



NCRR BANNER

NATIONAL COALITION FOR REDRESS/REPARATIONS

THE PROSPECTS FOR WINNING REDRESS/REPARATIONS: THE STRUGGLE CONTINUES. . .

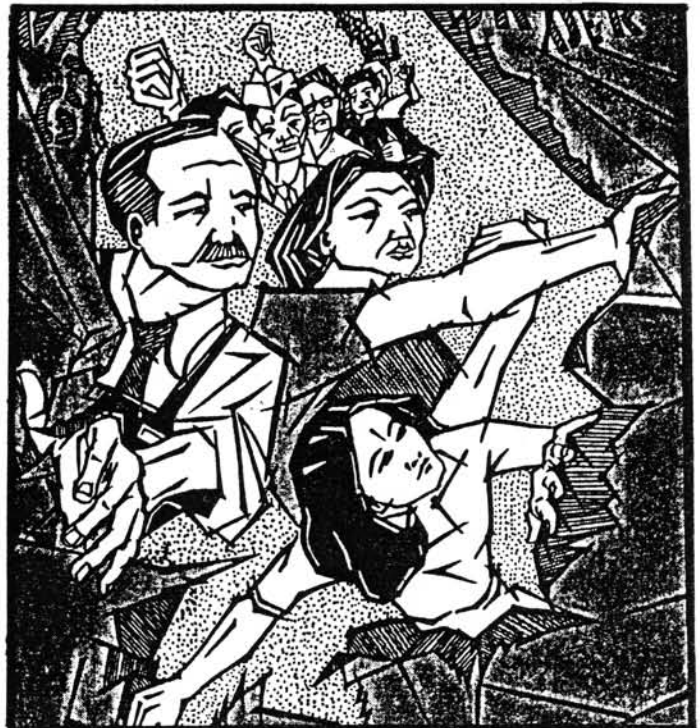
Two updated and revised redress and reparations bills, HR 442 and S 1053, were introduced into Congress earlier this year by House Democratic Majority Leader Jim Wright (D-Texas) and by Senator Spark Matsunaga (D-Hawaii), respectively. Following is a summary of the current status of these bills and their key provisions, a statement of NCRR's concerns about the bills' shortcomings, and suggestions for how people can contribute to their passage.

WHAT IS THE CURRENT STATUS OF HR442 AND S1053?

How a Bill Becomes Law: After being introduced in the House and Senate, bills are referred to committees (and then subcommittees) for deliberations, prior to reaching the floors of the full House and the full Senate. The House and Senate debate, amend and pass their respective versions of the bill, which are then sent to the House-Senate Conference Committee where compromise may be reached on a final version. The final version is returned to the full House and Senate, which, if approved, is sent to the President

for his signature. (If the President vetoes the bill, Congress may override the veto with a two-thirds vote.)

Status of HR 442: There are 435 members of the House of Representatives in the 99th Congress (1985-1986). 218 votes are needed for the bill to pass. The bill currently has 109 co-sponsors. HR 442 is currently assigned to the Judiciary Subcommittee on Administrative Law and Governmental Relations, chaired by Rep. Dan Glickman (D-Kansas). As of July, 1985, only three of ten



subcommittee members are co-sponsors of the bill. Three more supporters are needed to ensure subcommittee passage of the bill into the full committee. Members of the subcommittee include: Co-sponsors-- Reps. Barney Frank (D-Massachusetts), Howard Berman (D-California), George Crockett, Jr. (D-Michigan); Uncommitted--Reps. Glickman (chair), Frederick Boucher (D-Virginia), Harley Staggers (D-W. Virginia), Hank Brown (R-Colorado), Howard Coble (R-N. Carolina), [Mr.] Pat Swindall (R-Georgia); Opposed--Thomas Kindness (R-Ohio), ranking minority member.

THE KEY REPRESENTATIVES PUSHING FOR THE PASSAGE OF HR 442 ARE WRIGHT, MINETA, MATSUI, AND DYMALLY.

Status of S 1053: Of 100 senators, 25 are currently co-sponsors of the Senate version of the proposed legislation. 51 votes are needed for the bill to pass. S 1053 is currently assigned to the Senate

Committee on Governmental Affairs in the Subcommittee on Civil Service, Post Office and General Services, chairs by Senator Ted Stevens (R-Alaska), a co-sponsor of the bill. Of the five subcommittee members, two are co-sponsors. One additional vote is needed for the bill's passage back to the full committee. Subcommittee members include: Co-sponsors--Sens. Stevens(chair), Carl Levin(D-Michigan); Uncommitted--Sens. Charles M. Mathias, Jr. (R-Maryland), David Durenberger (R-Minnesota), Albert Gore, Jr. (D-Tennessee).

