.
7. Id. at 8-10.
8. See, Japanese-American and Aleutian Wartime Relocation: Hearings on H.R. 3387, H.R. 4110, and H.R. 4322 Before the Subcomm. on Admin. Law and Governmental Relations of the House Comm. on the Judiciary, 98th Congress, 1st Session (1984).
8. 99th Congress, 1st Session (1985).
9. H.R. 442 (99th Congress, 1st Session) sec. 101; S. 1053 (99th Congress, 1st Session) sec. 101.
10. Personal Justice Denied at 18.
11. Comment, Wartime Internment of Japanese-Americans: An Examination of Wartime Reparations Proposals, 6 Univ. of Puget Sound L.R. 97, 121 (1982) (Hereafter, Comment, Wartime Internment Reparations Proposals).
12. Comment, Wartime Internment Reparations Proposals at 109, 121.
13. Id. at 113, 115-16.
14. Id. at 119.
15. Id. at 120.
16. Id.
17. Id. at 121.
18. Philip Tajitsu Nash, Moving for Redress: Tateishi; And Justice For All: An Oral History of the Japanese American Detention Camps, 94 Yale L.J. 743, 755 (1985).



19. Comment, Wartime Internment Reparations Proposals, at 113.
20. John Locke, Two Treatises of Government, as appeared in Richard Brandt, Value and Obligation -- Systematic Readings in Ethics at 499-500, Harcourt, Brace & World, Inc., New York (1961) (Hereafter, John Locke, Two Treatises of Government)
21. Id. at 500.
22. Id.
23. Id.
24. H.R. 442 and S. 1053 (99th Congress, 1st Session).
25. John Locke, Two Treatises of Government at 500.
26. Apology is contained in sec. 101 of both H.R. 442 (99th Congress, 1st Session) and S. 1053 (99th Congress, 1st Session); while the restitution is contained in Title II of both bills.
27. Wesley Newcomb Hohfeld, in a 1913 article Some Fundamental Legal Conceptions As Applied in Judicial Reasoning, 23 Yale L.J. 16 (1913), provides that legal terms, such as "rights" or "priveleges", are best understood by examining the correlative and opposite relations of such terms. For example, the term "right" has the correlative of duty, and the opposite no-right. Thus under the Hohfeldian scheme, if a court determines that Party A has a right against B, then B has a duty to obey A's right. But if a court determines that A has no-right against B, then B has no duty, or a privelege to engage in such actions. The decisions of the Supreme Court in Hirabayashi v. United States, 320 U.S. 81 (1943) and Korematsu v. United States, 323 U.S. 214 (1944), determined that Japanese Americans, and indeed any group suspected of disloyalty in time of war or national emergency, have no protection (no-right) against their removal or incarceration by the federal government. Further, the court decisions, by determining that their was no right against such unjust incarceration, determined that the federal government is priveleged to engage in actions which deprive citizens of rights during wartime. Although the underlying convictions have, for the most part, been vacated as to the individual litigants involved (see Korematsu v. United States, 584 F. Supp. 1420 (N.D. Cal. 1984), and Hirabayashi v. United States, No. C-83-122V (W.D. Wash. 1982)), the Supreme Court decisions still stand as precedent that the federal government has the privelege to engage in a discriminatory manner during wartime.
28. John Locke, Two Treatises of Government at 500.
29. Id.
30. Evacuation Claims Act of 1948, Pub. L. No. 80-866, ch. 814, 62 Stat. 1231 (1948).



31. War Claims Act of 1948, as amended, 50 U.S.C. app. sec. 2000 et. seq.
32. 50 U.S.C. app. sec. 2004(a), Public Law No. 80-896.
33. 50 U.S.C. app. sec. 2004(c).
34. 50 U.S.C. app. sec. 2004(d).
35. Guamanians, 50 U.S.C. app. sec. 2004(h), Pub. Law No. 87-617; Merchant Seaman, 50 U.S.C. app. sec. 2015, Public Law No. 83-744.
36. Korean War, 50 U.S.C. app. sec. 2004(g), Public Law No. 83-615.
37. Vietnam War, 50 U.S.C. app. sec. 2004(i), Public Law No. 91-289.
38. U.S.S. Pueblo incident, 50 U.S.C. app. sec. 2005(e), Public Law No. 91-289.
39. 50 U.S.C. app. sec. 2012(a); Trading with the Enemy Act of October 6, 1917, 50 U.S.C. app. sec. 39.
40. 1983 Foreign Claims Settlement Commission Annual Report 42-43, Washington, D.C. (1983).

41. Under 50 U.S.C. app. sec. 2004(c), compensation of \$60/month was allowed for those 18 and over, while \$25/month was allowed for those under 18.

