

TESTIMONY OF CONGRESSMAN ROBERT T. MATSUI
JUDICIARY SUBCOMMITTEE ON ADMINISTRATIVE LAW AND
GOVERNMENTAL RELATIONS
JUNE 20, 1984

MR. CHAIRMAN, I WOULD LIKE TO THANK BOTH YOU AND THE OTHER MEMBERS OF THE SUBCOMMITTEE FOR HOLDING THESE HEARINGS ON H.R. 4110. THE TOPIC BEFORE US IS OF TREMENDOUS IMPORTANCE FOR OUR SYSTEM OF CONSTITUTIONAL LIBERTY, AND I THANK YOU FOR YOUR EXCELLENT LEADERSHIP.

WILLIAM HOWARD TAFT REMINDED US THAT "CONSTITUTIONS ARE CHECKS ON THE HASTY ACTIONS OF THE MAJORITY." TODAY WE ARE FACED WITH THE MEMORY OF A TIME WHEN OUR SYSTEM FAILED TO PROVIDE THE NECESSARY CHECKS...WHEN HASTY ACTIONS TRAMPLED OVER THE RIGHTS OF 120,000 PEOPLE, MOST OF WHOM WERE CITIZENS OF THIS COUNTRY.

BUT TODAY WE HAVE THE OPPORTUNITY TO RESTORE THE SYSTEM TO ITS PROPER BALANCE. WITH LEGISLATIVE ACTION, WE CAN AT LAST PROVIDE REDRESS TO AMERICANS OF JAPANESE ANCESTRY WHO WERE DEPRIVED OF THEIR BASIC CIVIL RIGHTS DURING WORLD WAR II.

FOR ME, AND I KNOW THIS IS TRUE FOR MANY OTHERS HERE, THIS ISSUE IS ENDOWED WITH STRONG PERSONAL MEMORIES. I WAS TEN MONTHS OLD WHEN I ENTERED THE INTERNMENT CAMP AT TULE LAKE WITH MY FAMILY. LIKE SO MANY OF THOSE INTERNED, MY PARENTS WERE PROUD CITIZENS OF THE UNITED STATES -- A COUNTRY THEY HAD KNOWN TO BE JUST AND RULED BY A REASONED CONSTITUTIONAL LAW.

BUT WITH EXECUTIVE ORDER 9066, MY PARENTS' CITIZENSHIP AND LOYALTY SUDDENLY MEANT NOTHING. THE EXCLUSION AND DETENTION ORDER RECOGNIZED ANCESTRY AND ONLY ANCESTRY. THAT THEY WERE BORN IN THIS COUNTRY, UPHELD ITS LAWS, AND WERE LOYAL TO ITS PRINCIPLES WAS DISCARDED AS IRRELEVANT.

WHAT WAS THE EXPERIENCE OF THAT CAMP? FOR MY PARENTS THERE WAS THE DISCOURAGING LOSS OF BUSINESS, HOME, AND OTHER POSSESSION. THERE ARE VISIONS OF BARBED WIRE FENCES AND SENTRY DOGS; OF LOSS OF PRIVACY AND LACK OF ADEQUATE SANITATION; AND MEMORIES OF THE HEART-WRENCHING DIVISIONS THAT OCCURRED AS FAMILIES WERE SEPARATED BY PHYSICAL DISTANCE AND THE EMOTIONAL DISTRESS OF THE CAMPS.

I MIGHT ADD, MY FAMILY WAS RELATIVELY FORTUNATE. AFTER NINE MONTHS, WE WERE ABLE TO MOVE ON TO A FARM LABOR AREA IN IDAHO. ALTHOUGH THERE WERE NO SOLDIERS OR WATCHTOWERS, WE REMAINED WITHIN RESTRICTED BOUNDARIES, UNABLE TO RETURN TO OUR HOME IN CALIFORNIA FOR THREE MORE YEARS.

BUT WHAT IS MOST STRIKING ABOUT ALL OF THESE INTERNMENT CAMP STORIES I HAVE GROWN UP WITH, IS THE FAITH AND HOPE THAT REMAINED. FAITH IN THE LAW OF THE LAND; PRIDE IN THIS COUNTRY; AND MOST OF ALL, A SINCERE DESIRE TO PROVE LOYALTY TO THIS GREAT NATION AND BE ALLOWED TO SERVE ITS IDEALS AND PRINCIPLES. ALL THIS, DESPITE THE FACT THAT BASIC CONSTITUTIONAL AND CIVIL RIGHTS

WERE BEING DENIED.