THE KEY SENATORS PUSHING FOR S 1053'S PASSAGE ARE MATSUNAGA, INOUE, AND STEVENS.

The exact date of deliberation on these bills before the full House and the full Senate is unknown; timing is a crucial factor, and the primary sponsors of both bills will seek the most advantageous time for consideration of these bills.

WHAT ARE THE KEY PROVISIONS IN HR 442 AND S 1053?

Provisions Related to Americans of Japanese Ancestry:

1. Recognition of injustice and formal apology by Congress on behalf of the Nation.

2. Presidential pardons to those convicted of violating internment-period laws based on racial discrimination.

3. Individuals applying for restitution of positions, status of entitlements lost due to the internment shall be reviewed with liberality by governmental departments/agencies.

4. A Civil Liberty Education Fund of \$1.5 billion for education and research, individual payments, and community welfare, fund to exist for a period of ten years.

5. \$20,000 payment from the Fund to each surviving individual, to be identified and located by the Attorney General.

Provisions Related to Aleutian and Pribilof Islanders:

1. Restitution fund of \$5 million for community, educational and cultural programs benefitting the Aleuts.

2. \$12,000 payment from the Fund to each survivor of Aleut internment.

3. Churches and community centers destroyed in World War II shall be rebuilt or replaced.

4. Debris remaining from World War II shall be cleared away from the Aleutian Islands.

5. Island of Attu shall be returned to Aleuts, provided that Coast Guard will be able to continue essential functions.

WHAT IS NCRR'S POSITION ON THESE
BILLS? WHAT ARE NCRR'S CONCERNS?

While NCRR endorses the key provisions of these bills, there remains a number of serious concerns that we, in NCRR, must raise in order to ensure that the essential spirit of redress/reparations for all eligible persons can be implemented as fairly and thoroughly as possible. We want and need the community's feedback and input on these areas of concern, as we ask for your support in recommending these points as amendments to both bills. These concerns include the following:

1. Monetary reparations should be tax-exempt and should not jeopardize eligibility for federal/state subsidies and other forms of aid (for example, unemployment benefits). As both bills currently stand, there is a lack of clarity on the tax status of the payments and their potential effect on other forms of aid, which eligible persons might already be receiving.

2. Procedures for monetary reparations should be revised and clarified.

a. Eligible individuals should be permitted to claim the \$20,000 payment for the life of the fund--up to ten years. The bills currently set a 90-day limit, after which monies would revert back to the fund.

b. Eligibility for surviving individuals should take effect on the date the bill is signed into law, and prompt payments (within a specified range of time, subject to penalties if deadlines for payments are not met) should be the sole responsibility of the government. From its inception, NCRR has called for prompt payments, due to the advancing age of the Issei and Nisei population. At the present time, neither of the bills provides for prompt payments.

c. If an eligible individual files for restitution but dies before receiving payment, the restitution should be granted to the individual's immediate heir(s).

d. A system for easy and accessible filing for eligibility (e.g., filing at local post offices) should be established.

Artist Betty
Chen
(courtesy of
Great Leap
Productions)



e. Individuals should be granted the right to contest findings of non-eligibility through the courts, i.e., through judicial review of the R/R Board. As it

stands now, the Attorney general makes the final decision concerning eligibility, without individual recourse to the courts.

3. The definition of individual eligibility for restitution should include those who "voluntarily" departed from the West Coast. The "choice" to move "voluntarily" was no choice at all, given the options of moving or being forcibly interned.

4. The R/R Allocation Board should be composed at least in part of former evacuees and/or their descendants, and monies should be earmarked in advance by guidelines specifying how the monies are to be spent. This proposal would ensure that monies would be spent according to the Nikkei community's needs and wishes and would strengthen our right for judicial review by individuals wishing to challenge the board's decisions.

5. All written and verbal communications regarding R/R filing, eligibility and payment procedures should be bilingual (Japanese and English.).

WHAT CAN INDIVIDUALS DO TO HELP WIN PASSAGE OF THESE BILLS?

1. Write to the subcommittee chairs and members, urging them to support HR 442 and 1053 and to expedite their passage.

2. Write, or even better, visit your local Congressional representatives and/or senators.

3. Contact your local NCRR chapter, and volunteer to:

a. Sit at NCRR information tables or booths at local carnivals, festivals and other community events.

b. Organize meetings at your home to discuss the R/R bills and how you and your friends and relatives might help to secure their passage.

c. Arrange for presentations concerning R/R at universities, civic groups, churches, etc.

