

STATEMENT OF THE HONORABLE ROBERT T. MATSUI
BEFORE THE HOUSE JUDICIARY COMMITTEE
SUBCOMMITTEE ON ADMINISTRATIVE LAW AND GOVERNMENT RELATIONS
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Thank you very much, Mr. Chairman and members of the subcommittee.

I, first of all, would like to thank you very much for calling these hearings and demonstrating an acute awareness of what happened in 1942 through 1945. I appreciate your sensitivity to this issue very much.

Before I get into my main argument, I would like to indicate that Congressman Foley, the House Majority Leader, is the original sponsor of this legislation. We have 139 cosponsors of the House bill at this time. On the Senate side, Senator Matsunaga is the original sponsor, and he has 69 cosponsors of the bill, including Minority Leader Dole and a number of other prominent members of the United States Senate.

As Congressman Mineta indicated, three weeks ago when the Hohri case was brought before the U.S. Supreme Court, the U.S. Solicitor General indicated that what was done in 1942 could not be justified under any circumstances of wartime necessity and that, in fact, the internment of Americans of Japanese ancestry was due to race.

I would appreciate it if the members of the subcommittee would recall what the Solicitor General said during his presentation before the U.S. Supreme Court when the Justice Department testifies today. I had an opportunity this morning to review the Justice Department's letter to this subcommittee last year, and I would have to say that it is in almost direct contradiction to what the Solicitor General, whose office is also an arm of the Federal Government, presented before the U.S. Supreme Court. I think it is only fair that those contradictions be raised in the course of this subcommittee hearing.

What I would like to do today is raise some of the concerns that members of the public and others have raised over the last

seven years on this issue.

Some have said that if we give compensation to Americans of Japanese ancestry we will set a precedent for other groups to come before the United States Congress and seek monetary reparations for harms done to themselves over the 200-plus-year history of this country. I would have to say that we will not be setting a precedent if we give compensation to the 66,000 living Americans of Japanese ancestry, and the reason for that is that you have an exact number of people who, in fact, have been subjects of Government discrimination.

This isn't a situation where Congressman Mineta and myself would say that our predecessors were damaged by the Government, so therefore we, as heirs of our parents and grandparents, should be entitled to compensation. We were actually victims of the Government action, so this is an opportunity for the U.S. Government to actually compensate those people that were in fact injured by their Government. As each day goes by, as you well know, more and more of those innocent victims are dying and are no longer with us. In fact, only half of the 120,000 who had been interned -- approximately 66,000 -- are left.

Another argument that has been made is that all people during times of war suffer. That's true. We in this country lost innumerable men during World War II. Lives were torn apart and families were destroyed as a result of the war. But let me say this. I think all of us, as American citizens and as members of a democratic form of government, have an obligation to protect our country. If Nazi Germany or Imperial Japan threaten our shores and threaten our democracy, we have a responsibility to fight and we have a responsibility to die for our country. This is one of the fundamental principles of citizenship in a democracy.

But, you know, I don't have any responsibility under a democracy to be a six-month-old child and to be incarcerated by my Government because of my origin. I don't have that responsibility at all. Now if I lived in the Soviet Union, in totalitarian form of government, I suppose then I would have that

opinion. In a totalitarian form of government like the Soviet Union, perhaps it is a responsibility of citizenship to be incarcerated if you happen to be a Jew or somebody who is opposing your government -- but not in a democracy. We have a responsibility to fight for our country, but no citizen of this country has the responsibility nor obligation to be incarcerated by its own government because of race.

Now some people have said that monetary damages in this situation are absolutely meaningless and that they diminish what happened in 1942. I would have to agree with that. If we could give Congressman Mineta his four years back when he was 11 through the age of 14, while he was a Boy Scout, while he had a lot of friends in the fifth grade through the ninth grade, I think we should try to do that. If my father, for example, in 1942, could resume the produce business that he had, and resume his life in the house and the neighborhood he had in Sacramento, I wish we could give that back. But nobody in this Congress can give that back. The only form of compensation we can give for injury now is in the form of monetary compensation, and as a result, I think that is the only way we can really do justice in this particular case.

Now there are others who have said, well, there are some Americans of Japanese ancestry that are pretty well off, and so why should they be entitled to \$20,000? I would only answer that if one of you were out in the middle of the street and got hit by an automobile and lost your arms and your legs, a defense against awarding monetary damages in a court of law could not be that, well, you are members of Congress and you make "x" dollars. Your particular wealth has nothing to do with it. The issue is fundamental justice. In fact, if an injury occurred, and that injury is provable, then you should be entitled to compensation for that particular injury.

The purpose of this hearing, of course, is to determine compensation. As I said before, monetary damages really won't compensate the 66,000 survivors of the internment. There's just no way that it possibly could. My mother, before she died, in

the last year of her life, finally revealed to me that she had nightmares periodically, waking up in the middle of the night because she thought she was still in those internment camps. Her 35 or 40 years of suffering after the internment camps cannot be compensated by a mere \$20,000, and I think it is meaningless and almost deprecating.

At the same time, I think it is a responsibility of this country to close this very unfortunate, tragic chapter in American history. We are not going to be able to close this chapter until we can actually give redress and compensation to those people who are still alive and who suffered that particular damage, and I plead to all of you on this subcommittee and all members of the House of Representatives and Senators alike that this chapter has to be closed.

There are still those 66,000 who are suffering, and I can assure you of it. If you look at the Wartime Relocation Commission hearing, you will find that when people talk about this subject they still weep. I realize that they are still going to have these memories, but at least if the Government atones for what it did, I think that will go a long way in closing this very unfortunate, tragic chapter in American history. Thank you.