

The Redress Monitor



The National Newsletter of the Japanese American Citizens League - Legislative Education Committee

Volume 01, Number 01

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Photograph by the White House

August 10, 1988: Reagan Signs Redress Bill into law. Standing left to right: Senator Spark Matsunaga (D-HI), Representative Norman Mineta (D-CA), Representative Patricia Saiki (R-HI), Senator Pete Wilson (R-CA), Representative Don Young (D-AK), Representative Bob Matsui (D-CA), Representative Bill Lowery (R-CA), and Harry Kajihara, 1986-88 JACL National President. Sitting: President Ronald Reagan.

JACL-LEC Obtains Professional Legal Services

The Law Office of Jenner and Block has agreed to provide pro bono services (free of legal fees) to the Japanese American Citizens League - Legislative Education Committee (JACL-LEC).

John Nakahata, Jenner and Block associate, who will serve as lead counsel, said, "Jenner and Block is pleased to have the opportunity to help correct one of the blackest stains on our Constitution." Founded in Chicago in 1914, Jenner and Block has grown and has opened two additional offices — in Washington, D.C., and in Lake Forest, Illinois.

Today, Jenner and Block is one of this nation's most respected law firms. This full-service firm has approximately 250 lawyers in its three offices. It represents many individuals and groups — from Fortune 500 corporations to small businesses and individuals. The Washington, D.C. Office especially addresses issues that may require combinations of legislative, litigative, and administrative initiatives.

Jenner and Block's extensive history includes a record of public services and pro bono legal assistance. Presently, for example, the office represents the National Coalition for the Homeless in suits against the D.C. Government and the Federal Government.

Other cases presently being handled by the Washington Office of Jenner and Block include: services to a group of Members of Congress who seek to preserve the status of undocumented aliens as "persons" under the Constitution's provisions governing reapportionment, services to a group of women prisoners who are challenging the constitutionality of the D.C. law on calculating eligibility for parole, and a local Indian nation that is seeking access to its religious sites.

JACL-LEC is very pleased to obtain the services of this firm. Currently, the firm is researching evidence and information related to eligibility questions. Under John Nakahata's leadership, this firm will draft supporting documentation that will be supplied to the Department of Justice's Office of Redress Administration.



Message from the Chair

We of the JACL-LEC Board are hopeful that this initial edition of our newsletter will be the beginning of helpful and on-going communications that will keep all readers up to date on significant developments associated with redress. As those eligible for redress payment are identified and located, and as we lobby for the maximum appropriation of funds in the shortest possible time, THE REDRESS MONITOR will keep you informed.

The initiative, sensitivity, and receptivity to our concerns, on the part of the Department of Justice's Office of Redress Administration (ORA), have been very encouraging. As JACL-LEC attempts to assist ORA in its search for all eligible redress recipients, and as it works to provide input into regulations and appropriations, a cooperative relationship is needed.

We have been very gratified by the response to the fund drive which followed the signing of H.R. 442. We believe that the tremendous generosity is because those who continue to give understand that there is still work to be done to achieve our objectives.

Meanwhile, we will make this newsletter a major priority to keep you fully informed on "what is happening".

Jerry Enomoto,
Chairperson, JACL-LEC Board

Angus Macbeth, former Special Counsel for the Commission on Wartime Relocation and Internment of Civilians (CWRIC), has also agreed to offer supportive legal services. Currently, Macbeth is an attorney at the Law Office of Sidley and Austin in Washington, D.C.. In the past, Macbeth provided many hours of pro bono services to JACL-LEC.



Photo by Alicia Farrer

John Nakahata Named Lead Counsel

At the time that the Law Office of Jenner and Block agreed to provide pro bono legal services to the Japanese American Citizens League - Legislative Education Committee (JACL-LEC), John Nakahata was named as lead counsel.

Nakahata, who has previously provided research and other assistance to JACL-LEC, and who is presently a member and Program Vice President of the Washington, D.C. JACL Chapter Board, comes with a wealth of knowledge and expertise to take the lead in this matter. "It is important to ensure that redress is implemented quickly and fairly so that all eligible individuals will receive payment", Nakahata asserted.

John Nakahata joined Jenner and Block, as an associate, in October, 1987. As a member of the Bars of California and the District of Columbia, his law practice is primarily in the areas of

civil and regulatory litigation.

As former JACL Thomas T. Hayashi Law Scholarship recipient, Nakahata studied at Harvard Law School. In 1986, he graduated cum laude from Harvard. Nakahata served as law clerk to the Honorable John H. Pratt, Judge of the U.S. District Court for the District of Columbia.

Nakahata's excellence go beyond his study of law. He received his bachelor's degree in social studies from Wesleyan University. This undergraduate degree was completed with honors.

As the son of Donald and Alice Nakahata of Mill Valley, California, he grew up in the San Francisco area. Since his graduation from Tamalpais High School (Mill Valley), he has achieved many goals.

With organization and cohesive/coordinated action — including assistance from Nakahata (and that of the law firm which employs him) — JACL-LEC anticipates that ultimate community redress goals will be realized quickly.