The \$171 million figure is arrived at by estimating the average population for 1942 through 1945 in all of the assembly centers and detention camps, dividing the population in each year between children under 18 (approximately 30%) and those 18 and over. Then this average estimated number of adult and children in detention each year were multiplied by the number of months Japanese Americans were detained that year to arrive at the total number of months children and adults spent in detention each year.

1942 Average Population 106,770  
(source Personal Justice Denied at 149)

1943 Average Population 100,018  
(derived by taking the average between the population at the start of 1943 - 106,770 - and the population at the end of 1943, estimated to be 93,266)

1944 Average Population 86,514  
(derived by taking the average between the starting population, estimated to be 93,266, and the population at the end of 1944: 79,763 . Prejudice, War and the Constitution at 154)



1945 Average Population 61,881  
 (derived by averaging the 1945 starting population of 79,763 and the July 1 population estimated to be 44,000. Prejudice, War and the Constitution at 174).

<u>1942</u> Child population estimate	32,031	
1942 months	8	
Total 1942 Child months	256,248	
Adult population estimate	74,739	
1942 months	8	
Total 1942 Adult months	597,912	
<u>1943</u> Child population estimate	30,000	
1943 months	12	
Total 1943 Child months	360,000	
Adult population estimate	70,000	
1943 months	12	
Total 1943 Adult months	840,000	
<u>1944</u> Child population estimate	25,954	
1944 months	12	
Total 1944 Child months	311,448	
Adult population estimate	60,560	
1944 months	12	
Total 1944 Adult months	726,720	
<u>1945</u> Child population estimate	18,564	
1945 months	6	
Total 1945 Child months	111,384	
Adult population estimate	43,317	
1945 months	6	
Total 1945 Adult months	259,902	
Total months spent by children in detention 1942-45		1,039,080
Multiplied by statutory monthly compensation rate of		\$25
Total estimated Children compensation		25,977,000
Total months spent by adults in detention 1942-45		2,424,534
Multiplied by statutory monthly compensation rate of		\$60
Total estimate Adult compensation		145,472,040
Total estimated compensation to Japanese Americans if they were compensated by the federal government at the same rate as were civilian prisoner of war under Title II of the 1948 War Claims Act.....		\$ 171,449,040



42. Evacuation Claims Act of 1948, Pub. L. No. 80-866, ch. 814, 62 Stat. 1231 (1948).
43. Prosser on Torts at 43, 4th Ed., West Publishing Co., St. Paul, MN (1971).
44. Id. 43-44.
45. 28 U.S.C.A. Section 1346, 1402, 1504, 2110, 2401, 2402, 2411, 2412, 2671-2680.
46. 28 U.S.C.A. Section 2680(h).
47. Account of Tom Watanabe in John Tateishi, And Justice For All at 95-97, Random House, New York (1984).
48. Account of Theresa Takayoshi in John Tateishi, And Justice For All at 218, Random House, New York (1984).
49. Personal Justice Denied at 169.
50. Id. at 147.
51. See, for example, Michi Weglyn, Year of Infamy: The Untold Story of America's Concentration Camps at 276, Morrow Quill Paperback, New York (1976); Comment, Wartime Internment Reparations Proposals, 6 Univ. of Puget Sound L.R. 97, 108 (1982).
52. Personal Justice Denied at 120.
53. War Relocation Authority, Wartime Handling of Evacuee Property (1946)
54. Leonard Broom and Ruth Riemer, Removal and Return: The Socio-Economic Effects of the War on Japanese Americans at 203-4, University of California Press, Berkeley, CA (1949).
55. Id. at 203.
56. Personal Justice Denied at 119.
57. Id.
58. CWRIC Recommendations at 5.
59. Id.
60. Id.
61. ICF Incorporated, Economic Losses of Ethnic Japanese as a Result of Exclusion and Detention, 1942-1946 at 4, Washington, D.C. (1983).
62. Id. at 1.



63. Id.
64. Personal Justice Denied at 126.
65. Account of Theresa Takayoshi, John Tateishi, And Justice For All at 215-16, Random House, New York (1984).
66. "Nikkei Lost Homes, Goods, Businesses", Seattle Times, August 30, 1981.
67. "Memories of the 'Evacuation'", Washington Post, December 5, 1982.
68. Evacuation Claims Act of 1948, Public L. No. 80-866, Ch. 814, 62 Stat. 1231 (1948).
69. Leonard Broom and Ruth Riemer, Removal and Return: The Socio-Economic Effects of the War on Japanese Americans at 203, University of California Press, Berkeley, CA (1949).
70. Personal Justice Denied at 118.
71. Leonard Broom and Ruth Riemer, Removal and Return: The Socio-Economic Effects of the War on Japanese Americans at 202-3, University of California Press, Berkeley, CA (1949).
72. Id.
73. Id. at 199.
74. Id. at 200.
75. Id.
76. Id. at 204.
77. Bill Hosokawa, Nisei - The Quiet Americans at 446, Morrow Paperbacks, New York (1969).
78. Id. at 445-46.
79. CWRIC Recommendations at 7.
80. Comment, Wartime Internment of Japanese-Americans: An Examination of Wartime Reparations Proposals, 6 Univ. of Puget Sound L.R. 97, 107-8 (1982).
81. Mary Reiko Osaka, Japanese Americans and Central European Jews: A Comparison of Post War Reparation Problems, 5 Hastings International and Comparative L.R. 211, 226, 229-30 (1981).
82. Frank Chuman, The Bamboo People: The Law and Japanese Americans 243-45, Publisher's Inc., Del Mar, CA., (1976).
83. Id. at 244-245.



