

MIDWEST REGIONAL OFFICE

Japanese American Citizens League

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MEMORANDUM

TO: Redress Reps
FROM: Bill Yoshino

DATE: May 19, 1981
SUBJ: FYI

Enclosed are two articles for your information from the Rafu Shimpo.

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JACL Clarifies Redress Objectives

SAN FRANCISCO.—The Japanese American Citizens League's National Committee for Redress has issued a statement from its headquarters here "clarifying" its position on the issue of monetary reparations for victims of the World War II relocation and internment of civilians by the United States government.

The JACL redress committee statement read as follows:

"As mandated at its biennial convention in San Francisco in July 1980, the JACL supports the initiation of measures in the United States Congress which will hopefully deter a similar recurrence of the injustices suffered by American citizens of Japanese ancestry and other Americans in 1942.

"The JACL position is to seek some form of monetary redress from the United States Congress as compensation for the injustices suffered in 1942, in the form of appropriations for the benefit of the Japanese American community from which individuals may be paid individual compensation.

"Furthermore, the JACL seeks to make available funds or resources through governmental agencies for special programs for the benefit of the Japanese American community in addition

to direct monetary redress.

"While the JACL has been the chief proponent for the establishment of the Commission on War-time Relocation and Internment of Civilians as a means of educating the American public about the events of 1942 and as means of seeking significant remedial measures by the United States Congress, the JACL reserves the right of judgement of the commission report and recommendation(s). However, the JACL intends to cooperate fully with the commission members and its staff in the hopes of achieving a successful resolution for the injustices experienced by Japanese Americans and other American citizens during World War II.

"Moreover, the JACL pointed out the creating of an official, permanent record will have significant historical meaning for all time."

Asked to further clarify the JACL redress unit's most recent statement of goals, JACL National Committee for Redress interim coordinator John Tateishi told The Rafu Shimpo that "Direct, individual monetary compensation has always been the goal of the JACL . . ."

Tateishi further stated that the 18,647-member citizens league's

first priority in the redress movement will be "to gain direct, individual monetary compensation for all victims of the World War II evacuation and incarceration experience from the government, foregoing a third-party, foundation disbursement process. If that is possible."

He added that direct, individual monetary compensation to all internees was not the only 'CL goal, and that his organization would examine several avenues of seeking "some form of monetary redress."

Several non-JACL groups advocating direct, individual monetary reparations be paid to those imprisoned in American concentration camps during WWII have questioned the vagueness of the League's position in regards to the question of reparations.

League redress spokesman Tateishi said language specifying that his organization is seeking "direct, individual monetary compensation for all victims of the WWII incarceration experience" does not appear in the official "JACL National Committee for Redress Guidelines" or in the most recent clarification "to allow for flexibility . . ."

—DWIGHT CHUMAN

South Bay JACL to Host "Camp" Forum May 17 in Torrance

TORRANCE.—The South Bay chapter of the Japanese American Citizens League will host a luncheon and forum on the U.S. concentration camps of World War II incarceration of Japanese and Aleuts on Sunday, May 17, at the Holiday Inn, from 11:30 a.m. to 3:30 p.m.

As a result of the passage of HR 5499 and S 1647, which formed the Commission on War-time Relocation and Internment of Civilians, the first commission hearing has been scheduled for the Los Angeles area this summer.

The luncheon will be keynoted

by Fred Okrand, legal director of the ACLU and a well known civil libertarian who was an attorney in the *Oyama v. California* and *Takahashi v. Fish and Game Commission*, holding unconstitutional, respectively, a California Alien Land Law and the California Alien Fishing Law.

The speakers for the forum will be Yuji Ichioka, lecturer and researcher at UCLA; Harry Kitano, professor of social welfare and sociology at UCLA; and Alan Nishio, spokesperson for the National Coalition for Redress/Reparations. They will speak on

events preceding the evacuation, legal ramifications, psychological and sociological impacts on the internees, and redress and reparations, respectively.

At the conclusion of these presentations by the speakers, the forum will be then open for questions from the audience.

Another feature at this meeting will be a display of books relating to the evacuation which will be available for purchase from the Amerasia Bookstore in Little Tokyo.