This is the first of many newsletters which will be published out this the Washington Office of the Japanese American Citizens League - Legislative Education Committee (JACL-LEC). These newsletters will be published at least quarter.

At its September 16, 1988 meeting, the National JACL-LEC Board voted to maintain the organization's operations for at least the next two years. A full-time Executive Director and a full-time Secretary will staff the Washington, D.C. Office, effective 1 January 1988.

The JACL-LEC will be responsible for overseeing the redress processes. Identified in the two-year plan (1989 - 1990), passed by the Board, are the following JACL-LEC responsibilities and activities:

- Lobby for maximum levels of redress appropriations.
- Monitor redress appropriations and ensure rights and interests are protected.
- Monitor identification processes and ensure that appropriate, prompt, and effective actions are taken to identify all individuals eligible for redress payments.
- Develop and implement strategies to see that bills are passed at the state and local levels — which exempt redress dollars from taxes and from inclusion in eligibility (for services) determination. Monitor the process.
- Establish a redress coalition. Build from existing relations. Keep the coalition active in promoting proper appropriations and processes.
- Establish a Resource Committee to the Washington, D.C. JACL-LEC.
- Keep individuals and groups informed through letters, press releases, printed matter, and oral communications and presentations.
- Serve as a resource and referral source by responding to public

Continued on page 4

JACL-LEC FUND RAISING UPDATE

The JACL-LEC national fund raising mail campaign has so far produced positive results.

The mail solicitation has garnered contributions from at least 13 percent of the 25,000 letters sent out to solicit financial support for JACL-LEC. The mail campaign was initiated on August 24, 1988. Through October 24, 1988, a total of 3,118 contributors have sent in \$110,657.00. The JACL-LEC goal is to receive contributions from at least 25 percent of those solicited.

JACL-LEC made its decision to launch its fund raising drive at a May 28, 1988 meeting of its board of directors in anticipation that the Redress Bill would be enacted. The Board concluded that revenues must be generated to cover the operational expenses of the JACL-LEC Washington, D.C. office at least through 1990. JACL-LEC plans to lobby for maximum levels of the bill's appropri-

tions and to monitor the appropriations process.

JACL-LEC will assist the Office of Redress Administration, which was created by the Justice Department, to help locate eligible recipients of redress payments. It will also maintain and disseminate information about congressional and administrative reaction to the appropriations process and formulate JACL-LEC positions toward the activities of the trust fund board.

The JACL-LEC recently received \$3,405.00 from the Buddhist Churches of America, Federation of Buddhist Women's Association. The award was presented to JACL-LEC Treasurer Shig Wakamatsu at the September 24, 1988 closing banquet of the association's convention in Chicago.

*Mae Takahashi
JACL-LEC
Fund Raising Chair*

Civil Rights Division's ORA Changes Name

The U.S. Department of Justice's Civil Rights Division recently changed the name of the office which is charged with "making restitution by identifying, locating, and making payment in the amount of \$20,000 to each eligible individual". When this office was established on 7 September 1988, it was called the Office of Reparations Administration (ORA).

After JACL-LEC requested that the name be changed to the Office of Redress Administration, and after some discussion and consideration, Bob Bratt, Administrator of ORA, made the decision to change the name to the Office of Redress Administration. This action demonstrated sensitivity and cooperation on the part of ORA's Administrator.

In a letter to Rita Takahashi, dated 8 October 1988, Cliff Uyeda explained the reasoning behind JACL-LEC's request for a name change. He said:

Some ten years ago JACL chose to use the word "redress" rather than "reparation" to identify the restitution payment sought for Japanese Americans. The opinions sought from the membership favored this.

Aside from the strictly dictionary definition, there is a strong emotional reaction attached to the term "reparation." It is war related, and is usually associated with the payment forced upon the defeated nation by the victor.

Marvin J. Anderson, Dean of the Hasting Law School in San Francisco, in his meeting with JACL members in 1976, also stated that the word "reparation" should be avoided.

The Japanese Americans have followed the honored concept of this country, "the people's right to petition for redress."

Typeset and layout by Chantale Wong,
The Wong Type, Washington, D.C. ♣

Supreme Court denies Class Action Suit

When the Japanese American Citizens League - Legislative Education Committee (JACL-LEC) received word that the U.S. Supreme Court denied the writ of certiorari of Hohri, et al. v. United States of America, it was very disappointed. JACL-LEC wanted this case to come before the highest court of the land because of the merits and significance of the case.

This class action suit was filed on behalf of:

The approximately 120,000 United States citizens and permanent residents, and representatives of such persons no longer living, who during World War II were subjected to forcible segregation, arrest, exclusion, imprisonment, curfew and travel restrictions, deportation, loss of citizenship, or other deprivations of their civil rights and liberties due to the fact of their Japanese ancestry. . .

During the 100th Congress, the Legislative Branch passed H.R. 442 and admitted that "a grave injustice was done" by these exclusion orders which banished persons on that basis of heritage. Congress agreed with a U.S. Commission that

. . . these actions were carried out without adequate security reasons and without any acts of espionage or sabotage documented by the Commission, and were motivated largely by racial prejudice, wartime hysteria, and a failure of political leadership.

