

July 5, 1978

Dear Chapter Presidents:

We would greatly appreciate your giving the enclosed redress proposal to your delegates to the National Convention.

Thanks,

Clifford Uyeda
Clifford Uyeda.

REDRESS PROPOSAL

- (A) PURPOSE: To provide cognitive redress to persons of Japanese ancestry, two-third of whom were American citizens, and their immediate family members who, during World War II, suffered injustices by official actions of the United States Government; to remind our nation of the need for continued vigilance and to render less likely the recurrence of similar injustices.
- (B) BASIS FOR CLAIM: Imprisonment, expulsion from homes, and/or injustices suffered following issuance of Presidential Executive Orders Number 9066 and Number 9489, or other official acts of the United States Government. These unconscionable acts of our Government, based solely on ancestry, were imposed without criminal charges or indictments and in gross violation of basic human rights guaranteed by the Bill of Rights of the Constitution of the United States.
- (C) ELIGIBILITY: All persons of Japanese ancestry and their immediate family members, who, during World War II, were a) detained or interned by the United States Government, or b) while residing within the "exclusion" areas of the Western Defense Command were moved from their homes following issuance of Executive Order Number 9066.
- (1) Proof of detention or internment shall be conclusive where such is reflected in any governmental record or document, including but not limited to papers of the War Relocation Authority (WRA), the Wartime Civil Control Administration (WCCA), the Justice Department or the

War Department.

(2) Proof of residence within the "exclusion" areas may be established by any federal, state, county or municipal records or documents.

(D) REDRESS: The United States Congress shall be called upon to appropriate a total sum based upon \$25,000 for each "eligible person" as defined under "C" above; such a total sum for the 120,000 would be approximately three billion dollars.

Payment and receipt therefrom to be free from any federal, state or local taxes and not to affect eligibility to receive any benefits.

(E) METHOD OF DISBURSEMENT:

(1) Direct individual payments by the United States Government shall be due to all eligible persons living as of the date of enactment of the redress legislation. A minimum of five hundred million dollars (\$500 million) a year shall be paid to individual claimants. The eldest survivors shall be given priority.

(2) Upon enactment of the redress legislation an appropriation of a sum of one hundred million dollars (\$100 million) shall be held in trust to be administered and disbursed by a Japanese American Commission established by Congress for the welfare and benefit of Japanese Americans.

(3) Fund remaining after individual payments shall be transferred into Trust.

(F) JAPANESE AMERICAN COMMISSION:

(1) The Commission shall consist of at least 12 voting members with staggered fixed terms. All voting members of the Commission shall be of Japanese ancestry; three-fourth of the voting members also shall be eligible survivors as defined in the Eligibility Section. The Commission shall include two non-voting government representatives, one each from the Treasury Department and the Justice Department.

(2) Appointment to the Commission and vacancies therein shall be by the President of the United States from a list of nominees submitted by the Japanese American Nominating Committee. All Commissioners shall be subject to prompt removal for malfeasance, misfeasance or nonfeasance. The Japanese American Nominating Committee shall act as a fact-finding body in the event of such charges and make recommendations to the President of the United States regarding the removal of any Commissioner.

(G) JAPANESE AMERICAN NOMINATING COMMITTEE: The initial nominating committee shall consist of one representative from each of the eight Japanese American Citizens League (JACL) Districts, not limited to JACL members, plus at least eight representatives of other Japanese American organizations. The Nominating Committee shall be broadly representative of all elements of the Japanese American community.

(H) DEFINITIONS: For the purpose of this bill, the following definitions will apply.

- (1) "Expelled, detained, or interned" refers to expulsion from the "exclusion" areas, detention, or internment pursuant to --
 - (a) Executive Order Number 9066, dated February 19, 1942.
 - (b) Executive Order Number 9489, dated October 18, 1944.
 - (c) Any other statute, rule, regulation, or order directed toward persons of Japanese ancestry who were citizens or permanent residents of the United States.
- (2) "Exclusion" areas of the Western Defense Command refer to the areas from which persons of Japanese ancestry were vacated under Civilian Exclusion Orders Number 1 through 108: Southern half of Arizona, all of California, western half of Oregon and Washington (Exact boundaries are defined in the "Civilian Exclusion Orders").
- (3) "World War II" refers to the period beginning on December 7, 1941 and ending on October 1, 1946 (the date the last mass detention camp was closed).
- (4) "Persons of Japanese ancestry" refers to anyone who has one or more ancestors who was a national of Japan.

COMMENTSPURPOSE:

The term "Japanese Americans" has been suggested in place of "persons of Japanese ancestry." Reason:

Japanese Americans--need not refer just to citizens.

"Persons of Japanese ancestry" does not address the issue directly. It sounds like Japanese were put into camps, and not Americans.

This is an American issue; therefore, we should be up front about this.

However, the proposal as written includes Central and South American Japanese brought over and interned by the U.S. Government.

If eligibility is limited to "residents of the U.S. and/or its territories" then the term "Japanese Americans" might be more appropriate.

BASIS FOR CLAIM:

"Other official acts" refers to bringing in the South Americans, military imprisonment in Hawaii before E. O. #9498, FBI imprisonments, etc.

ELIGIBILITY:

Restrictions: It is restricted to those who were actually detained or interned in one of the camps, or were forced to move from the "exclusion" areas ("voluntarily" or otherwise).

Those in Military Zone II but were not sent into camps lived under special threats of imminent expulsion order.

