

H.R. 4110 -- THE CIVIL LIBERTIES ACT OF 1983

TESTIMONY BY
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HOUSE COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON ADMINISTRATIVE LAW
AND GOVERNMENTAL RELATIONS

WASHINGTON, D.C.
JUNE 20, 1984

THANK YOU VERY MUCH, MR. CHAIRMAN. MANY OF US IN THIS ROOM HAVE BEEN WORKING ON THE REDRESS ISSUE FOR SEVERAL YEARS BECAUSE OF OUR BELIEF IN ITS URGENCY AND IMPORTANCE. TODAY IS, THEREFORE, A DAY OF PROFOUND EXCITEMENT, AND I APPRECIATE YOUR LEADERSHIP IN SCHEDULING THIS HEARING.

AS YOU KNOW, MR. CHAIRMAN, CONGRESS, WITH THE ASSISTANCE OF THIS SUBCOMMITTEE, ENACTED IN 1980 PUBLIC LAW 96-317 CREATING A SPECIAL COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS. THAT COMMISSION WAS TO STUDY THE INTERNMENT DURING WORLD WAR II OF AMERICANS OF JAPANESE ANCESTRY AND OF ALEUT ISLANDERS, AND TO "RECOMMEND APPROPRIATE REMEDIES."

I BELIEVE THE COMMISSION'S WORK WAS EXHAUSTIVE AND COMPLETE. ITS REPORT, "PERSONAL JUSTICE DENIED" IS THE DEFINITIVE STUDY OF THE INTERNMENT. I HAVE COMPLETE CONFIDENCE IN ITS WORK, AND I STRONGLY ENDORSE THE REPORT.

THAT REPORT SHOWED CONCLUSIVELY THAT AMERICANS OF JAPANESE ANCESTRY WERE LAW ABIDING, LOYAL AMERICANS WHO POSED ABSOLUTELY NO THREAT TO THE PEACE AND SECURITY OF THIS NATION, AND WANTED NOTHING MORE THAN THE OPPORTUNITY TO SHARE IN THE LIBERTY AND DEFENSE OF THIS NATION.

MOREOVER, THE COMMISSION CLEARLY CONCLUDED THAT THE INTERNMENT CONSTITUTED "A GRAVE PERSONAL INJUSTICE" THAT VIOLATED OUR MOST BASIC NORMS OF CONSTITUTIONAL DUE PROCESS.

AFTER THE COMMISSION ISSUED ITS REPORT AND RECOMMENDATIONS LAST YEAR, A GROUP OF MEMBERS OF BOTH BODIES MET AND DECIDED TO DRAFT LEGISLATION THAT IMPLEMENTED ALL OF THE COMMISSION'S FINDINGS, "ALPHA TO OMEGA" AS ONE OF US SAID. THAT IS THE BILL NOW BEFORE US, H.R. 4110.

WE ARE HONORED TO HAVE MAJORITY LEADER JIM WRIGHT AS THE PRIME SPONSOR OF THIS BILL. HE ALSO AUTHORED THE LEGISLATION CREATING THE COMMISSION. THERE ARE 103 COSPONSORS OF THIS BILL IN ALL, INCLUDING THE CHAIRMAN AND RANKING MINORITY MEMBER OF THE HOUSE JUDICIARY COMMITTEE.

H.R. 4110 CONTAINS AN EXPLICIT LEGISLATIVE FINDING ACCEPTING THE COMMISSION'S FINDINGS AS ACCURATE AND COMPLETE. THE LEGISLATION ALSO INCLUDES THE FIVE SPECIFIC REMEDIES PROPOSED BY THE COMMISSION AS REMEDIES FOR THE HISTORIC DAMAGE TO CIVIL LIBERTIES CAUSED BY THE INTERNMENT.

THESE FIVE REMEDIES IN THE BILL ARE:

FIRST, A FORMAL APOLOGY BY THE GOVERNMENT FOR THE INTERNMENT. AS TITLE I OF THE BILL STATES, "ON BEHALF OF THE NATION, THE CONGRESS APOLOGIZES."