1985: THE STRUGGLE CONTINUES....

Forty-three years after E.O. 9066 . . . four years after the CWRIC hearings . . . three years after the introduction of Representative Dymally's original R/R bill . . . and now, one year after the death of HR 4110 and S 2116, the struggle continues. But with the community's continued involvement, active participation and commitment to this ongoing struggle, we in NCRR believe that the prospects for winning redress and reparations should be viewed with guarded optimism. We can win this struggle; but we must not allow ourselves to become victims of apathy or indifference. If we allow our energy and our commitment to ebb, due to cynicism, fatigue or frustration, we will also be abandoning a chance to seize a number of historic opportunities for growth and transformation of the Nikkei community. The social and political implications of the redress and reparations movement are diverse, multi-faceted, and far-reaching.

First, the redress and reparations movement already has and will continue to contribute to the political empowerment of the Nikkei community. Nikkei legislators and governmental officials at local, state and federal levels have gained greater political stature and visibility in the public eye through their open support of the redress and reparations movement. More importantly, however, leaders at the "grassroots" level, from the



Artist Betty Chen (courtesy of Great Leap Productions)

community of everyday working people, have begun to emerge as forces to be reckoned with. The Nikkei community is in the process of discovering and expressing a political voice: no longer content to be the supposedly "quiet" Americans amidst the so-called "Silent Majority", Nikkei people are beginning to galvanize as a vocal political force.

Second, the redress and reparations movement can help to short-circuit the self-perpetuating cycle of anti-Asian attitudes -- scapegoating -- violence that promises to escalate in the years ahead. The distorted logic by which Asian/Pacific (particularly Japanese) people are scapegoated for the loss of American jobs (allegedly caused by increasing consumption of foreign -- again, primarily Japanese -- imports and the resulting trade deficit) ominously echoes the twisted reasoning that 43 years ago led to

the internment. The projection that by 1990 Asian/Pacific people will be one of the largest minority populations (second only to Latinos) in California only serves to reinforce the belief that the problem will likely intensify and not diminish over time. While we are not implying that another evacuation is on the horizon, we are suggesting that the redress and reparations movement can and must educate the general public about the historical legacy of racism that has perpetuated a climate in which social injustice, inequality and violence today remain very much a part of the American scene. The redress and reparations movement is in a prime position to teach the lessons of past excesses, present injustices, and future dangers.

Third, the redress and reparations movement is beginning to forge historic alliances with progressive minority, religious and

political groups that share a common history of national oppression. These alliances can exert substantial influence on current and future legislative struggles. Specifically, for example, in order to win redress and reparations we must seek alliances with progressive but historically disenfranchised groups that can help to sway uncommitted representatives and senators in states such as Texas, New York and Ohio. Beyond increasing our political "clout," forming alliances among disparate groups can generate insight into the similarities (and differences) in our histories and in the current socioeconomic conditions that we collectively face. Most

importantly, through these alliances we have learned and can continue to learn how we, as minority peoples, can organize to gain greater equality, protection of our rights, and access to social, political and economic resources.

For the Nikkei community the redress and reparations movement is but one of many interdependent struggles wherein our resilience, capacity for compassion and growing political sophistication will be tested and tempered in the fiery battle for justice and equality. The time to raise our collective voice is NOW. The time for redress and reparations is NOW.

JUSTICE NOW! REPARATIONS NOW!



Artist Wes Senszaki

HIRABAYASHI TRIAL

Mari Matsumoto

For two weeks beginning on June 12th in Seattle, Gordon Hirabayashi had his long-awaited day in court before Judge Donald J. Voorhees. Over government objection, Judge Voorhees ordered a full evidentiary hearing on Hirabayashi's petition for writ of error coram nobis last year, at the same time denying the government's motion to vacate Hirabayashi's 1943 conviction for defying the curfew and evacuation orders.

The significance of the hearing was not only of one individual's case, but also as the trial Japanese Americans never had --one in which the government would finally have to answer for its decision to incarcerate 120,000 Japanese Americans in 1942. This was not lost on the larger Japanese American community as evidenced by their steady attendance in the courtroom over the two weeks of the trial.

Hirabayashi's legal team had prepared well. Lead attorneys Rod Kawakami and Camden Hall presented a strong case for overturning Hirabayashi's earlier convictions based on recently discovered evidence suppressed by high ranking government officials at the time of his original hearing. Hirabayashi's case received a boost on the opening day of the trial when Judge Voorhees excluded a large portion of the government's evidence due to U.S. Attorney Victor Stone's failure to provide the Court with a list of documents to be presented.

