



Leadership Conference on Civil Rights

UCLA Asian American
Studies Center

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TESTIMONY OF JOSEPH L. RAUH JR.
COUNSEL,
LEADERSHIP CONFERENCE ON CIVIL RIGHTS

BEFORE THE

HOUSE APPROPRIATIONS SUBCOMMITTEE ON
COMMERCE, JUSTICE AND STATE,
THE JUDICIARY AND RELATED AGENCIES

APRIL 5, 1989
2:00 P.M.



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Mr. Chairman, Members of the Subcommittee:

My name is Joseph L. Rauh, Jr. I am counsel to the Leadership Conference on Civil Rights, for whom I appear this afternoon. The Leadership Conference is an organization of more than 180 minority, religious, labor, women, disabled, senior citizen and civic groups.

The Leadership Conference on Civil Rights has supported redress for many years. My own testimony on behalf of the Leadership Conference before the House Subcommittee on Administrative Law and Governmental Relations on April 28, 1986, is attached hereto and made a part hereof. When the Civil Liberties Act of 1988 passed last year, I thought my 1986 testimony on redress would be the last and I am deeply saddened that there should be this new appropriations roadblock in the way of prompt payment to the surviving internees.

Testimony of Joseph Rauh, Jr.
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When the Civil Liberties Act of 1988 became the law of the land, it constituted our Nation's good faith pledge of prompt payment to each and every person eligible for redress. Inadequate funding of that pledge can only mean that more eligible internees will die before receiving what was pledged to them. This is a matter of national integrity. The Leadership Conference on Civil Rights calls upon this Subcommittee and the Congress to do its duty and provide the funds needed for prompt payment. We respectfully submit that it is now a matter of national honor to meet the request of the Japanese American groups appearing before this body for an appropriation of five hundred million dollars for fiscal year 1990.

Thank you for your courtesy in hearing us.

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TESTIMONY OF JOSEPH L. RAUH, Jr.
COUNSEL, LEADERSHIP CONFERENCE ON CIVIL RIGHTS

Before The

HOUSE SUBCOMMITTEE ON ADMINISTRATIVE LAW AND
GOVERNMENTAL RELATIONS

April 28, 1986

Mr. Chairman, Members of the Subcommittee:

I am most grateful to the Subcommittee for the opportunity to present the views of the Leadership Conference on Civil Rights on H.R. 442, the "Civil Liberties Act of 1985," better known in the civil rights community as the Japanese redress bill.

The Leadership Conference is an organization of 185 minority, religious, labor, women, disabled, senior citizen and civic groups. The Conference acts only by consensus and that is not always easy to obtain. But I am happy to report to the Subcommittee that in this instance we are unanimous in support of this bill to provide redress to Japanese-Americans for the wrongful actions taken against them by our Nation some four decades ago.

Those were unhappy days in our land. I was a young New Deal lawyer working in the Office for Emergency Management and the Lend Lease Administration when the Pearl Harbor attack came. It is hard, now forty-five years later, to reconstruct the panic

that set in immediately after that attack. But I do not think it overstates the situation to suggest that December 1941 was the only time in the last 150 years when the American people actually believed their shores were not immune from enemy attack. Frightened people do frightful things.

I suppose it does not do much good to try and explain historical decisions many years after the event, but I did try this in an essay on civil liberties for the National Jewish Community Relations Advisory Council back in 1969:

[U]ndoubtedly the cruelest inroad on civil freedom during World War II was the exclusion of the entire population of Japanese ancestry from the Pacific Coast and the detention of most of them in relocation camps. This incredible tragedy resulted, I believe, more from the rigidity of honorable men within the Administration who failed to recognize the need for some post-Pearl-Harbor action to offset Pacific Coast fright of near hysterical proportions (as, for example, the temporary nighttime curfew suggested by some) than from the weakness or venality of the Administration in the face of tremendous military and political pressures.

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That was the best I could do then to explain how this tragedy could have happened and it is the best I can do now.

But I should recount, I suppose, my own minor role in this tragedy. Immediately after Pearl Harbor, Mr. Benjamin V. Cohen summoned Oscar Cox, the General Counsel of the Office for Emergency Management and the Lend Lease Administration, and myself to Mr. Cohen's office. He foresaw at once that the forces of panic unleashed by the Japanese attack would almost certainly result in concentration camps unless some measures were taken to stem the panic. While others were demanding internment, on the one hand, or no action whatever, on the other, Mr. Cohen, with whatever assistance he could derive from Cox and myself, tried to forge a consensus around ways and means of avoiding internment, such as curfews, limiting access to military installations and the like. Sadly, every proposal he made was met with opposition from both camps and the resulting cruel internment is what brings us here today.

We did not take our defeat lightly even then. I recall entering Mr. Cohen's office one evening in early 1942 to be greeted with a newspaper article containing a picture of a little Japanese boy on a train headed for an internment camp leaning out the window waving an American flag. Mr. Cohen had tears in his eyes and I guess I wasn't too far behind.

The Subcommittee's time is too limited to pursue

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further how this tragedy could have occurred or how it could have been avoided. Suffice it to say there are few today who would say that the internment was necessary or would deny its tragic consequences. Disclosure after disclosure has shown there was not the slightest military justification for internment and that the Japanese within our borders were not only loyal but patriotic. The Italian campaign of the 442nd Regimental Combat Team ranks in valor with our finest hours from Valley Forge to the 1944 landings in France and the Philippines.

Nothing can ever adequately compensate the Japanese-Americans for the wrongs done them, not even H.R. 442, not even the proposed \$20,000 payment, not even a larger figure. The dislocation of their lives, the branding as dangerous to their country, the cruel insult of captivity -- all this is beyond monetary recompense. But what this bill can do is make it possible for this nation once again to hold its head high in remorse and thus in decency. We can demonstrate that a great nation can recognize and give recompense for the severest blow it ever afflicted upon the civil liberties of its people and thus give new vitality to its commitment to civil freedom. Future generations of Americans will recall this action, not only as good for the national soul, but as a stabilizing force if similar panic once again should confront our nation.

I also believe, and deeply, so that the billion dollars this payment will cost is as sound an investment in favorable

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world opinion and thus in genuine national security as can be made. For the price of a single navy cruiser we can demonstrate that democracy works and that to the extent possible it can and will rectify its most grievous mistakes. We will be committing to the world through deeds as well as words that no such injustice will ever cloud our nation again.