The Executive Branch agreed that wrongs were committed and President Ronald Reagan signed H.R. 442 into law on 10 August 1988. JACL-LEC had hoped that the Judicial Branch would now take the initiative to review the class action suit, as presented in William Hohri et al. This would have been appropriate because these three Branches of Government were each involved in the discriminatory actions that were directed against persons of Japanese ancestry.

Despite the decision of the U.S. Supreme Court, JACL-LEC commends the tremendous commitment on the part of William Hohri, the other named plaintiffs, and the many individuals who worked to see justice. Efforts and actions stemming from this class action lawsuit significantly contributed to the earlier redress victories and civil rights decisions.

The National Council for Japanese American Redress (NCJAR), which supported and sustained efforts behind this class action suit, was a driving educational force. They helped educate the public and public officials; they identified issues and conducted extensive research, and they disseminated critical information when it was needed. Ultimately, William Hohri wrote a book (REPAIRING AMERICA, 1988) which pinpoints historical facts related to this case of en masse incarceration.

According to Jerry Enomoto, National Chairperson of the JACL-LEC, "Their [NCJAR's] efforts truly helped empower a "minority" population which experienced oppression during World War II. Now, this same group has demonstrated that it will flex its political and legal muscles when it comes to civil and constitutional rights."



The Sacramento Bee Final • Monday, March 14, 1988

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Continued from page 2

and private sector requests for information and recommendations.

- Recommend criteria and qualifications for the Civil Liberties Public Education Fund Board of Directors.
- Write and print/publish quarterly newsletters.
- Write a brochure of questions and answers, if necessary (if not previously done).
- Write and publish a text which addresses current and historical aspects of redress.
- Maintain efficient and effective Washington, D.C. Office operations in such ways as to
 - Implement policies and programs established by the JACL-LEC Board.
 - Plan and reorganize overall office programs and procedures.
 - Provide for proper supervision of staff.
 - Pay bills and maintain checking and petty cash accounts.
 - Maintain liaison responsibilities with groups and individuals in the local community and with the Resource Committee.
 - Keep the Board informed through regularly written operational reports.

JACL-LEC expects to aggressively seek appropriations and to assertively keep the public informed of its activities and progress. This newsletter will serve as the information vehicle to keep supporters and the public informed of its activities and progress toward goal attainment.

Rita Takahashi
Editor and
Acting JACL-LEC
Executive Director



Bill Yoshino and Carole Hayashino, Acting JACL National Director and Deputy Director, respectively, at JACL Convention, Aug. 1988



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ORA Administration

The Office of Redress Administration (ORA) was created within the Department of Justice's (DOJ) Civil Rights Division in September, 1988. This office was created because Public Law 100-383 mandates that the Attorney General's Office is to locate eligible individuals and is to administer individual payments to those deemed eligible under this law.

Since its inception, ORA has been working to locate individuals who are eligible for the twenty-thousand dollars (\$20,000) compensation specified under Public Law 100-383. As names of potentially eligible individuals are submitted, they are entered into computer files.

To reach out to the public, ORA established a toll-free telephone number to receive inquiries and information. Since this toll-free number was instituted, the response has been tremendous. Thousands of names of potentially eligible persons have been submitted via this toll-free number.

If you would like to call to either ask questions or to submit information, you may call 1-800-228-8375. In Washington, D.C., the number is 835-2094. You may also write to ORA at the following: Department of Justice, Civil Rights Division, Office of Redress Administration, P.O. Box 66260, Washington, D.C. 20035-6260.

To respond to some of the questions raised by individuals, the ORA recently published a brochure, *THE CIVIL LIBERTIES ACT OF 1988: QUESTIONS AND ANSWERS*. The entire text of questions and answers is reproduced in this newsletter, beginning on page 5.

The ORA also created a "voluntary form" which individuals may fill out and submit to the above-mentioned address. ORA emphasizes that Public Law 100-383 does not require any application on the part of individuals. However, the office may receive information that persons voluntarily supply. This information assists the DOJ's job of locating eligible individuals, and speeds the whole process.

In October, ORA opened a temporary office in San Francisco. This office is scheduled to remain open for approximately three months. Overseeing this Office is Shirley Lloyd, who is based out of the Washington, D.C. Office of the Civil Rights Division.

Other individuals who have been involved in the administration of ORA are Administrator Robert Bratt and Alice Kale. The DOJ attorney assigned to this office is Valerie O'Brian. The three work out of the Washington, D.C. Office.

The Civil Liberties Act of 1988: Questions and Answers

Published by U.S. Department of
Justice, Civil Rights Division,
Office of Redress Administration (ORA)
October 1988
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Q. Who is eligible to receive individual monetary payment from the U.S. Government?