The scope of the trial was limited to the issue of government misconduct at the time of Hirabayashi's original trial. The existence or absence of "military necessity" was not an issue and the government relied heavily upon the so-called "Magic" cables in its defense. One of the government's key witnesses was David Lowman, a

former intelligence officer with the National Security Agency, who testified that the U.S. government had intercepted top-secret cables revealing the Japanese government's plans to attempt to recruit spies

among the Japanese American population prior to the bombing of Pearl Harbor. However, Hirabayashi's final witness, former Army Intelligence officer Jack Herzig, refuted Lowman's testimony by pointing out that no evidence existed linking any Japanese American to any specific act of espionage or sabotage.

With another tactic, the government charged that Hirabayashi had waited too long to reopen his case so that there now exists an unfair bias in favor of granting his petition. Attorney Stone attempted to prove that Hirabayashi could have obtained the evidence cited in the coram nobis petition much earlier. Military archivist Hannah Zeidlick was called to testify regarding the ease with which she could obtain such information (after 35 years experience employed doing such work!). Zeidlick's assertion was challenged by Hirabayashi witness Aiko Herzig-Yoshinaga who cited her experience as a researcher for the Commission on Wartime Relocation and Internment of Civilians and spoke of the difficulty she had in obtaining documents for the Commission. Professor Peter Irons also testified of the complicated process of obtaining documents when researching his book Justice at War which led to the reopening of the Hirabayashi case as well as the cases of Fred Korematsu and Minoru Yasui.

Perhaps the most eagerly awaited of the Hirabayashi witnesses was the former Director of the Justice Department's Alien Enemy Control Unit, Edward Ennis. Ennis recounted some of the difference of opinion between the Justice and War Departments. For example, the Justice Department

felt that limited measures other than the mass evacuation and internment of civilians could have been implemented without compromising the National Security. The Justice Department claimed that if certain measures, such as curfew, were to be implemented, they should be very general and apply to the entire population rather than being race-specific to Japanese Americans. While on the witness stand, Ennis made the somewhat surprising disclosure that, until he was so informed by Hirabayashi's attorneys a few days before the trial began, he was unaware of the fact that there were two versions of General DeWitt's Final Report.

Instead of ruling from the bench at the conclusion of the two-week trial, Judge Voorhees asked that written arguments be submitted according to the following schedule:

July 31, 1985: Concluding brief of Hirabayashi legal team

September 5, 1985: Government response

October 5, 1985: Hirabayashi legal team rebuttal.

It is expected that Judge Voorhees will issue his decision in late October or early November of this year.

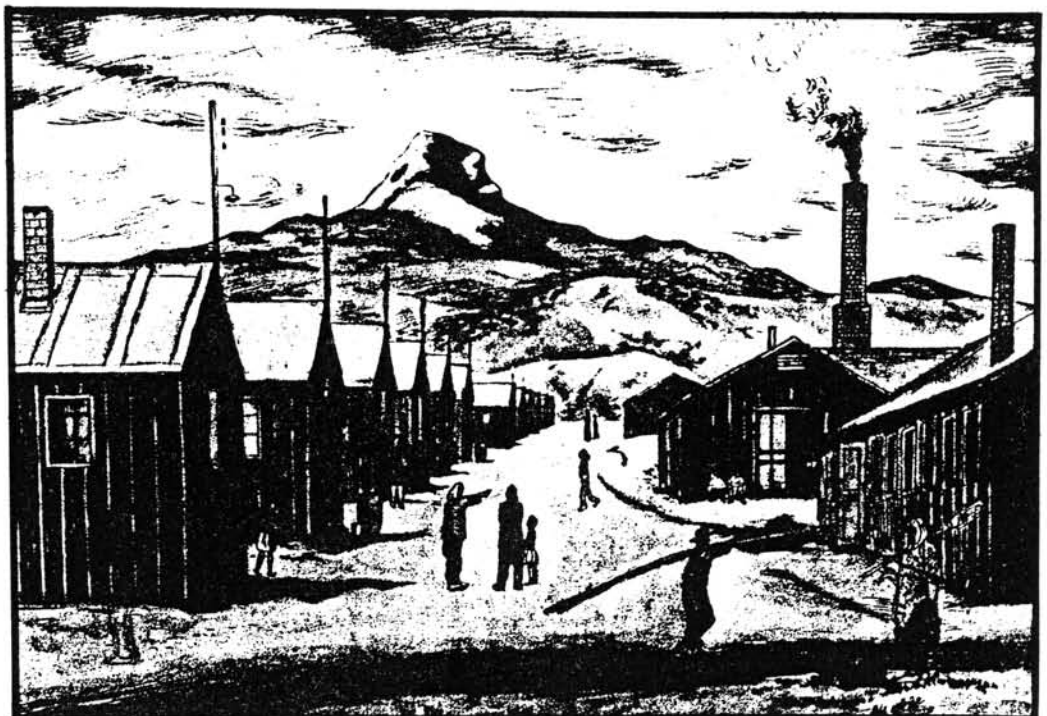
NCRR PROTESTS USAGE OF TERM "JAPS"