Montebello Library

JA Pair Nominees for



American Heritage Week workshop for Asian/Pacific with a special resolution by the Ung. Shown accepting director Mark Maeda.
by TOYO MIYATAKE STUDIO

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the West's defenses
Moscow.

s defense program was a
pic when Prime Minister
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Reagan met at the White
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requests or go beyond
U.S. statements that
ton would welcome a
uild-up by Japan.

Pravda Blasts Suzuki Washington Parley

MOSCOW, (AP).—Last week's talks between Japanese Prime Minister Zenko Suzuki and President Ronald Reagan have brought Japan "even deeper into the global anti-Soviet strategy" of the United States, the Soviet Communist Party newspaper Pravda claimed Monday.

"The main political result of the meeting is that the relations between the United States and Japan have been officially described for the first time as those of allies," Pravda said.

festivity, from May 7-14.

By proclamation by Mayor Tom Bradley, this third annual Asian Pacific American Heritage Week is a special time for local Asian Groups to display the diversity of the Asian Pacific community in Los Angeles.

A series of Asian Pacific programs are being held throughout the City Public Libraries.

"Seminar on Asian Pacific Cultures," a featured event, will be held at the Montebello Library on Wednesday, May 13 from 9 a.m. to noon. Other planned events in observance of Heritage Week include: Asian Artist Show at the Japanese American Cultural and Community Center, Chinese Community Art Exhibition at the Chinatown Service Center.

from San Jose after an all-night search in Yosemite Valley May 3 for the youth and a friend who failed to return from a hike.

Park officials said Michael Higa, 15, was found dead about two hours after his companion Victor Leong, was found bruised and disoriented about a mile from a camp in the valley.

Rangers said Leong and Higa left their camp about 3 p.m. Saturday, May 2 and the search was begun about 7 p.m., when they failed to return from the one-hour hike.

They said the two hikers apparently fell. Leong was not seriously injured but Higa was killed in the fall.

Nikkei selected were Kamon Buster Suzuki, of West 31st Street, L.A., and Dorothy Itsuko Yoshino, of Ridge Crest St., Monterey Park.

Suzuki, 70, is retired. Ms Yoshino, 49, said she was self-employed. Court Presiding Judge David N. Eagleson. A total of 24 Grand Jury nominations had been made by the judges of the Superior Court.

The names of the 23 to serve on the Grand Jury, plus four alternates, will be drawn from the list of 40 during a court session on June 19.

The two Japanese Americans were nominated by Judges Robert M. Olson and John Stanton, respectively.

Former Supreme Court Justice Airs Views on Nikkei Redress

* Editor's Note: Retired Associate Justice of the United States Supreme Court Arthur J. Goldberg, a House appointee to the Commission on Wartime Relocation and Internment of Civilians, prepared the following speech for delivery before the May 7 meeting of the Japanese American Bar Association in Los Angeles. Due to a chronic back injury, Justice Goldberg was unable to personally deliver the address last week. We re-print the text of his comments here for our readers as part of our on-going coverage of the redress/reparations issue.

I have been asked as a member of the Commission on Wartime Relocation and Internment of Civilians to address you on the subject of the Commission's mandate.

As you undoubtedly know, the Commission was established by Public Law 96-317 on July 31, 1980. The Commission, as a consequence of a subsequent amendment of the Law, consists of nine members, three appointed by the President, three appointed by the Speaker of the House of Representatives and three appointed by the President pro tempore of the Senate.

The Commission is authorized to review the facts and circumstances surrounding Executive Order No. 9066, issued February 19, 1942 by President Roosevelt, directing the evacuation of Japanese-American citizens and permanent resident aliens to relocation camps and to evaluate the impact of this Executive Order on those relocated.

Another function vested in the Commission is to review directives of United States Military Forces requiring the relocation and, in some cases, detention in internment camps of American citizens, including Aleut citizens, and permanent resident aliens of the Aleutian and Pribilof Islands.

The statutory mandate of the Commission is to "recommend appropriate remedies."

With respect to the procedure of the Commission, it is directed to hold public hearings in such cities of the United States that it finds appropriate and to submit a written report of its findings and recommendations to Congress not later than one year after the date of its first meeting.

The first meeting of the Commission was held on February 25, 1981. This means that the report and recommendations of the Commission under Public Law 96-317 must be filed not later than February 25, 1982.