A. In general, eligible individuals are those of Japanese ancestry who were evacuated or relocated from their homes on the West Coast or Hawaii and interned during World War II, and who were living on the date this Act became law (August 10, 1988). The Act specifically describes an eligible individual as a person of Japanese ancestry "... who, during the evacuation, relocation, and internment period —

(A) was a United States citizen or a permanent resident alien; and

(B)(i) was confined, held in custody, relocated, or otherwise deprived of liberty or property as a result of —

(I) Executive Order Numbered 9066, dated February 19, 1942; (II) the Act entitled "An Act to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, leaving, or committing any act in military areas or zones", approved March 21, 1942 (56 Stat.173); or (III) any other Executive Order, Presidential proclamation, law of the United States, directive of the Armed Forces of the United States, or other action taken by or on behalf of the United States or its agents, representatives, officers or employees, respecting the evacuation, relocation, or internment of individuals solely on the basis of Japanese ancestry; or

(ii) was enrolled on the records of the United States Government during the period beginning on December 7, 1941, and ending on June 30, 1946, as being in a prohibited military zone. . ."

Q. Are voluntary evacuees eligible?

A. Yes, the definition of "eligible individual" includes those citizens of Japanese ancestry and permanent resident aliens who left the West Coast voluntarily as the result of military orders prior to the mandatory removal and internment of the Japanese American population. For example, voluntary evacuees include those Japanese Americans who were ordered to leave Bainbridge and Terminal Islands and those who left the West Coast during the voluntary phase of the evacuation program from March 2 to 27, 1942, and filed "Change of Residence" cards with the Wartime Civil Control Administration. In general, this voluntary evacuation occurred in the early months of 1942.

Q. Are those who left the country eligible to receive payment?

A. Excluded from payment are those individuals who during the period beginning on December 7, 1941, and ending on September 2, 1945, relocated to a country while the United States was at war with that country.

Q. What is the amount of the payment?

A. \$20,000 to each eligible individual.

Q. How many individuals are eligible?

A. In 1983, it was estimated by the Commission on Wartime Relocation and Internment of Civilians that approximately 120,000 American citizens and permanent resident aliens of Japanese ancestry were affected by the exclusion. Of these, an estimated 60,000 individuals survive and are eligible for payment.

Q. When and how will payments be made?

A. First, money must be appropriated from Congress to be placed in the Civil Liberties Public Education Fund from which payments may be made. The Act specifies that a total of \$1,250,000,000 is to be appropriated over a period of not more than ten years. No more than

\$500,000,000 may be appropriated in any one year. Therefore, not all payments can be made at one time.

The Act requires ORA to endeavor to make payments to eligible individuals in order of date of birth, with oldest individuals receiving payment first, until all eligible individuals have been paid in full. We anticipate that payments will begin shortly after funds are appropriated, possibly as early as October, 1989.

Q. If an eligible person dies before receiving payment, can an heir claim the payment?

A. To be eligible, an individual must have been living on the date of enactment (August 10, 1988). However, if an eligible individual dies before payment can be made, payment will be made in the following order:

** To a surviving spouse who is living at the time of payment provided that spouse was married to the individual for at least one year immediately before the death of the eligible individual.

** If there is no eligible surviving spouse, in equal shares to all children of the eligible individual who are living at the time of payment. The definition of children includes recognized natural children, stepchildren who lived with the eligible individual in a regular parent-child relationship, and adopted children.

** If there is no eligible surviving spouse or children, in equal shares to the parents of the eligible individual. The definition of parents includes mothers and fathers through adoption.

** If there are no eligible survivors as described above, the payment goes into the Civil Liberties Public Education Fund. This fund will be used to educate the American public about the events surrounding the evacuation, relocation, and internment to prevent a recurrence in the future.

Q. What process is ORA using to locate eligible individuals?

A. Work has begun to assemble rosters of eligible individuals. All applicable records in the possession of the United States Government will be searched. In addition, any individual may voluntarily notify ORA that he/she is an eligible individual and may provide documentation thereof. Implementing regulations will be published in the FEDERAL REGISTER at a later date.

Q. What documentation is required?

A. ORA is now developing regulations governing the identification of eligible individuals and determination of eligibility. This information will be made available at a later date. However, if you have documentation of your evacuation, relocation, or internment, you may submit it at any time. Please see the next question.

Many individuals have written to the National Archives requesting verification of internment. All records held by the National Archives are being made available to ORA. Therefore, it is not necessary to contact the Archives. However, if you have already received such a verification, you may wish to submit it to this office.

Q. Where can I submit information or documentation regarding my eligibility?

A. Administrator, U.S. Department of Justice, Civil Rights Division, Office of Redress Administration, P. O. Box 66260, Washington, D.C. 20035-6260. 1-800-228-8375 (Voice and TDD); 835-2094 in Washington, D.C. 8:30 a.m. to 8:30 p.m. EDT

Q. I have information on someone else who may be eligible. May I submit that information?

A. Yes. The information may be sent to the address given above or be given by calling our toll free number. This information may be especially valuable since many eligible individuals are now elderly and may not be able to contact the Of-

fice of Redress personally.

Q. Must information be submitted in English?

A. No. Information may be given by telephone or in writing in English or Japanese.

Q. I have friends or relatives who would have been eligible but died before the act was signed. Is this information important?

A. Yes. This information is very important since it will allow the Office of Redress to concentrate its search on those individuals believed to be still living and to complete the location and identification process more quickly.