Kazue Shibata

Five months ago the NCRR initiated a protest against JAPSS, a hair salon in West Hollywood. Strong community support has come from many segments of the population, including Blacks, Latinos and Anglos. The issue clearly emphasizes the importance of racial/ethnic sensitivity in a culturally diverse society.

The owners of the salon have continued to resist our demand that they change the name. The signs bearing the name of the salon are especially galling: one of them projects the name JAPSS in neon lights. The salon is located at 9041 Santa Monica Blvd., a busy commercial area; therefore many people see the signs. We in NCRR and other concerned people must unite to educate the owners and the general public about the derogatory nature of the term and the need for sensitivity in dealing with minority communities.

Artist
Jack Yamasaki
(done in Heart
Mountain,
reproduced
from AYUMI)



Why is the name, "JAPSS," objectionable? An examination of the history of Japanese Americans (and/or Japanese Canadians) reveals usage of the term in highly racist, demeaning and inflammatory ways. While this blatantly racist term has its origins in the pre-World War II era, it continues to be used against Japanese Americans and other Asian/Pacific Americans today (reinforcing the old stereotype that "all Asians look alike"). Among numerous incidents of anti-Asian violence, racist terms are typically involved. The usage of terms such as "Jap" only serves to perpetuate and to invite further racist acts against Asian/Pacific people. In addition to the hair salon, there are at least three other businesses in Los Angeles County alone that use similar names: J.A.P.S. in Hollywood, J A P Mfg. Co. in Glendale, and JAP Tooling Consultants in Carson.

Two of the co-owners of the hair salon are native Japanese. However, this does not justify the use of JAPSS since the measure of being offended differs according to a person's heritage: while the term may not be offensive to native Japanese, it is an overtly racist term to Americans of Japanese ancestry. In fact, there are many individuals from Japan who feel the term to be offensive after having "lived with the local community" in this country for a while. Some of them are actively involved in this issue.

During the last five months NCRR, with the help of many other concerned people, has worked on two main fronts: in the area of community education, and in bringing the issue to the attention of the West Hollywood City Council. The aim of community education has been to raise awareness of the general public and to gain support from the community. We have set up tables and solicited petition signatures in community events such as the Day of Remembrance, Asian Law Day and the Lotus Day Festival. We have contacted the media. Many people have contributed articles on

this issue in the Rafu Shimpo and Kashu Mainichi and have appeared on "East Wind," a radio talkshow on KPFK-FM. We have received numerous calls and letters of support and encouragement from all segments of the general public, which show that you don't have to be a Japanese American to understand the importance of protesting usage of such terms.

In addition to community education, NCRR has pressed the West Hollywood City Council to examine and take action on this issue. NCRR members and concerned people are planning to meet with the West Hollywood City Council on August 2.

INFLATION COSTS RAISE DUES

Due to the increase in cost for postage, phones, printing expenses which we in NCRR use to continue the struggle for redress/reparations and for full equality for Nikkei people, we have decided to raise the dues to ten dollars per year. The ten dollars general membership dues will entitle you to receive the Banner, NCRR newsletter quarterly and information and literature from the local NCRR chapters and community organizations struggling for redress/reparations. As we are a broad organization, with particular emphasis on grass roots folks, we continually strive to keep operating costs and dues as low as possible.

NIKKEI GROUPS MEET
FOR COOPERATIVE R/R EFFORTS

Representatives of major community redress groups and other Nikkei groups from various parts of the country met informally in San Francisco on Saturday, July 13, to share information on their respective activities and to develop general strategies.

This was a significant event in that it was the first time that a meeting of the major redress-related groups was convened.

Among those who participated were representatives of the NCRR, National Council for Japanese American Redress, Japanese American Citizens League, Legislative Education Committee, and Washington Coalition for Redress. Also present were observers from the Coram Nobis legal teams, Go For Broke, Inc., and the Nisei VFW Posts.

In addition to sharing information, those who gathered were in general agreement that the meeting was beneficial and that similar meetings should be held in the future.

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