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Liberties Act ". . . is a subject the President feels very strongly about."

On the day President Reagan signed the bill into law, he said:

The legislation that I am about to sign provides for a restitution payment. . . .

For here we admit a wrong. Here we reaffirm our commitment as a nation to equal justice under the law.

Then Vice-President George Bush also expressed support in his June 6, 1988 release:

. . . it is only fair that our country provide apologies and reparations to those Japanese-Americans who were interned during World War II. . . . we should always try to remember our basic purpose -- to defend freedom and civil rights for all.

The gap between expressed commitment and demonstrated actual commitment is wide. A \$20 million sum for fiscal 1990 is a mere token and an insult.

#### TIMELY COMPENSATION AND DEMOCRATIC IDEALS

The right to petition for redress is deeply rooted in our U.S. Constitution. The first Amendment, ratified on December 15, 1791, specifies the right ". . . to petition the Government for a redress of grievances." Americans petitioned for redress, and Congress and the President responded by authorizing redress payment. This action is consistent with our system of justice. When a wrong is done, monetary compensation is the norm. In Senator Spark Matsunaga's (D-HI) words,

Those who contend that monetary compensation is an inappropriate way to redress this longstanding injustice overlook the fact that monetary compensatory remedies are an integral part of our system of jurisprudence. It has long been regarded as proper for the courts to award monetary damages to individuals who have been unjustifiably injured.

In pinpointing his thoughts, Senator Dennis DeConcini (D-AZ) stated:

. . . I am a strong believer in the democratic principles upon which this country was founded. . . . In the case of those citizens whose civil rights were denied by internment during the War, this Congress must do all that it can to ensure

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that such sweeping violations of civil liberties do not occur in the future.

Agreeing, Senator Robert Packwood said that ". . . we have an obligation to redress the wrongs against Japanese-Americans and acknowledge our error."

Furthermore, he asserted that:

. . . governing officials, in democracies as well as dictatorships, may find it convenient to bend to transitory, popular prejudices that would trammel, or even extinguish, our individual liberties for the alleged common good. We must remain ever diligent to protect individual liberty and freedom.

"Our future strength as a nation depends greatly on our commitment to the founding principles of the United States, and our willingness to make restitution when we have departed from these principles. . .", Senator Peter Domenici said.

Joseph Sobran, a nationally syndicated columnist and senior editor of NATIONAL REVIEW, asserted the following in a May 5, 1988 column in THE WASHINGTON TIMES: "We can be fair and honorable without being guilt-ridden. In fact, guilt only gets in the way. Specific injuries were done and a specific remedy is being offered."

#### ADMINISTRATION OF REDRESS PROGRAM

The Department of Justice's Office of Redress Administration (ORA) testified (before the House Judiciary Subcommittee on Civil and Constitutional Rights, on March 16, 1989) that they requested \$500 million for the supplemental 1989 budget and \$500 million for the 1990 fiscal year. In addition, they requested monies to administer the redress program -- \$6.4 million in supplemental 1989 and \$6 million in fiscal year 1990.

If appropriated sufficient amounts to administer the program and to make the payments, ORA submitted that they could use the entire \$500 million and issue redress payments to the maximum number of eligible persons. They tes-

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tified that they would have the individuals identified and their eligibility verified. In fact, ORA testified that they could get all the redress payments out in two to three years if \$500 million were appropriated in each fiscal year.

ORA has moved quickly to establish the redress program. To date, they have identified over 50,000 potentially eligible out of an estimated 60,000 eligible persons. Monies are desperately needed to bring redress to a conclusion in a timely manner.

#### NEED FOR TIMELY REDRESS PAYMENTS

The central purpose of the Civil Liberties Act is to provide redress to persons who were damaged because of Government action. To delay redress payments would be to deny justice. After forty-seven years, many will not receive redress because many will pass away before the monies are appropriated. Data tapes from the War Relocation Authority (WRA) records reveal that as of 1988, 67.2% of the 109,379 cases in their count are now over 60 years of age. Congress clearly intended to pay the victims, directly. With each passing day, fulfilling this intent becomes more and more remote.

With the passage of time, the "per-person" cost for verification increases significantly. It is administratively less costly to make payments directly to eligible persons than to the eligible person's heirs (spouse, child(ren), or parent(s), in that priority order). ORA currently has most of the potentially eligible persons identified and located. If the person passes away, the ORA will then have to locate, identify, and verify the eligibility of the heir(s).