Q. Couldn't this result in a living person being crossed off the lists of eligibles by mistake?

A. No. If a person is reported to have died, the information will be verified through official sources.

Q. What information should be submitted?

A. You may voluntarily submit any information or documentation you wish or feel may be helpful. Suggested items are: Name, including maiden or other names used; Date of birth; Address; Home and business telephone numbers; Social Security Number*; Locations of detention or internment; The names of parents or guardians of individuals who were children at the time of internment.

If you wish to contact us about another person, similar information should be submitted. If a person has died, please give the date and place of death. Please do not hesitate to submit incomplete information; any we can obtain may prove valuable.

*Social Security Number is an excellent means of identification and therefore very useful. However, failure to provide it will not jeopardize your payment. The redress payment is not subject to Federal income tax or considered when determining eligibility for most other Federal public assistance programs.

Q. How will I know if I am eligible?

A. After funds are appropriated by Congress to begin payments, eligible individuals will be notified in writing.

Q. If it is determined by the Office of Redress Administration that I am ineligible, what recourse do I have?

A. There will be an appeal procedure which you may follow if you disagree with ORA's determination. Details of this procedure will be published in the FEDERAL REGISTER.

Q. If I accept this payment, what implications does that have in terms of future damages I might seek as a result of my evacuation, relocation, or internment?

A. The Act states that acceptance of payment shall be in full satisfaction of all claims against the United States arising out of the evacuation, relocation, or internment.

Q. If I refuse to accept payment, what happens to that money?

A. The Act states that if an eligible individual refuses, in a written document filed with the Attorney General, to accept any payment, the amount of such payment shall remain in the United States Civil Liberties Public Education Fund and no payment may be made to such individual at any time after such refusal.

Q. Are payments taxable?

A. Payments are not subject to Federal income tax since they are treated for purposes of the internal revenue laws as damages for human suffering. State income tax laws vary from state to state.

Q. How are payments treated under other laws?

A. The Act states that payments "...shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of Title 31, United States Code, or in the amount of such benefits."

This section of Title 31, United States Code covers many Social Security Act benefits in-

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Q. If I refuse to accept payment, what happens to that money?

A. The Act states that if an eligible individual refuses, in a written document filed with the Attorney General, to accept any payment, the amount of such payment shall remain in the United States Civil Liberties Public Education Fund and no payment may be made to such individual at any time after such refusal.

Q. Are payments taxable?

A. Payments are not subject to Federal income tax since they are treated for purposes of the internal revenue laws as damages for human suffering. State income tax laws vary from state to state.

Q. How are payments treated under other laws?

A. The Act states that payments "...shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of Title 31, United States Code, or in the amount of such benefits."

This section of Title 31, United States Code covers many Social Security Act benefits in-

cluding the supplemental security income program; old age, survivors, and disability insurance benefits; aid to families with dependent children; and medical assistance. Specific questions should be addressed to your local Social Security Administration office.

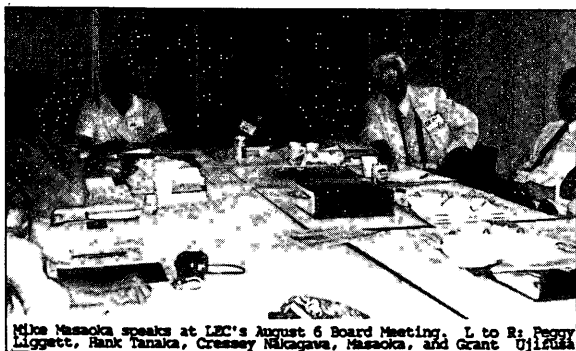
This section also covers certain benefits under other Federal benefit and public assistance pro-

grams. Examples of these programs include certain veterans' benefits, housing programs for lower income families or elderly or handicapped persons sponsored by the Department of Housing and Urban Development or the Department of Agriculture, and the Low-Income Home Energy Assistance Act of 1981. If you are receiving benefits under such a program, you

may address specific question to the Federal agency from which you are receiving those benefits.

Q. How can I keep informed about this program?

A. If you have contacted the Office of Redress Administration, you will be placed on our mailing list to receive additional information as it becomes available.



Nitoe Masao speaks at LEC's August 6 Board Meeting. L to R: Peggy Liggett, Hank Tanaka, Cresssey Nakagawa, Masao, and Grant Ujifusa

Photo by Rita Takahashi

JACL-LEC Board Member Profiles

EXECUTIVE COMMITTEE MEMBERS:

JERRY ENOMOTO: Chair of the Board since 1986.

Currently Enomoto teaches part-time at Sacramento (California) State University and acts as a criminal justice consultant. He served as an administrator of California's Department of Corrections, and he was a two-term National President of JACL.

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Ujifusa, a New York resident, is presently a Senior Editor for the *READER'S DIGEST* and is the co-author of the *ALMANAC OF AMERICAN POLITICS*. Previously, he worked at Free Press of Macmillan.

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From 1985 to present, Kinoshita (who lives in the State of Washington) has been the National JACL Vice President for Public Affairs. She is a retired federal service employee, and she was JACLer of the Biennium in 1984.

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This Illinois resident is a retired Manager of Environmental Control for a Lever Brothers plant. He joined JACL in 1930, and has since served JACL as National President (1958-1960), National 1000 Club Chair, and National Membership Chair.