SECOND, A REQUEST THAT THE PRESIDENT OFFER PARDONS TO THOSE FEW DOZEN INDIVIDUALS WHO WERE CONVICTED OF VIOLATING THE INTERNMENT AND ASSOCIATED LAWS AND DIRECTIVES BECAUSE OF THEIR REFUSAL TO ACCEPT RACIALLY DISCRIMINATORY TREATMENT.

THIRD, A REQUEST THAT THE ADMINISTRATION REVIEW "WITH LIBERALITY" APPLICATIONS FOR ADMINISTRATIVE RELIEF SUCH AS CHANGING DISHONORABLE DISCHARGES TO HONORABLE STATUS. SEVERAL THOUSAND YOUNG MEN WERE SUMMARILY THROWN OUT OF THE ARMED FORCES SOLELY BECAUSE OF THEIR JAPANESE ANCESTRY. NO NEW STATUTORY AUTHORITY IS CREATED HERE.

FOURTH, THE CREATION OF A TRUST FUND TO FINANCE EDUCATIONAL, SOCIAL AND HUMANITARIAN PROGRAMS DESIGNED TO FOSTER KNOWLEDGE AND CONCERN FOR CIVIL LIBERTIES. THIS FUND WOULD HAVE \$1.5 BILLION IN FUNDS APPROPRIATED BY CONGRESS AND WOULD EXIST ONLY UNTIL THOSE FUNDS WERE SPENT. THE FUND WOULD BE MANAGED BY A NINE MEMBER BOARD OF DIRECTORS.

AND FIFTH, THE PAYMENT OUT OF THAT TRUST FUND OF \$20,000 TO EACH OF THE ESTIMATED 60,000 SURVIVORS OF THE INTERNMENT CAMPS? THE \$20,000 FIGURE WAS SET BY THE COMMISSION.

ALTHOUGH THE LOSS OF PROPERTY AND INCOME FROM THE INTERNMENT IS ESTIMATED AT PERHAPS AS HIGH AS \$6.2 BILLION IN COMPARABLE CURRENT DOLLARS, THESE PAYMENTS ARE INTENDED, IN MY MIND, NOT AS COMPENSATION FOR LOST PROPERTY BUT AS LIQUIDATING DAMAGES RESULTING FROM THE PROFOUND ABRIDGEMENT OF BASIC CONSTITUTIONAL RIGHTS.

THESE PAYMENTS ARE INTENDED AS COMPENSATION FOR A CONSTITUTIONAL LOSS OF RIGHTS, NOT UNLIKE THE PAYMENTS ANTICIPATED IN THIS SUBCOMMITTEE'S BILL H.R. 3142. I WOULD ADD THAT THOSE WHO WERE KEPT IN CAMP FOR TWO YEARS WOULD BE RECEIVING \$27.39 A DAY, FAR LESS THAN THE \$200 A DAY LIMIT IMPOSED BY H.R. 3142.

I SHARE THE BELIEF OF MANY THAT THESE PAYMENTS ARE AN ESSENTIAL ELEMENT OF THE LEGISLATIVE PACKAGE, AND THAT ANY STEP SHORT OF COMPENSATION WOULD BE AN EMPTY GESTURE.

SIMILAR RECOMMENDATIONS ARE INCLUDED FOR THE FEW HUNDRED ALEUTS WHO WERE INTERNED.

THE CASE FOR THIS LEGISLATION IS BASED ON THE CONCLUSION THAT THE INTERNMENT WAS CAUSED NOT BY ANY MILITARY OR SECURITY NECESSITY BUT BY PREJUDICE, IGNORANCE, FEAR AND GREED.

MOREOVER, THE INTERNMENT CONSTITUTES ONE OF THE MOST SIGNIFICANT AND INDEFENSIBLE ABRIDGEMENTS OF CIVIL RIGHTS IN OUR HISTORY. I REALIZE THAT PEOPLE OF GOOD FAITH MAY WELL DISAGREE ON THE MOST APPROPRIATE REMEDY FOR THE DAMAGE LEFT BY THE INTERNMENT. BUT SURELY THE INTERNMENT ITSELF IS NOTHING MORE THAN A SHAMEFUL AND DISHONORABLE EPISODE THAT IS A BLOT ON OUR NATION'S RECORD UNTIL ERASED WITH THIS LEGISLATION.