Their hardships were real, only lacked actual imprisonment. However, unenforced threat should not be equated with actual incarceration, some reasoned, and would weaken the proposal.

Japanese Americans who lived even away from the West Coast States faced many harassments, hardships and injustices.

A Trust fund will benefit those not eligible for individual payments.

Heirs: Some insisted that heirs should be eligible for individual redress. To deny this, it was stated, is to "deny the basic customary right of inheritance," and is "consenting to a form of unauthorized misappropriation of other people's money."

Others insisted just as strongly that conferring eligibility to heirs of deceased persons would not only complicate the matter a great deal but this provision would jeopardize Congressional acceptance. Litigations, family feuds and other legal legal headaches would take years to settle, and the probate courts would be swamped with cases.

It seems that legally one cannot inherit what did not exist (redress money) at the time of former detainee's death.

Heirs of persons who were actually living at the time the Act becomes effective have legal right to be eligible to receive that person's share provided beneficiary is defined appropriately.

The Jewish situation was considerably different. Millions of Jewish inmates were systematically put to death, leaving few survivors.

Eight persons of Japanese ancestry were shot and killed by guards within the camp compounds.

Some felt that we should take care of school age children of deceased former detainees. In many instances the widow cannot or is having a difficult time completing her children's education.

This can be accomplished, it was stated, by extending eligibility to heirs that qualify for Social Security dependent benefits-- minor children 18 years of age and under, and up to 22 years of age if still attending school.

This again faces the problem of conferring eligibility to heirs.

We realize that every instance of injustice and hardship cannot be corrected. But at the same time we do not wish to be insensitive to existing needs. Whether such special cases can be aided through the Trust fund is another possibility that must be further explored.

Central & South American Japanese: There were both strong support and objection for including them in our redress program. Some felt that eligibility should be limited to citizens and permanent residents of the U.S. and/or its territories.

Some felt that these people were forcibly brought here by the U.S. government, and therefore U.S. should be responsible. Germany's restitution to Jews are not restricted to former German citizens.

Others felt that their inclusion would complicate the program. We should get our own program out of the way, then we can consider lending our efforts toward them, some stated.

REDRESS:

120,313 persons were under the custody of the WRA at one time or another.

Reference: Evacuated People: A Quantatative Description.
 United States Department of Interior. War Relocation Authority.
 U.S. Government Printing Office, 1946. Fig 1, page 8.

From "Assembly Centers"	90,491
From "Direct Evacuation"	17,915
From "Births"	5,981
From "Dept of Justice Internment and Detention Camps"	1,735
From "Seasonal Workers (Released by WCCA)"	1,579
From "Institutions"	1,275
From "Hawaiian Islands"	1,118
From "Voluntary Residents"	219
	<u>120,313</u>

Approximately 30,000 former detainees have deceased.

METHOD OF DISBURSEMENT:

There was individual injustice. There was also injustice against Japanese Americans as a group. Some Japanese Americans who escaped incarceration suffered severely as a consequence of E. O. #9066.

Individual Payments: Individual eligibility, once agreed upon, can be straightforward, clear and according to strict rules.

This proposal relegates the details of individual payment to the U.S. Government. Why should a Nikkei Commission be burdened with such paper work details, it was stated.

Nikkei Commission can then concentrate on the administration of the Trust foundation for the welfare and benefit of Japanese Americans. That, in itself, will be a huge task.

There should be minimum payment by the Government per year. Otherwise, Issei and older Nisei would never see the redress money. At \$25,000 per individual, \$500 million will pay for 20,000 individuals. There are approximately 90,000 individuals to be paid. West Germany is at present paying out \$900 million per year in restitution money.

JACL Surveys: The questionnaires were all prepared separately in each district, and in each instance the question asked was: What type of government payment do you prefer? 1) To individuals? OR 2) Into Trust? Respondents were made to choose one or the other. 85% favored individual payment plan.

Not a single questionnaire asked opinions concerning eligibility for heirs.

Five of the six redress proposals that had been submitted to the JACL had a Trust concept incorporated in them.

Many had looked upon the Trust as in memory of those deceased and whose who escaped actual incarceration but still suffered severe injustice as Japanese Americans during World War II.

The present committee took the stand that it should not be EITHER/OR but that BOTH are essential and necessary.

Trust Foundation: Some have stated that they would not trust Japanese Americans with such large sums of money. They're inexperienced, it was claimed.

It should be clearly understood that the Trust will not be administered by the JACL, and is not part of the JACL organization.

If Japanese Americans cannot trust ourselves, who are we going to trust? Who is then competent and qualified? If we are not competent, then how will we ever become competent if we do not permit ourselves to manage our own affairs?

We have many competent people within our midst. What we need to do is exercise careful selection.

JAPANESE AMERICAN COMMISSION:

The idea of redress recipients controlling the administrative commission is not new, and is considered a definite improvement over the old system where the payer made all the decisions.

To handle the Hawaiian Native Claims Settlement Act an eleven member Commission is being proposed. Six of the members must be of Native Hawaiian blood.

Germany has finally agreed to the formation of a non-governmental, largely Jewish claims commission to administer the German restitution program. It will be administered by the foundation set up by the Conference on Jewish Material Claims, headed by Dr. Nahum Goldman, former chairman of the World Jewish Congress. This development is hailed by Americans.

The present committee felt that it would be another tragedy for Japanese Americans to forfeit control of the administrative Commission.

** ** **