

The Japanese American Citizens League - Legislative Education Committee

1730 Rhode Island Ave., #204, NW, Washington, D.C. 20036-3148 • (202) 223-1240 • Fax: (202) 296-8082

TESTIMONY OF THE JAPANESE AMERICAN CITIZENS LEAGUE - LEGISLATIVE EDUCATION COMMITTEE (JACL-LEC)
Submitted to the House Appropriations Subcommittee on Commerce, Justice, and State, the Judiciary and Related Agencies
Representative Neal Smith, Chair
Statement of Rita Takahashi, Acting Executive Director of the Japanese American Citizens League - Legislative Education Committee

TESTIMONY OF

**RITA TAKAHASHI
ACTING EXECUTIVE DIRECTOR
JAPANESE AMERICAN CITIZENS LEAGUE -
LEGISLATIVE EDUCATION COMMITTEE**

BEFORE THE

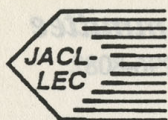
**HOUSE APPROPRIATIONS SUBCOMMITTEE ON
COMMERCE, JUSTICE, AND STATE,
THE JUDICIARY AND RELATED AGENCIES**

ON

**APPROPRIATIONS NEEDED TO IMPLEMENT
PUBLIC LAW 100-383
THE CIVIL LIBERTIES ACT**

5 APRIL 1989

2:00 P.M.



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Representative Neal Smith, Chair

Statement of Rita Takahashi, Acting Executive Director
of the Japanese American Citizens League -
Legislative Education Committee

5 April 1989

2:00 p.m.

Mr. Chairman and Members of the Subcommittee:

My name is Rita Takahashi. I am the Acting Executive Director of the Japanese American Citizens League - Legislative Education Committee (JACL-LEC), a non-profit, civil rights organization.

The 100th Congress and 40th President of the United States authorized \$500 million, per fiscal year, for redress payments. I ask that the 101st Congress and 41st President act upon this authorization and appropriate this amount in fiscal year 1990. During floor debates, Senator Warren B. Rudman (R-NH), Ranking Minority member of the Senate Appropriations Subcommittee, said that "If we are to authorize new programs, regardless of their merit, we simply must be willing to find a way to pay for them."

The Senate Appropriations Subcommittee Chair, Ernest Hollings (D-SC), added: "It is a cruel irony that S. 1009, which purports to make amends for the injustices done the internees, risks dealing them a fresh injustice if no money can be found to finance this bill."

On the House floor on September 17, 1987, Representative William J. Hughes (D-NJ) said that despite fiscal problems facing this country, ". . . fiscal problems can be no excuse for not paying our debts. . ." Furthermore,

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. . . we as a nation owe a debt to these Americans who were denied their liberty and property without due process of law. It would seem that the \$20,000 per person payment authorized by H.R. 442 is a relatively small amount, compared to the wrong that was committed. . . "

Senator Pete Wilson (R-CA) agreed with Hughes' position. He said:

. . . the question before us is whether or not, in order to make the adequate apology that is contained in this legislation, we are required to make adequate compensation. The answer is that we do.

. . . the first call upon a nation is that it honor its just obligations. This is a just obligation, an effort on the part of the United States, belatedly, to make an apology to loyal Americans and to right an injustice which. . . was visited upon them. In that view, it must be seen as a priority, a high priority, one that we are late in recognizing, and one that we should, without further delay, not just acknowledge but bring to fruition, so that this debt can be paid."

Addressing the issue of priorities, Representative Henry Hyde (R-IL) said, "We can hold off on a couple of highways. Justice comes at the top of the list." This comment, the subject of a CHICAGO TRIBUNE editorial, concluded: "That is a priority that Senate and the President should uphold."

Succinctly stated, Representative Bruce A. Morrison (D-CT) added:

There is a great American expression . . . "Put your money where your mouth is." I think that fits this occasion.

The fact is that words are important and solemn words spoken by this body are important, but in America we all know that we deal also with things valued with money, and the willingness to pay compensation in dollars speaks about how absolutely clear we want to be about what is at stake."

JUSTIFICATION FOR \$500 MILLION APPROPRIATION

The \$500 million appropriation is in line with the findings and recommendations of the U.S. Commission on Wartime Relocation and Internment of Civilians (CWRIC), and is congruent to congressional intent and the stated White House positions. Congress intended to appropriate substantial amounts during the early years of the redress program. Because congressional leaders were aware that the majority of eligible persons are over sixty-five, they

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tended to make maximum payment during the early years. The U.S. Senate version of the bill, which passed on 20 April 1988, included provisions for the following: \$500 million in 1989; \$400 million in 1990; \$200 million in 1991; \$100 million 1992; and \$100 million in 1993.