84. Personal Justice Denied at 12.
85. 50 U.S.C. app. sec. 2017a, Public Law No. 87-846.
86. 50 U.S.C. app. sec. 2017a(a).
87. 50 U.S.C. app. sec. 2017a et. seq.
88. 1983 Foreign Claims Settlement Commission Annual Report 42-43, Washington, D.C. (1983).
89. 50 U.S.C. app. sec. 2017 et. seq., Public Law No. 87-846 (1962).
90. In re General Motors Corporation, Final Decision, Claim No. W-10619, Decision No. W21487, Foreign Claims Settlement Commission of the United States, May 10, 1967; The Industrial Reorganization Act: Hearings before the Subcomm. on Antitrust and Monopoly of the Comm. on the Judiciary United States Senate, Ninety-Third Congress, Second Session, on S 1167 at A-22, Part 4A-Appendix to Part 4 [Contains "American Ground Transport" and "The Truth about 'American Ground Transport' - A Reply by General Motors."]
91. Id.
92. In re General Motors Corporation, Proposed Decision at 4,5,7, Claim No. W-10619, Decision No. W21487, Foreign Claims Settlement Commission of the United States, March 22, 1967.
93. Translation of May 25, 1943 Report of the Adam Opel AG Enemy Property Custodian to Dr. Krohn, Undersecretary of Enemy Property, Berlin, on File with the Foreign Claims Settlement Commission of the United States, Washington, D.C. in the file with In re General Motors Corporation, Final Decision, Claim No. W-10619, Decision No. W21487, Foreign Claims Settlement Commission of the United States, May 10, 1967.
94. Translation of February 6, 1943 Report of the Adam Opel AG Enemy Property custodian to Reich Commissioner for the treatment of Enemy Property, at 4, on file with the Foreign Claims Settlement Commission of the United States, Washington, D.C., in the file with In re General Motors Corporation, Final Decision, Claim No. W-10619, Decision No. W21487, Foreign Claims Settlement Commission of the United States, May 10, 1967.; The Industrial Reorganization Act: Hearings before the Subcomm. on Antitrust and Monopoly of the Comm. on the Judiciary United States Senate, Ninety-Third Congress, Second Session, on S 1167 at A-18, Part 4A-Appendix to Part 4 [Contains "American Ground Transport" and "The Truth about 'American Ground Transport' - A Reply by General Motors."]
95. In re General Motors Corporation, Proposed Decision at 4,5,7, Claim No. W-10619, Decision No. W21487, Foreign Claims Settlement Commission of the United States, May 10, 1967.; The Industrial



Reorganization Act: Hearings before the Subcomm. on Antitrust and Monopoly of the Comm. on the Judiciary United States Senate, Ninety-Third Congress, Second Session, on S 1167 at A-22, Part 4A-Appendix to Part 4 [Contains "American Ground Transport" and "The Truth about 'American Ground Transport' - A Reply by General Motors."]

96. Translation of the Report concerning the Provisional Total Results of the Year 1943 at 9, from the Adam Opel AG Enemy Property Custodian to the Reich Commissioner for Treatment of Enemy Property, no date on translated document in the files in In re General Motors Corporation, Final Decision, Claim No. W-10619, Decision No. W21487, Foreign Claims Settlement Commission of the United States, May 10, 1967.

97. Id.

98. Id.

99. H.R. 442 (99th Congress, 1st Session).

100. Id.

101. Letter from Thomas Jefferson to George Wythe (Paris, August 13, 1786), as appeared in The Portable Thomas Jefferson at 399, ed. by Merrill D. Peterson, Penguin Books, Middlesex, England (1975).

102. Joseph D. Harrington, Yankee Samurai; The Secret Role of Nisei in America's Pacific Victory at 11, Pettigrew Enterprises, Detroit (1979).