Thanks to the exceptional work of the ORA, many persons of Japanese ancestry have come to trust and cooperate with Government. Because of previous experiences with Government -- namely the incarceration and subsequent dif-

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difficulties with property loss claims -- many persons were suspicious of and skeptical about Government. Therefore, ORA's ability to establish a mutually cooperative relationship with the Japanese American community is commendable. Administrator Bob Bratt's successful outreach efforts have paid off royally.

JACL-LEC hopes that the momentum, the spirit of cooperation, and the mutual respect which has been established thus far, will be propelled further with appropriations which allow for maximum redress payout each year.

#### MISINTERPRETATIONS OF THE LAW

Public Law 100-383 stipulates that the most senior eligible persons are to be paid first. However, the law does not require the Department of Justice to identify each and every eligible person before it begins redress payments. Specifically, the law says:

The Attorney General shall endeavor to make payments under this section to eligible individuals in order of date of birth (with the oldest individual on the date of the enactment of this Act (or if applicable, that individual's [eligible] survivors. . . ), until all eligible individuals have received payment in full. (emphasis added)

The Office of Management and Budget (OMB) has incorrectly interpreted the law to mean that all eligible persons must be identified before payments begin. In a 9 March 1989 letter to JACL-LEC, an OMB representative said:

Until the identification and location process is completed, the Department of Justice will not be in a position to make individual payments. That is because the law requires that funds be disbursed to eligible recipients in order of age, starting with the oldest."

Similarly, Attorney General Richard Thornburgh testified before the Senate Appropriations Subcommittee, articulating the same position. This faulty thesis has been presented by OMB as the reason for the meager \$20 million in President Reagan's fiscal 1990 year budget. Since this was an incorrect reading of the law, and since the ORA has testified that they will be

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ready to make \$500 million in payments, then \$500 million for fiscal 1990 should be seriously considered and acted upon.

#### WORLD RECOGNITION FOR REDRESS ACTIONS

On April 19, 1988, Senator John Glenn said that the passage of the Civil Liberties Act would ". . . set a particularly shining example to the world of America's concrete commitment to justice and the redress of wrongs. No other nation on Earth would take this unprecedented action. . . ." Senator Glenn was incorrect. Instead of a pace-setter in redress arenas, the U.S. is now a laggard next to Canada.

Although Canada passed redress provisions six (6) weeks after the United States (on 22 September 1988, Terms of Agreement were achieved between the Government of Canada and the National Association of Japanese Canadians), it has out-paced the United States in terms of action to redress wrongs. In fact, next to Canada, the U.S. is moving at a snail's pace in this march.

Canada has identified almost all of the estimated number of eligible persons and has already issued lump sum payments of twenty-one thousand dollars (\$21,000) Canadian, to three thousand (3,000) individuals. Before the U.S. even begins to make payments in fiscal 1990, Canada anticipates that they would have made approximately eight thousand (8,000) payments by the end of October, 1989. First Canadian redress checks were issued before Christmas of 1988, according to the Japanese Canadian Redress Secretariat.

#### FINAL COMMENTS

The United States Government has been studying the facts and circumstances surrounding the World War II incarceration of persons of Japanese ancestry for over ten years. A U.S. Commission was established and maintained for years. After exhaustive study, Congress concluded that monetary compen-

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sation is not only appropriate but it is also imperative. Our senses of equity and standards of justice call for such action.

During Senate floor debates, Senator Pete Wilson eloquently stated the actions he believed needed to be taken: ". . . we should pay this debt. We should acknowledge this injustice. We should right this wrong. And in order to make this apology adequately, this measure of compensation. . . is entirely warranted."

Clearly, the Congress and President have acknowledged a wrong and have articulated the need to press forward to see that redress is accomplished. The only stumbling block which has been articulated by the Reagan and Bush administrations has been the submission that all eligible persons have not been identified. Since this is not stipulated in the law to begin with, that leaves no stumbling block except for congressional and executive will and priorities. \$500 million in fiscal 1990 is not unreasonable in light of the profound injustices and deep-seated stigmas which victims have had to carry for forty-seven (47) years.

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