WHEN WE WERE FIRST RELEASED FROM CAMP, AMERICANS OF JAPANESE ANCESTRY DID NOT THINK PRIMARILY OF OUR LEGAL RIGHTS. OUR MAIN GOAL WAS TO REBUILD OUR LIVES, REBUILD OUR BUSINESSES, AND REGAIN OUR STANDING IN THE COMMUNITY. WE WERE SHAMED AND HELD UP TO PUBLIC HUMILIATION BY THE INTERNMENT, AND FRANKLY WE JUST DID NOT WANT TO THINK OR SPEAK ABOUT IT. ALL OUR ENERGIES WENT INTO REBUILDING. THAT REBUILDING PROCESS BEGAN TO END IN THE EARLY 1960s. THAT IS, IT TOOK TWENTY YEARS FOR US TO GET BACK WHAT THIS GOVERNMENT TOOK FROM US IN 1942.

AND THEN WE BEGAN TO THINK AGAIN ABOUT WHAT HAD HAPPENED TO US. AND OUR CHILDREN BEGAN TO ASK QUESTIONS ABOUT THE MISSING YEARS, THE SILENT YEARS THAT WERE NEVER DISCUSSED AT HOME. THE MOVEMENT FOR REDRESS BEGAN SLOWLY AND BUILT UP STEAM. IN THE 1970s, WE OBTAINED PASSAGE OF TWO BILLS PROVIDING SOCIAL SECURITY AND CIVIL SERVICE RETIREMENT PROTECTIONS FOR THOSE INTERNED.

BUT ONE PROBLEM REMAINED. OUR GOVERNMENT HAD LABELED US -- AND BY US I DO MEAN ALL 120,000 OF US -- AS VAGUELY UNTRUSTWORTHY AND A DANGER TO THE REPUBLIC.

MR. CHAIRMAN, ON BEHALF OF ALL AMERICANS OF JAPANESE ANCESTRY WHO WERE INTERNED, I ASK AND ENTREAT THIS SUBCOMMITTEE TO GIVE US BACK OUR HONOR. GIVE BACK THE DIGNITY AND THE PRIDE THAT THIS GOVERNMENT SO UNNECESSARILY TOOK FROM US IN 1942. EVERY CITIZEN OF THIS LAND WILL BENEFIT FROM OUR REDEDICATION TODAY TO EQUAL JUSTICE.

I REALIZE THAT SOME WHO WERE INVOLVED IN THE ORIGINAL DECISION TO INTERN US ARE STILL DEFENDING THEIR ACTIONS. I SUPPOSE IF I HAD MADE AS BIG A MISTAKE AS THEY DID I WOULD ALSO BE RELUCTANT TO ADMIT IT. I DO NOT THINK THEY WERE EVIL MEN. BUT THEY WERE CAUGHT UP IN A WEB OF RACISM AND FEAR THAT BLINDED THEM TO THE TRUTH AND SET THEM ON THEIR FOOLISH COURSE.

THEIR BLINDNESS WAS MONUMENTAL. GENERAL JOHN L. DEWITT, HEAD OF THE WESTERN DEFENSE COMMAND AND A KEY FIGURE IN THE INTERNMENT, ACTUALLY MANAGED IN SPEAKING OF THE FACT THAT NO DISLOYAL ACTS HAD BEEN COMMITTED BY AMERICANS OF JAPANESE ANCESTRY TO SAY "THE VERY FACT THAT NO SABOTAGE HAS TAKEN PLACE TO DATE IS A DISTURBING AND CONFIRMING INDICATION THAT SUCH ACTION WILL BE TAKEN."

SO MUCH FOR THE PRINCIPLE OF INNOCENT UNTIL PROVEN GUILTY.

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BUT I COME BACK TO OUR PREMISE. • AS THE COMMISSION REPORT MADE PLAIN -- WE WERE NOT TRAITORS, WE WERE FARMERS AND BUSINESSMEN, HOMEMAKERS AND TEACHERS. WE WERE NOT SECRET AGENTS. NEARLY TWENTY-FIVE THOUSAND OF US WERE FOURTEEN YEARS OLD OR YOUNGER. NEARLY SIX THOUSAND OF US WERE BORN IN CAMP.