103. Comment, Wartime Reparations Proposals, 6 Univ. of Puget Sound L.R. 97, 112-13 (1982).

104. Hirabayashi v. United States, No. C-483-122V, (W.D. Wash, Feb. 1986); Korematsu v. United States, 584 F. Supp. 1406 (N.D. Cal. 1984); Hohri v. United States, 586 F. Supp. 769 (D.C.D.C. 1984), affd. in part and reversed and remanded in part Hohri v. United States, 783 F.2d. 227 (D.C.Cir. 1986)

105. See, e.g., Revised Code of Washington 41.68.010 et. seq. "The dismissal or termination of various state employees during World War II resulted from the promulgation of federal Executive Order 9066 which was based mainly on fear and suspicion rather than on factual justification". R.C.W. 41.68.010.

106. Japanese-American and Aleutian Wartime Relocation: Hearings on H.R. 3387, H.R. 4110, and H.R. 4322 Before the Subcomm. on Admin. Law and Governmental Relations of the House Comm. on the Judiciary 285-86, 98th Congress, 1st Session (1984).

107. On June 28, 1984, a Federal Jury found Ronald Ebens guilty of violating the civil rights of Vincent Chin. Pacific Citizen (Los Angeles, CA.), July 6, 1984.



108. "Japanese Americans' Continuing Struggle: Full Social Acceptance in U.S. Proves Elusive, Despite Economic Success" Washington Post, August 15, 1985, pg. A-26.
109. Id.
110. CWRIC Recommendations at 9.
111. Gene Levine and Colbert Rhodes, The Japanese American Community - A Three-Generation Study at 7, Praeger Publisher, New York (1981).
112. Gordon W. Allport, Nature of Prejudice, Doubleday Anchor Books, Garden City, N.Y. (1958).
113. Id. at 36.
114. Id.
115. Id. at 37.
116. Gene Levine and Colbert Rhodes, The Japanese American Community - A Three-Generation Study at 8-10, Praeger Publisher, New York (1981).
117. S. Frank Miyamoto, "The Forced Evacuation of the Japanese Minority During World War II", 29 Journal of Social Issues, ed. by Stanley Sue & Harry Kitano (1973).
118. Gene Levine and Colbert Rhodes, The Japanese American Community - A Three-Generation Study at 11, Praeger Publisher, New York (1981).
119. Personal Justice Denied at 39.
120. Bill Hosokawa, Nisei - The Quiet Americans at 129, Morrow Paperbacks, New York (1969).
121. Id.
122. Personal Justice Denied at 54.
123. Bill Hosokawa, Nisei - The Quiet Americans at 255, Morrow Paperbacks, New York (1969).
124. Account of Donald Nakahata, from John Tateishi, And Justice For All at 33-34, Random House, New York, (1984).
125. Account of Mary Tsukamoto, from John Tateishi, And Justice For All at 33-34, Random House, New York, (1984).
126. Personal Justice Denied at 177.
127. Rehabilitation of the Philippines Act of 1946, formerly codified in 50 U.S.C. app. secs. 1751-1806.



128. See S. Rep. No. 755, 79th Congress, 2nd Session, reprinted in 1946 U.S. Code Congressional Service 1144.
129. 50 U.S.C. app. sec. 1782-1790 (Omitted 1951); Comment, Wartime Reparations Proposals, 6 Univ. of Puget Sound L.R. 97, 116, note 126 and accompanying text (1981).
130. 43 U.S.C. sec. 1601(a). See, generally, 43 U.S.C. sections 1601 et. seq., Pub. L. No. 92-203, 85 Stat. 688 (1976).
131. Lazarus & West, The Alaska Native Claims Settlement Act: A Flawed Victory, 40 Law & Contemporary Problems part 1, 132, winter (1976).
132. Id.
133. 163 U.S. 427 (1896)
134. Id.
135. U.S. v. Sioux Nation of Indians, 448 U.S. 371 (1982).
136. Title II, section 206 (2) of H.R. 442 provides that an eligible individual means "any living individual of Japanese ancestry..." (emphasis provided).
137. Schwartz, A Commentary on the Constitution of the United States, part 1, vol. 1 page 2, Macmillan Company, New York (1963)
138. Hutardo v. California, 110 U.S. 516 (1884), quoted in 16 Am. Jur. 2d. Constitutional Law, section 7.
139. See, e.g., the Voting Rights Act of 1965, 42 U.S.C. sec. 1971, 1973 (1965); the Public Accommodation and Employment Discrimination provisions of the Civil Rights Act of 1964, 42 U.S.C. sec. 2000(d and e)(1965), and the right to be free from conspiracies to deny a person of civil rights, 42 U.S.C. secs. 1985, 1986 (1961)
140. Charles Krauthammer, "Collective Guilt, Collective Responsibility", Washington Post, May 3, 1985.