IT IS THE SPIRIT OF THIS FAITH THAT BRINGS ME BEFORE YOU TODAY. FOR I FIRMLY BELIEVE THAT OUR ACTIONS HERE ARE ESSENTIAL FOR GIVING CREDIBILITY TO OUR CONSTITUTIONAL SYSTEM AND REINFORCING OUR TRADITION OF JUSTICE.

AS YOU WILL HEAR TODAY FROM THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS, THERE IS NO QUESTION THAT BASIC CIVIL RIGHTS WERE DENIED. THERE WAS NO REVIEW OF INDIVIDUAL CASES AND NO EXCEPTIONS OR CONSIDERATION OF PERSONAL SERVICE. THE BASIC CONCEPT OF HABEAS CORPUS WAS FORGOTTEN.

AS YOU HEAR MORE FROM THE WITNESSES IN THE NEXT FEW DAYS, IT WILL BE CLEAR THAT CONSTITUTIONAL RIGHTS WERE SIMPLY IGNORED. FOR MY PART,, I WOULD LIKE TO LEAVE THE SUBCOMMITTEE WITH ONE SIMPLE THOUGHT: BECAUSE JUSTICE WAS DENIED, THERE IS A NEED FOR REDRESS. THE QUESTION BEFORE US MUST BE TO PROVIDE THE MOST APPROPRIATE FORM OF REDRESS FOR THIS TRAGIC EPISODE IN OUR NATION'S HISTORY.

AS A LAWMAKER INVOLVED IN FRAMING THE REDRESS LEGISLATION, I WILL NOT ACCEPT MONETARY REPARATIONS -- TO DO SO WOULD LEAD SOME TO SUGGEST MY ACTIONS ARE MOTIVATED BY SELF-INTEREST. THEY ARE NOT. I AM CONVINCED THAT MONETARY COMPENSATION MUST BE A PART OF ANY REDRESS EFFORT. ESTIMATES OF LOSSES FROM INCOME AND PROPERTY ALONE WOULD ACCOUNT FOR THE SUM REQUESTED BY THE BILL. SUCH ESTIMATES DO NOT INCLUDE DISRUPTION OF CAREERS, LONG-TERM LOSS OF OPPORTUNITY, AND THE TREMENDOUS PERSONAL LOSSES FROM THE DENIAL OF FREEDOM AND THE STIGMA OF BEING INTERNED. THESE ARE THE TYPES OF ISSUES CONSIDERED WHEN AWARDING DAMAGES.

BUT THE LOGIC OF COMPENSATION GOES FAR BEYOND SIMPLE ECONOMICS. OUR LEGAL TRADITION PROVIDES US WITH THE SYSTEM OF DAMAGE COMPENSATION TO STRESS THE NOTION OF ACCOUNTABILITY. IF WE MAKE IT ABSOLUTELY CLEAR THAT PEOPLE WILL BE HELD ACCOUNTABLE FOR THEIR ACTIONS, WE CAN HOPE TO DETER SUCH ACTIONS IN THE FUTURE. WHEN THE ACTIONS ARE TAKEN BY OUR GOVERNMENT, IT IS PARTICULARLY IMPORTANT TO STRESS THAT WE WILL HOLD IT ACCOUNTABLE FOR ITS ACTIONS.

SOME WILL ARGUE THAT THERE WERE EXTENUATING CIRCUMSTANCES, THAT OUR NATIONAL GOVERNMENT ACTED IN WHAT IT BELIEVED TO BE EVERYONE'S BEST INTEREST. BUT I MUST CONTEND THAT NOTHING A GOVERNMENT DOES IS INHERENTLY ABOVE THE LAW. ALL ACTIONS, INCLUDING THOSE OF OUR LEADERS, MUST BE SUBJECT TO THE CONSTRAINTS ESTABLISHED BY THE CONSTITUTION.

WAR IS A PERIOD OF EXTREME NATIONAL STRESS. AND IT IS DURING SUCH PERIODS OF STRESS THAT THE SURVIVAL OF LIBERTY IS AT ITS MOST FRAGILE POINT. WE MUST TRY TO TAILOR OUR SAFEGUARDS TO FIT THESE TREACHEROUS MOMENTS.

OUR TASK NOW IS TO PROVIDE THE FINAL LEGAL REDRESS AND REINFORCE OUR SYSTEM OF JUSTICE AND EQUITY. WE MUST REMIND FUTURE GENERATIONS THAT SUCH A TRAGIC DENIAL OF RIGHTS MUST NOT AND WILL NOT BE TOLERATED.