AND ONE THOUSAND, EIGHT HUNDRED AND SIXTY TWO INTERNEES DIED WHILE IN CAMP, A FIGURE WHICH DOES NOT INCLUDE PEOPLE LIKE MY FATHER-IN-LAW, SAIJIRO HINOKI, WHO OWNED A DRY CLEANING STORE IN COLUSA, CALIFORNIA AND WAS A LEADER OF THE LOCAL ROTARY CLUB.

THE FBI ARRESTED MR. HINOKI EARLY IN 1942, AND FOR TWO MONTHS TOLD HIS FAMILY NOTHING ABOUT WHERE HE WAS OR WHY HE WAS BEING HELD. FINALLY, THE FAMILY WAS TOLD HE HAD BEEN SENT TO A DETENTION CAMP IN BISMARCK, NORTH DAKOTA. THOSE WHO KNEW HIM SAID MR. HINOKI NEVER REGAINED HIS LOST WILL TO LIVE. HE DIED A FEW YEARS AFTER LEAVING CAMP.

I FIRMLY BELIEVE, AS THE COMMISSION FOUND, THAT THERE WAS NO REASON TO DISTRUST THE AMERICANS OF JAPANESE ANCESTRY. BUT EVEN IF THERE HAD BEEN REASONS TO SUSPECT THE LOYALTY OF SOME INDIVIDUALS, WHICH I STOUTLY DENY, WHAT EXCUSE IS THAT TO LOCK UP 120,000 INNOCENT AND LOYAL AMERICANS WITHOUT A TRIAL, WITHOUT REGARD TO THE CONSTITUTION?

WE DID NOT LOCK UP GERMAN AMERICANS. WE DID NOT LOCK UP ITALIAN AMERICANS. NOR DID WE EVEN SERIOUSLY CONSIDER INTERNING AMERICANS OF JAPANESE ANCESTRY ON HAWAII, WHERE THE MILITARY DANGERS WERE THE GREATEST.

WHY IS IT THAT WE JUST HAPPENED TO LOCK UP AN ETHNIC GROUP SUBJECT TO DECADES OF BLATANT AND CRUEL DISCRIMINATION? BECAUSE THIS WAS THE GROUP THAT POPULAR OPINION -- AND INDEED THE CALIFORNIA CONGRESSIONAL DELEGATION -- DEMANDED TO HAVE LOCKED UP.

MR. CHAIRMAN, I COULD SPEAK ON THIS SUBJECT FOR QUITE AWHILE BUT MY TIME IS LIMITED. I COULD TELL YOU ABOUT SOME OF THE LOYAL AND BRAVE MEN I KNOW; MEN WHO LEFT THE INTERNMENT CAMPS, TO FIGHT BRAVELY TO DEFEND THIS NATION, AND WHO RESCUED THE LOST BATTALION OF THE 36TH TEXAS ARROWHEAD DIVISION.

I COULD TELL YOU OF THE OLD WOMEN TORN FROM THEIR HOMES OF DECADES AND FORCED TO LIVE IN COLD, SPARTAN BARRACKS ONLY TO OBLIGE THE PREJUDICE OF GREEDY NEIGHBORS.

AND I COULD TELL YOU OF COMMUNITIES SUCH AS MY HOME TOWN OF SAN JOSE, WHICH STOOD BY US AND WELCOMED US HOME, AND THE MANY TOWNS UNLIKE SAN JOSE WHICH, REEKING WITH PREJUDICE AND FEAR FOUGHT TO PREVENT FORMER INTERNEES FROM RETURNING TO THEIR HOMES.

BUT LET ME TELL YOU ABOUT MY FAMILY. MY FATHER WAS NOT A TRAITOR. HE SOLD INSURANCE FROM A SMALL OFFICE IN OUR HOME ON NORTH FIFTH STREET IN SAN JOSE, CALIFORNIA. MY MOTHER WAS NOT A SECRET AGENT, SHE KEPT HOUSE AND RAISED HER CHILDREN TO BE WHAT SHE WAS, A LOYAL AMERICAN. WHO AMONGST US WAS THE SECURITY RISK? WAS IT MY SISTER ETSU, OR PERHAPS HELEN OR AYA? OR PERHAPS IT WAS MY BROTHER AL, A SOPHOMORE PRE-MED STUDENT AT SAN JOSE STATE.