CRESSEY NAKAGAWA: National JACL President, elected August, 1988.

From California, Nakagawa is an attorney in San Francisco. In 1986, he was elected to an At-Large position on the JACL-LEC Board. He has conducted successful fund raisers which contributed to the livelihood of JACL-LEC.

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A native of California, Takahashi is a JACL District Governor. By profession, she is a pharmacist, a Corporate President of Valley Medical Pharmacy, Inc., and an owner of a packaging company. She chaired the Private Industries Council of the City and County of Fresno from 1984-1987.

HENRY TANAKA: Chair of the Personnel Committee from 1988.

Hailing from Ohio, Tanaka currently serves as the Executive Director of Hill House, a Cleveland psychiatric rehabilitation center. Active in JACL for many years, he served as National JACL

President between 1972 and 1974. In 1988, he received the JACLer of the Biennium award.

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Photography by Rita Takahashi

LEC Board Members at 8-6-88 meeting: L to R standing: Hank Tanaka, Jim Tsujimura, Peggy Liggett, Shig Wakamatsu, Mollie Fujioka, and Gene Takamine. Sitting: Art Morimitsu, Denny Yasuhara, Mae Takahashi, Grant Ujifusa, Jerry Enomoto, and Cherry Kinoshita. Not present in picture: Cressey Nakagawa

STATE LAWS AND TREATMENT OF INDIVIDUAL PAYMENTS

* * * * *

Public Law 100-383 (former redress bill, H.R. 442) clarifies how individual payments will be treated under federal laws. It states that "Amounts paid to an eligible individual . . . shall be treated for purposes of the internal revenue laws of the United States as damages for human suffering; and shall not be included as income or resources for purposes of determining eligibility to receive benefits described in Section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

The following is the text of 3803(c)(2)(C) of Title 31, U.S. Code: (C) For purposes of this subsection, the term "benefits" means --

- (i) benefits under the supplemental security income program under title XVI of the Social Security Act;
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(vi) benefits under title XX of the Social Security Act;

(vii) benefits under the food stamp program (as defined in section 3(h) of the Food Stamp Act of 1977);

(viii) benefits under chapters 11, 13, 15, 17, and 21 of title 38; [veterans]

(ix) benefits under the Black Lung Benefits Act;

(x) benefits under the special supplemental food program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966;

(xi) benefits under section 336 of the Older Americans Act;

(xii) any annuity or other benefit under the Railroad Retirement Act of 1974;

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(xiv) benefits under any housing assistance program for lower income families or elderly or handicapped persons which is administered by the Secretary of Housing and Urban Develop-

ment or the Secretary of Agriculture;

(xv) benefits under the Low-Income Home Energy Assistance Act of 1981; and

(xvi) benefits under part A of the Energy Conservation in Existing Buildings Act of 1976

Because P.L. 100-383 addresses only federal law, each state is left to determine how it will treat the individual payments. In August, 1988, the State of California passed Assembly Bill 4087 and "chaptered" into law Chapter 555 of 1988. Essentially, this Chapter makes individual payments exempt from California state income tax, and states that payments will not be used in determining eligibility for the state's Medi-Cal program or any other state public assistance program.

Some states are looking at California's Chapter 555 and are working to use its content as a model for their own state bills. Individuals and groups are urged to explore the possibility of passing similar bills in their respective states.

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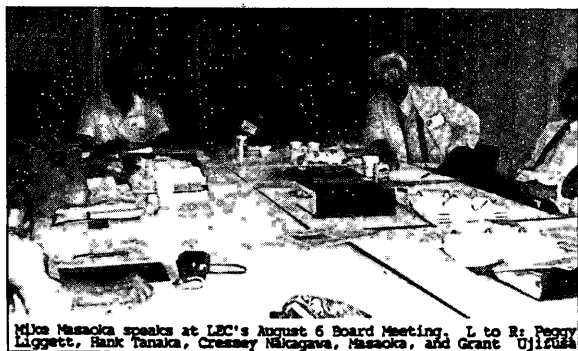
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Mike Masaoaka speaks at LEC's August 6 Board Meeting. L to R: Peggy Liggett, Hank Tanaka, Cressey Nakagawa, Masaoaka, and Grant Ujifusa

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Because P.L. 100-383 addresses only federal law, each state is left to determine how it will treat the individual payments. In August, 1988, the State of California passed Assembly Bill 4087 and "chaptered" into law Chapter 555 of 1988. Essentially, this Chapter makes individual payments exempt from California state income tax, and states that payments will not be used in determining eligibility for the state's Medi-Cal program or any other state public assistance program.

Some states are looking at California's Chapter 555 and are working to use its content as a model for their own state bills. Individuals and groups are urged to explore the possibility of passing similar bills in their respective states.

To assist in the process of getting a similar bill passed in other states, the full text of California's Assembly bill 4087 is reproduced here.

California Assembly Bill 4087
AB 4087, Johnston Reparations.

Existing Law authorizes state civil service, California State University, and University of California employees who suffered salary losses as a result of SCR 15 (Res. Ch. 49, Stats. 1941-42, 1st Ex. Sess.), which resolution requested the State Personnel Board to dismiss the employees based upon their alleged disloyalty, to submit claims to the state for reparation of those losses. The law bars the survivors of these employees from filing a claim.

