



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

SPECIAL ORDER

July 21, 1987

ON JAPANESE AMERICAN REDRESS

Mr. Speaker, tonight I have reserved time to speak on an issue which I consider to be of extreme importance.

Mr. Speaker, 1987 has been an extremely eventful year bringing with it many occurrences that have brought a special focus onto our Constitution and the very laws upon which our nation was founded. And how fitting. For 1987 is the bicentennial celebration of our Constitution, that venerable document which embodies those very special principles of American democracy.

And yet, amidst all the fanfare and bicentennial celebrations, 45 years later, an entire American ethnic nationality is still seeking justice.

We are talking about 120,000 Americans of Japanese ancestry - some of whom were given 48 hours to pack 48 years of their lives - only what they could carry - and herded at gunpoint into awaiting tar paper shack camps.

We are talking about 120,000 American citizens and legal resident aliens who were barred from citizenship by discriminatory laws. American citizens who were denied legal counsel, charged with

a crime they did not commit, and denied due process of law.

American citizens who volunteered to serve in the United States Army while their own families and loved ones were deprived of liberty and imprisoned in these barbed wire camps. Young Japanese Americans who fought in the 100th 442nd Battalion, rescued the Texas Lost Battalion and were named honorary citizens of that state, and suffered the most casualties of any American battalion which saw action in the European Theatre during World War II.

Americans of Japanese ancestry who turned desert wastelands into fertile, productive farmland, who helped develop the fishing, cannery and agriculture industries.

#### Presidential Commission

In 1981, a Presidential Commission on Wartime Relocation and Internment of Civilians (CWRIC) heard testimony from 750 witnesses in public sessions across the country. These witnesses included survivors and their former wardens. An exhaustive review took place of thousands of government documents, many never before examined, including records of the War Department, F.B.I., Naval Intelligence.

The result was a 467-page document entitled Personal Justice Denied produced by the CWRIC which unanimously declared that Japanese Americans had been victims of a grave injustice that was caused by "race prejudice, war hysteria and a failure of political leadership."

The report indicted Assistant Secretary of War John J. McCloy who directed the internment program and who had, during his testimony, blurted out that he considered the internment a justified "retribution"

for the attack on Pearl Harbor...showing his continued inability to recognized Americans of Japanese ancestry as bona fide American citizens. Also criticized were Secretary of War Henry L. Stimson, President Franklin Delano Roosevelt, General DeWitt and the system of civilian control of the military.

The CWRIC report provided a renewed impetus and an authority to the redress effort in Congress.

I continue with the words of Peter Irons, professor of political science and director of the Law and Societies Program at U.C. San Diego, and counsel to Fred Korematsu in his successful Supreme Court case:

...Recent judicial decisions have also strengthened the compelling moral case for redress. They have revealed a shameful record of misconduct and deceit by those wartime officials who ordered and defended the internment program. They have exposed a shocking disregard for the constitutional protections that stand between American citizens and military fiat. No amount of deference to authority, civil or military, can excuse the fraud of "military necessity" that rested on nothing more substantial than the phantom fears and prejudices of General DeWitt. The internment of an entire ethnic minority on the basis of such deceit, disregard, and fraud requires more than apology. What is required is adequate redress to those who lost their liberty.

Why should redress be awarded as monetary compensation? Why should not a sincere national apology, offered by the Congress and the President, suffice to salve the wounds of internment? Why should the present generation of Americans, most of whom bear no personal responsibility for the internment, pay for injuries that were inflicted

by an earlier generation? Why should Japanese Americans, who exceed the average in education and income, seek a "windfall" at the expense of the public? Why should we risk the aggravation of public hostility toward Japanese Americans by creating an atmosphere of "Japan-bashing"? Those who reject the case for redress, and others who are not yet convinced, have raised such questions and deserve answers.

The case for monetary compensation rests on the legal and moral principle that we "make whole" the victims of injury in a meaningful way, and at the cost of those who inflicted the injury or bear its responsibility. Let me turn the question on the reader: how much would you feel entitled to for the loss of three years of your freedom, if you were held unlawfully? Simply an apology? Should the Soviet government pay redress to Anatoly Shcharansky, or simply offer him an apology? If the principle of redress is not universal, it is empty. If compensation is due, how much is enough? The figure of \$20,000 for each internment survivor, proposed in the pending bills, is hardly excessive as compensation for three years of unlawful detention. In 1971, some 1,200 peaceful demonstrators gathered on the U.S. Capitol steps to listen to members of Congress who opposed the Vietnam War. The demonstrators were unlawfully arrested and held without charges for one or two days; in 1975, each person received a \$10,000 award for violation of constitutional rights and unlawful detention. An award of roughly \$20 per day to Japanese Americans is modest indeed.

Why should the present generation pay this overdue bill? The

people of Germany continue to pay compensation to the Holocaust survivors, who suffered at the hands of an earlier generation. Should present-day Germans shirk their responsibility? Japanese Americans suffered through almost 40 silent years before Congress and the courts recognized the injustice inflicted on them. To blame the victims of this trauma for their long silence would ignore the painful time they needed to find their collective voice.

The case for redress is a case for national fairness and repentance. The evidence is clear that Americans inflicted a grave injustice on an entire group of fellow Americans, whose only "crime" was their ancestry. Gordon Hirabayashi, when his criminal record was erased after 40 years, offered the most compelling argument for redress: "Ancestry is not a crime."

The entire text of this article by Peter Irons may be found in the Winter/Spring 1986 issue of New Perspectives magazine.

At the end of this month, about 120 delegates of the National Coalition for Redress/Reparations (NCRR) are coming to Washington, D.C. from across the United States to put in a personal appeal to their legislators to support passage of HR 442 The Civil Liberties Act of 1987. It has been inspiring for me to witness the commitment and dedication of the Japanese American community and their supporters who have saved their hard-earned money and vacation time to visit us in Washington on behalf of redress.

Of the original 120,000 internees there are only 60,000 survivors today. For these survivors and supporters of redress, 1987 would be a significant year to win passage of HR 442 and S.1009 its companion bill in the Senate which now has 76 co-sponsors.

In this year of the bicentennial of the United States Constitution, it would indeed be sweet for the Japanese American community to realize this long-awaited and long hoped for aspiration towards justice.

This is also the 100th session of Congress and, as such, one which will be looked back upon as a landmark in Congressional history. And what better opportunity to have recorded a piece of landmark legislation bringing restitution to an entire ethnic nationality who were terribly wronged during a time of war and unchecked prejudice. And to bring to closure a most unhappy and unfortunate chapter in American history with a strong epilogue of justice and redress and hope.

I would like to close by offering a deep and heartfelt commendation for the hard work and commitment shown by the Japanese American community on this issue of justice. And for the active leadership on this legislation shown by my colleagues - the gentlemen from California, Mr. Mineta and Mr. Matsui; the gentlewoman from Hawaii, Ms. Saiki; our Majority Leader Mr. Foley who introduced HR 442; and our colleagues in the Senate, Mr. Matsunaga and Mr. Inouye.