

Statement

of

ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH

on

The Authorization Request for the Civil Rights Division of the Department  
of Justice for fiscal year 1990

BEFORE THE

House Appropriations Subcommittee on Commerce, Justice, State, Judiciary  
and Related Agencies

UNITED STATES HOUSE OF REPRESENTATIVES

April 5, 1989

I am Ruth Lansner, Vice-Chairman of the National Legal Affairs Committee of the Anti-Defamation League of B'nai B'rith. The ADL appreciates the invitation of the House Appropriations Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies to testify in support of full appropriation for Japanese-American redress payments pursuant to Public Law 100-383, the Civil Liberties Act.

The ADL was organized in 1913 to advance goodwill and mutual understanding among Americans of all creeds and races, and to combat racial and religious prejudice in the United States. The Anti-Defamation League is vitally interested in protecting the civil rights of all persons, and in assuring that every individual receives equal treatment under the law regardless of his or her race, religion, sex or national origin.

Since its inception in 1913, ADL has espoused a guiding principle against discrimination: "to secure justice and fair treatment for all citizens alike." ADL has carried out this principle in many contexts, including the amicus intervention in a number of landmark Supreme Court cases urging the Court to overturn as unconstitutional the racial practices presented by cases such as, e.g. Brown v. Board of Education, 374 U.S. 483 (1954) and San Antonio Independent School District v. Rodriguez, 411 U.S. 1 (1973).

In keeping with ADL's stated mandate, the League is committed to eliminating to the extent possible all effects, both retrospective and prospective, of the internment of Japanese-Americans by the U.S. government during World War II. ADL has a long-standing record of involvement in this regard, beginning with its support of a full Commission investigation, provision for just compensation, and

legislation to eliminate the precedential effect of the wartime convictions by barring all possible future internment actions based on race, religion, sex or national origin.

ADL's legislative involvement in this matter was complemented by its amicus participation in cases seeking to eradicate the ongoing stigma and other deleterious emotional effects of the Japanese-American internment. For example, ADL filed as amicus curiae, together with the Asian American Legal Defense and Education Fund, in support of Fred Korematsu and Gordon Hirabayashi in their successful challenges of criminal convictions pursuant to Executive Order 9066. ADL also participated as amicus in the case of Hohri v. United States, a civil class action which sought compensation for confiscation of property taken from Americans of Japanese origin without due process of law.

ADL's commitment to securing justice for the Japanese-American victims of the prison camps compelled us to testify before the 100th Congress in support of the Civil Liberties Act (Senate Bill 1009) and brings us here today to urge the full appropriation of funds to achieve that Act's purpose. This legislation was enacted in response to the findings and recommendations of the Commission on Wartime Relocation and Internment of Civilians. The Commission found that the United States Government's policy of exclusion, removal and detention of Japanese-Americans for two-and-a-half years in isolated barrack camps guarded by military police constituted a grave injustice. It was not justified by any military consideration. Rather, it was the product of racism and prejudice.

The Commission found that the internees suffered enormous losses. First and foremost was the loss of personal liberty -- as well as income and property. Added

to these losses were the effects of lost educational and career opportunities, and such less tangible losses as the emotional injury resulting from separation from loved ones, and the ongoing stigma of exclusion and the accompanying feelings of second-class citizenship.

Clearly, no dollar figure can be placed on these victims' sufferings. The Civil Liberties Act attempts nonetheless to redress the injustices committed against them by providing for restitution to persons of Japanese and Aleut ancestry who during World War II suffered "fundamental violations of the basic civil liberties and constitutional rights" because of the actions taken by the U.S. Government. The Act thereby achieves what is well recognized in the law as "damages for pain and suffering."

In furtherance of this goal, Congress provided for reparations of \$20,000 to each eligible individual, setting aside \$500 million for 1989. When the redress bill was signed into law, President Ronald Reagan hailed it a reaffirmation of "our commitment as a nation to equal justice under the law." Earlier, then Vice President George Bush had expressed similar support for the legislation, emphasizing that "we should always try to remember our basic purpose -- to defend freedom and civil rights for all."

Unfortunately, in the last budget he submitted to Congress, President Reagan recommended allocating only \$20 million for 1989, a small fraction of the amount necessary fully to implement the redress program. To date, President Bush has not revised this recommendation.

Congress mandated this legislation to secure justice for the victims of the internment camps. If Congress now fails to appropriate the necessary funds to implement the redress program, it would be a cruel miscarriage of justice. The population eligible for reparations under the Act is elderly, and it was clearly the intent of the last Congress that monetary allocations should be made in such a way as to insure that the actual internees see justice during their lifetimes. Thus, the Senate version of the redress bill, which passed on April 20, 1988, included provisions for \$500 million in 1989, \$400 million in 1990, \$200 million in 1991, \$100 million in 1992 and \$100 million in 1993. The most substantial amounts of money were to be appropriated during the early years of the funding, so that the actual victims of the prison camps would receive at least some measure of compensation for the injustices they suffered.

Although under the Civil Liberties Act, heirs of the victims may receive redress monies if the actual victim passes away prior to payment, Congress's priority has been and should continue to be for those who actually survived the prison camps to obtain redress. As Representative Henry Hyde (R-IL) stated during debates on the legislation on the House floor, "We can hold off on a couple of highways. Justice comes at the top of the list."

We now look to Congress to fulfill its intent in passing the Civil Liberties Law by making the full \$500 million allocation for 1989. History and justice deserve no less.