This bill would authorize the surviving spouse of such an employee to file a single claim if the employee did not file a claim pursuant to the existing law before his or her death.

The existing Personal Income Tax Law provides for various exclusions from gross income.

This bill would authorize an exclusion under that law for certain federal reparation payments to redress the injustice done to United States citizens and resident aliens of Japanese ancestry who were interned during World War II. This authorization would not become operative unless and until specified related federal legislation is enacted.

Existing law requires, for purposes of Medi-Cal and public assistance program eligibility determination and grant computation, various income and resources to be or not be considered.

This bill would require, to the extent required by federal law, that certain federal reparation payments to redress the injustice done to United States citizens and resident aliens of Japanese ancestry who were interned during World War II not be considered income or resources for purposes of Medi-Cal and public assistance program eligibility determination and grant computation. This requirement would not become operative unless and until specified related federal legislation is enacted.

The people of the State of California do enact as follows:

SECTION 1. Section 17156 is added to the Revenue and Taxation Code, to read:

17156. Gross income does not include any amount received pursuant to any federal law enacted in 1988 to provide reparation payments to redress the injustice done to United States citizens and resident aliens of Japanese ancestry who were interned during World War II.

This section shall not become operative, unless and until the board determines that a federal statute is enacted in 1988 which provides that amounts payable under a federal program to redress the injustice done to United States citizens and resident aliens of Japanese ancestry who were interned during World War II shall be treated, for purposes of the internal revenue laws of the United States, as damages for human suffering.

SEC. 2. Section 11008.17 is added to the Welfare and Institutions Code, to read:

11008.17. To the extent required by federal law, amounts paid pursuant to any federal law enacted in 1988 to provide reparation payments to redress the injustice done to United States citizens and resident aliens of Japanese ancestry who were interned during World War II shall not be considered as income or resources for purposes of determining eligibility to receive Medi-Cal benefits or public assistance benefits or the amount of those benefits.

This section shall not become operative, unless and until the department determines that a federal statute is enacted in 1988 which provides that amounts payable under a federal program to redress the injustice done to United States citizens and resident aliens of Japanese ancestry who were interned during World War II shall not be treated as income or resources for purposes of determining eligibility to receive benefits defined by subdivision (c) (2) (C) of Section 3803 of Title 31 of the United States Code or the amount of those benefits.

SEC. 3. Section 2 of Chapter 523 of the Statutes of 1982 is amended to read:

Sec.2. Any person who, due to the enactment of SCR 15, was dismissed, terminated from a temporary position, rejected during his or her probationary period, or voluntarily resigned in lieu of dismissal from state civil service, the California State University, or the University of California and who incurred salary losses as a result thereof, is eligible to file a claim with the state for the reparation of those losses. The surviving spouse of the person is also eligible to file a claim with the state for the reparation of those losses if the person did not file a claim pursuant to this act before his or her death. No more than one claim may be filed with respect to the person. Claims must be postmarked by May 15 of each year.

SEC. 4. Section 3 of Chapter 523 of the Statutes of 1982 is amended to read:

Sec.3. The claim may be submitted for the reparation of the salary losses suffered during the years 1942 to 1947. The claim shall be supported by appropriate verification, such as the person's name at the time of the dismissal, the name of the employing department, a social security number, or by evidence of official action, such as a letter of termination. In the case of a claim submitted by the surviving spouse of a deceased person who suffered a loss, the claim shall be supported also by verification of the claimant's relationship to the deceased person.

SEC. 5. Section 6 of Chapter 523 of the Statutes of 1982 is repealed.

CIVIL LIBERTIES ACT OF 1988 - VOLUNTARY INFORMATION FORM

Your support is needed to locate persons of Japanese ancestry who were confined, held in custody, relocated, or otherwise deprived of liberty or property during World War II. The submission of information or documentation is entirely voluntary. However, any of the information below will be of assistance in locating those individuals who may be eligible to receive compensation under the Civil Liberties Act of 1988. If you cannot fully answer all of the questions, partial information is also helpful.

IMPORTANT: You may complete this form if you believe yourself to be eligible for payment under the Act or you may complete this form to help locate another individual who may be eligible to receive payment.

SECTION A - CURRENT DATA ON POTENTIALLY ELIGIBLE INDIVIDUAL

1. Full name (last, first, middle)		2. Maiden name		3. Other names used	
4. Street address		City		State	Zip Code Country
5. Home telephone ()			6. Office telephone ()		
7. Date of birth		8. Place of birth		9. Sex	10. Social Security No.
11. Of Japanese ancestry? Yes ___ Other: _____					
12. Citizenship Natural born U.S. citizen ___ Naturalized U.S. citizen ___ Date of naturalization: Other: _____					
13. Alien Registration Number, if any: _____					

SECTION B - HISTORICAL INFORMATION REGARDING INTERNMENT, RELOCATION, OR DETENTION OF POTENTIALLY ELIGIBLE INDIVIDUAL. Complete as much as you remember. Partial information is helpful.