Extensive Study of Redress Questions and Issues:

After years of thorough study, scrutiny, and debate, the U. S. Congress concluded that a major injustice was done when 120,000 persons of Japanese ancestry were restricted and/or incarcerated solely because of their ancestry. Congress accepted the findings of the U.S. Commission which studied this issue, and concluded that "a grave injustice was done."

Congressional leaders recognized the depth and scope of the Commission's work. Senator Mark O. Hatfield (R-OR), for example, said it was "a thorough examination of the facts." The Commission's work was further described by Representative Leon Panetta (D-CA), the current Chair of the House Budget Committee, on August 4, 1988:

After months of hearings and extensive examination of public records, the Commission reported in January 1983 that circumstances in this country during the war did not warrant the internment of thousands of Japanese Americans . . . The Commission also noted the unequal treatment of suspected nationals, pointing out that no mass exclusion or detention was ordered against Americans of German or Italian descent.

Members of Congress concluded that the Government violated individual rights and trampled civil liberties. Senator Hollings called the incarceration a "tragic mistake" while Representative Panetta referred to the actions as a "tragic moment of our history."

Some of the words, used by Republican leaders, to describe this incarceration, include:

- "violation of the civil rights" -- then Vice-President George Bush
- "a wrong" -- President Ronald Reagan
- "gravest of injustices" -- Senator Alan Simpson (R-WY)

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-- "one of the most terrible acts of injustice in our entire history" -- Senator Robert Dole (R-KS)
 -- "a crime" -- Senator Mark O. Hatfield (R-OR)
 -- "terrible wrong" -- Senator Bob Packwood (R-OR)
 -- "unfortunate policy" -- Senator Peter V. Domenici (R-NM)
 -- "denial of due process" -- Senator Orrin Hatch (R-UT)

Congressional Intent

Congress clearly intended to provide redress payments to eligible persons, and to do so in a timely manner to ensure that those who suffered would receive redress directly. Senator John Glenn (D-OH), Chair of the Senate Governmental Affairs Committee, reported the following on the House floor:

" . . . the sentiment underlying the Senate bill is that it is appropriate that compensation be made to those who actually suffered in the internment camps. . . ."

Congressional leaders articulated the need to make monetary payments to symbolically redress the wrongs. Representative Peter Rodino (R-NJ), former Chair of the House Judiciary Committee, stated the following when the bill came to the House floor on September 17, 1987:

The Committee on the Judiciary concluded . . . that the restitution payments provided in H.R. 442 represent a strong affirmation by the Congress that a grave mistake was made by the Government in the relocation program. . . . The committee concluded that the restitution payments demonstrate a tangible commitment by the Government of the United States that such wrongs should not be committed again. Although a formal apology is important and the education fund is needed, these actions alone, without compensation, are not adequate to redress the wrongs.

Commenting further, Representative Barney Frank (D-MA), Chair of the House Judiciary Subcommittee on Administrative Law and Governmental Relations, said: ". . . Why the money? It is not because money is the only measure of sincerity, but because a simple apology alone does not seem to us to convey the full force of what we are trying to do here. . . . we are in

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effect imposing a penalty on ourselves to show and to demonstrate in fact how sincere we are."

Representative Hamilton Fish, Jr. (R-NY), Ranking Minority Member of the House Judiciary Committee, expressed his strong support and submitted

that redress payments are ". . . in the nature of 'liquidated damages' -- these individuals are being partially compensated for the violation of their civil rights." He further justified compensation by saying that they

. . . are a significant and tangible gesture on behalf of the U.S. Government.

. . . what this legislation and its historical origins require us to do is to confront the real meaning of being an American

. . . the rights contained [in the Constitution]. . . are not just legalisms or precepts on paper. They are supposed to be guarantees -- against an arbitrary government as well as public and private prejudice. America went to war in 1941, but our Constitution should not have gone to war as well.

As former Chair of the House Judiciary Subcommittee on Administrative Law and Governmental Affairs, Representative Dan Glickman (D-KS), summed up his sentiments by saying that as Chair,

. . . I listened to the hearings and my own judgment is that a pure apology and no restitution is not enough. Why? First of all, I think it depends on the seriousness of the wrong. A minor wrong committed by this government probably deserves no restitution.

A major wrong deserves something extra special. In this case we have an affirmative government action, not a negligent action, not a failure to act, but an affirmative government action to remove American citizens out of their homes and put them in prison camps during a period of time during the Second World War. This is a major, major wrong, and similar wrongs in today's circumstances, non-rationally motivated, have resulted in very, very big judgments, big dollar judgments from the United States of America.

In my judgment, without restitution, the seriousness is demeaned, the seriousness of this incarceration . . . for all Americans, particularly Americans who are in minority circumstances.

Stated White House Positions

In a letter to New Jersey Governor Tom Kean, dated October 13, 1988, Ken Duberstein (President Reagan's Chief of Staff) indicated that the Civil