



WASHINGTON OFFICE

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House of Representatives
Washington, D.C. 20515

Re: Civil Liberties Act of 1987
H.R.442

Dear Representative:

In the next few days you will be asked to consider H.R.442, the bill sponsored by Rep. Thomas Foley (D-WA), which seeks to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians. The ACLU strongly supports this legislation and urges your favorable consideration.

H.R.442 addresses the deprivation of basic civil liberties and constitutional rights caused by the mass evacuation and internment of American citizens of Japanese and Aleut ancestry during World War II. Uprooting an entire population of these groups from the West Coast and placing them into guarded compounds for up to four years without due process of law was a national tragedy and is an event that should be appropriately redressed by our government. For many persons, the internment of Japanese Americans and Aleuts remains the greatest deprivation of liberty in this country since slavery.

In 1975, President Gerald Ford formally revoked Executive Order 9066, issued by President Franklin Roosevelt in 1942 to permit exclusions of ethnic Japanese from the West Coast. That same year Congress repealed its 1942 ratification of Executive Order 9066. In repealing the Executive Order, President Ford stated that the wartime exclusions were a mistake; however, both history and justice demand more.

The Commission on Wartime Relocation and Internment of Civilians was established by Congress in 1980 to review the facts and circumstances surrounding Executive Order 9066 and assess the impact of the Executive Order on American citizens and permanent resident aliens. In establishing its findings, the Commission carefully examined the central contention behind Executive Order

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9066, i.e., the government's decision to exclude ethnic Japanese from the West Coast was justified by the concept of "military necessity." Not surprisingly, the Commission found little justification for the military necessity rationale. Moreover, the Commission found that a virulent wartime racial hysteria was evident in the decision to detain Japanese Americans.

The Commission also found that victims of the internment suffered enormous damages and losses, both material and intangible. There was a disastrous loss of farms, businesses and homes. To this must be added the collateral disruption of careers and professional lives for many years following the evacuations. No price can be placed on these fundamental deprivations, but the enormity of those losses must not be overlooked.

H.R.442 acknowledges the tremendous injustice of Japanese-Aleut detention and establishes a trust fund for research and public education about these events in order to prevent similar occurrences. In its key provision, H.R.442 provides a formal apology from the Congress on behalf of the nation to the individuals affected by evacuation, relocation, and internment for fundamental violations of basic civil liberties and constitutional rights. The Congress states that the actions taken by the Government were carried out without adequate security reasons, and were motivated in part by racial prejudice and wartime hysteria. The Congress states further that individuals of Japanese ancestry suffered enormous damages both material and intangible, all of which resulted in significant human suffering for which appropriate compensation has not been made. The approximately 60,000 surviving internees would also receive partial financial restitution in the total amount of \$20,000 paid over several years.

The Civil Liberties Act appears to be the most viable vehicle to provide redress for Japanese Americans. This spring the U.S. Supreme Court heard the case of United States v. Hohri, in which William Hohri, one of nineteen plaintiffs who were evacuated from the West Coast and interned in prison camps, sought to challenge the infamous Hirabayashi and Korematsu cases upholding the internment. The ACLU argued in an amicus brief that the statute of limitations should not be rigidly applied to Hohri since the government had originally misled the Court in Korematsu by suppressing key documents. These documents showed that there was no military necessity justifying internment of Japanese-Americans. Until this information became available in the past few years, this lawsuit could not be brought.

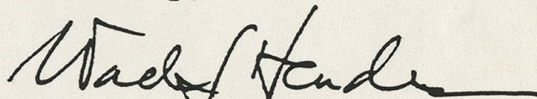
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The Court, however, avoided the substantive issue as well as the statute of limitations question and ruled that the appeal was brought in the wrong court. The case must now be appealed to the U.S. Court of Appeals for the Federal Circuit. In light of this further delay of justice, legislation is all the more necessary.

Our great nation has the strength of a free society to acknowledge its own errors and then right that wrong by providing symbolic compensation to the victims of this grievous injustice by our government.

The American Civil Liberties Union urges you to reject weakening amendments and to vote in favor of H.R.442, a measure that will help defend individual freedom and due process for all Americans.

Sincerely,



Wade J. Henderson
Associate Director