OR MAYBE I WAS THE ONE, A BOY OF TEN-AND-A-HALF WHO THIS POWERFUL NATION FELT WAS SO DANGEROUS I NEEDED TO BE LOCKED UP WITHOUT A TRIAL, KEPT BEHIND BARBED WIRE AND GUARDED BY TROOPS IN HIGH GUARD TOWERS ARMED WITH MACHINE GUNS.

WHAT WAS IT I HAD DONE THAT MADE ME SO TERRIFYING TO THE GOVERNMENT? MURDERERS, ARSONISTS, EVEN ASSASINS AND SPIES GET TRIALS. BUT NOT YOUNG BOYS BORN AND RAISED IN SAN JOSE WHO HAPPEN TO HAVE ODD SOUNDING LAST NAMES. IS THAT WHAT THIS COUNTRY IS ABOUT?

CHISELED IN THE MARBLE OVER THE SUPREME COURT IT DOES NOT SAY EQUAL JUSTICE UNDER LAW EXCEPT WHEN THINGS GET STICKY. IT SAYS EQUAL JUSTICE. AND THAT IS WHAT WE ASK FOR, MR. CHAIRMAN. NO MORE. NO LESS. WE HAVE WAITED FORTY-TWO YEARS. THE TIME HAS COME.

I ASK ON BEHALF OF THE 60,000 INTERNEES WHO HAVE DIED WITH THEIR HONOR CLOUDED. I ASK ON BEHALF OF THE 60,000 STILL ALIVE AND SEEKING JUSTICE. I ASK ON BEHALF OF ALL AMERICANS WHO BELIEVE THAT OUR CONSTITUTION REALLY DOES MEAN WHAT IT SAYS. THAT WE ARE CREATED EQUAL.

MR. CHAIRMAN, MEMBERS OF THE SUBCOMMITTEE, WE ARE ALL SUPPOSED TO WEAR THESE PINS IDENTIFYING US AS MEMBERS OF CONGRESS. SOME MEMBERS DON'T BOTHER TO WEAR THE PINS. I SUPPOSE THEY THINK THE PINS ARE INCONVENIENT OR SILLY. YET I ALWAYS WEAR MINE BECAUSE I CHERISH MY SEAT IN THIS HOUSE, AND I CHERISH THE IDEA THAT A FORMER INTERNEE CAN NOW SIT IN THIS HOUSE AND DISCUSS THIS LEGISLATION WITH HIS PEERS.

I WOULD LIKE TO CLOSE, MR. CHAIRMAN, BY READING A BRIEF EXCERPT FROM A LETTER TO FRIENDS IN SAN JOSE WRITTEN BY MY FATHER AND PUBLISHED IN THE SAN JOSE MERCURY HERALD. ALTHOUGH MY FATHER CAME HERE IN 1902, HIS ENGLISH WAS NOT PERFECT, AS YOU WILL HEAR. THE LETTER BEGINS:

"WE ALL FELT SO STRONG WHILE WE ARE STAYING AT THE STATION WITH YOU AND MANY OTHER FRIENDS BUT THE TRAIN STARTED AND WITH THE EXCHANGE OF GOOD BYE THEN BECAME SO LONESOME AND WHEN I LOOKED SANTA CLARA STREET FROM THE TRAIN, I THOUGHT THIS MIGHT BE THE LAST LOOK AT MY BELOVED HOME CITY.

MY HEART ALMOST BROKE OUT AND SUDDENLY HOT TEARS JUST POURING OUT.

WE WHOLE FAMILY CRIED OUT AND COULD NOT STOP UNTIL GET OUT OF OUR LOVED COUNTY."

MR. CHAIRMAN, I AM CONFIDENT THAT THIS BODY WILL
RECOGNIZE THE MERIT, IMPORTANCE AND SIGNIFICANCE OF THIS
CASE.

AND FOR THE OLD ONES WHO ARE DYING, I ASK THAT
WE ACT WITH FIRMNESS, AND WITH SPEED.

THANK YOU VERY MUCH.

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