At its initial meeting the Commission elected Joan Z. Bernstein, a distinguished Washington lawyer, as Chair person and Congressman Daniel E. Lungren, Republican of California, as co-Chairman.

With respect to the staff of the Commission, Ms. Lois Wilzewske was designated as Administrative Director of the Commission. Other members of the staff are now being recruited.

It is obviously premature for me to anticipate what the Commission, after hearings pursuant to the governing Act of Congress, may recommend.

I do not, however, regard it to be inappropriate to express my personal views with respect to Executive Order No. 9066, issued by President Franklin D. Roosevelt on February 19, 1942, which resulted in the evacuation and internment of more than 120,000 Japanese-American civilian citizens and resident aliens. In this statement, I do not propose to deal with the situation of the Aleuts. I shall have the opportunity to do so in the course of the Commission's deliberations.

As you know better than most, President Roosevelt's Executive Order No. 9066 was upheld as within the constitutional powers of the President and the Congress by the Supreme Court of the United States in the case of *Korematsu vs. United States*, 323 U.S. 214, decided December 18, 1944.

The majority opinion of the Supreme Court so holding was written by the late Mr. Justice Hugo Black. Mr. Justice Frankfurter wrote a concurring opinion. Mr. Justice Roberts, Mr. Justice Murphy and Mr. Justice Jackson wrote dissenting opinions.

The basis for the Court's decision was that evacuation and internment of the Japanese-Americans was constitutionally justified by military orders authorized by an Act of Congress and by Executive Order No. 9066 based on these war powers and the President's authority as Commander-in-Chief.

In the Court's opinion, Justice Black explicitly acknowledged that "no question was raised as to petitioner's loyalty to the United States." Korematsu was a native born citizen of the United States. Further, Justice Black said, "Like curfew, exclusion of those of Japanese origin was determined necessary because of the presence of an unascertained number of disloyal members of the group, most of whom we have no doubt were loyal to this country." In fact, no native born Japanese-American was ever proved to be disloyal.

It has long been my view that *Korematsu* is one of the worst decisions of the Supreme Court of the United States, perhaps second only to *Dred Scott vs. Sanford* which, in large measure, precipitated the Civil War.

For me, the applicable constitutional principle was stated by the Supreme Court in the great case of *Ex parte Milligan*, 2 Wall 2. In that case, which declared invalid the action of President Lincoln, in denying habeas corpus to persons charged with disloyalty to the Union while the regular courts were functioning in the District of Columbia, the Court said "The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances."

If *Ex parte Milligan* is right, as I believe it to be, then it necessarily follows that *Korematsu* is wrong—very wrong.

True, Chief Justice Warren, as the Governor of California, supported President Roosevelt's Executive Order. True, that Robert W. Kenney, then Attorney General of California and later President of the National Lawyers Guild, argued in support of the Executive Order on behalf of California. True also, that Charles Fahy, one of the most liberal and distinguished judges of the District of Columbia Court of Appeals, and then as Solicitor General argued the case for the government in support of the Executive Order.

What does this prove? It proves that great cases like hard cases make bad law. It proves that almost no one in authority is immune from war hysteria. It proves, as Justice Murphy warned us in *Korematsu* how necessary it is to guard against falling "into the ugly abyss of racism."

The basic question, before our Commission, is what we can appropriately recommend to redress a constitutional violation of such magnitude.

I am aware that the Japanese-American community is divided on this subject. A good friend of mine, who I believe, is a member of this distinguished association, told me the other day that he personally did not favor monetary restitution beyond what has already been paid. He said that the real question is how to restore to Japanese-Americans the 15 years of life they lost due to five years of internment and the ten following years of rehabilitation. He did not know the answer and at the present time neither do I. But perhaps the hearings the Commission is to hold will provide answers to this and other questions which are necessarily involved when an unforgivable action affecting so many people occurs.

This is not to say that I am of the view that the monetary compensation paid to those who were interned and their families was adequate or that additional reparations to them, or, in some other way, is not justified. At this juncture it would be inappropriate for me to express my views in this regard until the Commission completes its hearings.

I conclude, however, with an indisputable conviction. The evacuation and internment of Japanese-Americans during World War II is utterly abhorrent to a free people who are dedicated to the principles set forth in the Constitution of the United States. Whatever we may do will not make our fellow Americans whole.