1. Last permanent address prior to evacuation:				
Street address		City		State Zip Code Country
2. Names of assembly centers, relocation centers, camps, or other places of relocation or detention:				
3. Family number		4. Name of head of family group		5. Relationship to head of family group
6. Names of parents				
Mother		Now living? Yes ___ No ___		Date/place of death
Father		Now living? Yes ___ No ___		Date/place of death
8. If individual was a voluntary evacuee, approximate date of evacuation and place of resettlement:				

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SECTION C - INFORMATION REGARDING SURVIVOR BENEFITS

If an eligible individual dies after the enactment of the Civil Liberties Act (August 10, 1988), but before receiving payment, a surviving spouse, children, or parents may be eligible to receive payment. To ensure that accurate survivor information is on file, please provide the following:

1. Current spouse		
Name	Date of Marriage	Address
2. Living children (include all natural children, adopted children, and step children who lived with you in a parent-child relationship)		
Name	Address	
3. Living parents (include parents by adoption)		
Name	Address	

SECTION D - To be completed by person filing this form (Complete this section only if you are providing information on someone else. If you are completing this form on your own behalf, please go on to Section E)

1. Your full name (last, first, middle)				
2. Your relationship to potentially eligible individual identified above (i.e. self, spouse, friend, son, daughter, etc.):				
3. Street address	City	State	Zip Code	Country
4. Home telephone ()			Office telephone ()	

SECTION E

Signature	Date
-----------	------

Because the Department of Justice may make use of this information, as detailed below, a Privacy Act Statement has been included.

The authority for this information is contained in 50 U.S.C.App. 1989b. The information that you provide will be used principally for locating and identifying persons eligible for payment under the restitution provisions of the Civil Liberties Act. Additional disclosures of the information may be: to a Federal, State, or local agency to confirm a person's date of birth, date of death, or address; to Members of congress or staff to enable the Congressman to provide service to his or her constituency; to volunteer student-workers so that they may perform their duties; to the new media when release is made consistent with the Freedom of Information Act and 28 C.F.R. 50.2; and to the National Archives and Records Administration and General Services Administration to perform records management inspection functions in accordance with their statutory responsibilities.

SEND TO: P.O. BOX 66260, WASHINGTON, D.C. 20035-6260

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JACL-LEC BOARD OFFICIAL ROSTER

November 4, 1988

EXECUTIVE COMMITTEE

		POSITION	TERM
(1) Jerry Enomoto 6917 Greenhaven Drive	hm: (916) 392-5786 Sacramento, CA 95831	Chairman At large	1987-88
(2) Grant Ujifusa 9 Greenridge Road	hm: (914) 666-7132 Chappaqua, NY 10514	Vice-Chair; Legislative At Large	1986-89
(3) Cherry Kinoshita 3520 S. Thistle Street	hm: (206) 721-0717 Seattle, WA 98118	Vice-Chair; Operations JACL	1988-90
(4) Shig Wakamatsu 2336 N. Commonwealth Ave.	hm: (312) 281-4071 Chicago, IL 60614	Treasurer At Large	1986-89
(5) Cressey Nakagawa, Esq. Hearst Building 3rd & Market, #1200,	wk: (415) 421-6995 San Francisco, CA 94103	JACL National President JACL	1988-90
(6) Mollie Fujioka 1874 Meadow Lane	hm: (415) 935-4766 Walnut Creek, CA 94595	Secretary JACL	1985-88
(7) Mae Takahashi 5721 N. First Street	wk: (209) 431-4142 Fresno, CA 93710	Fund Raising Chair At Large	1987-88
(8) Henry Tanaka 2192 Grandview Ave.	hm: (216) 229-2491 Cleveland Heights, OH 44106	Personnel Committee Chair JACL	1986-89

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(9) Peggy Liggett, Esq. 3221 E. Huntington Blvd.	hm: (209) 266-2204 Fresno, CA 93702	JACL	1986-88
(10) Arthur Morimitsu 5241 N. Bernard Street	hm: (312) 478-1534 Chicago, IL 60625	At Large	1988-90
(11) Gene Takamine, Esq. 18971 Crimson Circle	hm: (714) 964-1576 Huntington Beach, CA 92646	At-Large	1989-90
(12) Dr. James Tsujimura 2222 NW Lovejoy St., #504C	wk: (503) 229-7654 Portland, OR 97210	At Large	1985-88
(13) Denny Yasuhara East 935 20th Ave.	hm: (509) 534-2576 Spokane, WA 99203	JACL	1986-89

WASHINGTON D.C. JACL-LEC AND JACL STAFF

Rita Takahashi
Acting JACL-LEC Executive Director and
JACL Washington Representative

Rochelle Wandzura
JACL Secretary

Washington, D.C. Office Address: 1730 Rhode Island Ave., NW, #204, Washington, D.C. 20036

Washington, D.C. Office Telephone Number: (202) 223-1240

Washington, D.C. Office Telefacsimile Number: (202) 296-8082



**Japanese American Citizens League -
Legislative Education Committee**

1730 Rhode Island Avenue, N.W., #204
Washington, D.C. 20036
Telephone: 202/223-1240
Telefax: 202/296-8082

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