



Asian American Legal Defense and Education Fund

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TESTIMONY OF
PHILIP TAJITSU NASH, ESQ.
OF THE
ASIAN AMERICAN LEGAL DEFENSE
AND EDUCATION FUND
HEARING ON H.R. 442
HELD BEFORE THE
ADMINISTRATIVE LAW AND GOVERNMENTAL
RELATIONS SUBCOMMITTEE
OF THE HOUSE COMMITTEE
ON THE JUDICIARY
APRIL 28, 1986

SUMMARY OF TESTIMONY OF THE ASIAN AMERICAN LEGAL
DEFENSE AND EDUCATION FUND ON H.R. 442

"GOVERNMENTAL MISCONDUCT WARRANTS COMPENSATION"

The Asian American Legal Defense and Education Fund (AALDEF), a national civil rights organization, urges this Subcommittee, the full Judiciary Committee, and each Member of Congress to support H.R. 442. This bill, the "Civil Liberties Act of 1985", would adopt the recommendations of the blue ribbon Commission on Wartime Relocation and Internment of Civilians (CWRIC). These recommendations, among other things, included compensation of \$20,000 for each surviving Japanese American who was interned by our own United States government during World War II.

While AALDEF has always supported every effort to obtain redress for the Japanese American camp victims, we feel especially positive about H.R.442 and the current effort to obtain legislated redress. The reasons for this are three: simplicity, speed and symbolism.

Support for H.R. 442 is especially timely and relevant given the recent coram nobis court victory of Dr. Gordon Hirabayashi in Seattle, the historical documents unearthed by CWRIC, and other events of the past four years that prove unprecedented governmental misconduct in the roundup and internment of Japanese Americans during World War II. This misconduct includes:

- * false representations that Japanese Americans were disloyal or that insufficient time existed to conduct individual "loyalty" hearings
- * withholding of potentially exculpatory evidence from the United States Supreme Court, and
- * altering and destroying of potentially exculpatory evidence, including the original version, laced with racism, of General DeWitt's Final Report: Japanese Evacuation From the West Coast

In short, passage of H.R.442 is an expeditious and appropriate method of granting redress to Japanese Americans, especially in light of the tragic record of governmental misconduct in this case.

TESTIMONY OF THE ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION
FUND BY PHILIP TAJITSU NASH, ESQ. ON APRIL 28, 1986 BEFORE
THE ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS SUBCOM-
MITTEE OF THE HOUSE COMMITTEE ON THE JUDICIARY

"GOVERNMENTAL MISCONDUCT WARRANTS COMPENSATION"

My name is Philip Tajitsu Nash, and I am an attorney representing the Asian American Legal Defense and Education Fund. AALDEF, as this national civil rights group is known to its client community, strongly urges this Subcommittee, the full Judiciary Committee, and each Member of Congress to support H.R. 442, the "Civil Liberties Act of 1985".

H.R. 442, and its companion bill, S.1053, would implement the recommendations of the blue ribbon Commission on Wartime Relocation and Internment of Civilians (CWRIC). These recommendations include, among other things, a token yet substantial individualized compensation payment of \$20,000 for each surviving Japanese American who was interned by our own United States government during World War II.

While AALDEF has always supported every effort to obtain redress for the Japanese American camp victims, we feel especially positive about H.R.442 and the current effort to obtain legislated redress. The reasons for this are three: simplicity, speed and symbolism.

Although it is over forty years overdue, H.R.442 would place the burden on the Attorney General to locate surviving camp victims and to provide those victims a flat payment without requiring further paperwork or proof of losses. It would also rush monies to the eldest survivors first, and allow them to enjoy their remaining earthly years amidst some of the comforts that the camp years took away.

In terms of symbolism, it is highly appropriate that the branch of government representing the diversity of America be the one to make whole the Americans of Japanese ancestry. For although the \$20,000 and other remedies are an important part of the redressing process, the very concept of debating, passing and justifying the provisions of H.R.442 to local constituents all around the country is itself part of the healing and strengthening process that will "vaccinate" our nation against another mass internment of any other unpopular group in the future.

Support for H.R. 442 is especially timely and relevant given the recent coram nobis court victory of Dr. Gordon Hirabayashi in Seattle, the historical documents unearthed by CWRIC, and other events of the past four years that prove unprecedented governmental misconduct in the roundup and internment of Japanese Americans during World War II. This misconduct includes:

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As a legal organization, we cannot condone such apparently flagrant disregard for elementary due process provisions of Japanese Americans--or any Americans. The \$20,000 and other redress remedies will never fully compensate the loss of liberty, but will be substantial enough to remind us all that the price of liberty is eternal vigilance. And when, for whatever reason, that liberty is compromised and that vigilance fails, then we--as a nation--have a moral duty to compensate those for whom liberty failed.

So, in conclusion, let me add AALDEF's voice to the chorus of voices speaking up today for passage of H.R.442. This bill provides Congress and all freedom-loving Americans with a vehicle to denounce governmental misconduct, to champion the rights of victims, and to prove our humanity as a nation through the provision of individualized and substantial redress payments. For the sake of all we believe in as a free nation, let us not miss this historic opportunity to correct a historic tragedy.

AALDEF Witness Biography

PHILIP TAJITSU NASH, Esq., is a third generation Japanese American whose family was incarcerated in the Minidoka concentration camp during World War II.

Born and raised on the East Coast, he went to law school with the express purpose of participating in the present struggle for redress by the Japanese American community. Besides participating in the legal and legislative arenas of the redress movement, he has also spoken at over 100 high schools, colleges, law schools, and organizations about the issue. In this way, he hopes to help prevent a recurrence through the "vaccination" of a new generation to the wrongs that occurred in the 1940's.

Mr. Nash presently serves on the faculty of the City University of New York (C.U.N.Y.) Law School at Queens College in New York City and just finished teaching Asian American History at Yale University. He writes a weekly column for an Asian American bilingual weekly newspaper, The New York Nichibei.