

Redress funding still needs more support

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During the week of February 17th, I traveled to Washington, D.C. to take part in the symposium convened by the Smithsonian Institution marking the 50th Anniversary of the signing of Executive Order 9066. This trip offered me the opportunity to meet with various members of Congress and with the Office of Redress Administration (ORA) to discuss the current status of redress payments and to clarify other issues related to the fulfillment of the provisions of the Civil Liberties Act of 1988. In particular, discussion focused on President Bush's proposed budget for the Fiscal year 1993 and proposed legislative amendments to the Civil Liberties Act.

Originally, a mandatory advance appropriation of \$250 million was allocated in 1990 to cover payments for the third year of reparations. An initial estimate of the number of individuals eligible for payment was pegged at 60,000. Diligent work by the ORA, however, found that estimate to be low by as much as 15,000 individuals. This meant that the \$250 million originally appropriated needed to be supplemented by an additional \$250 million.

Given the Federal fiscal picture, it was unclear whether the Administration would recommend that such an appropriation be made. Both Representative Robert Matsui (D-CA) and Representative Norman Mineta (D-CA) formally petitioned the ORA and the Office of Management and Budget to include the additional \$250 appropriation.

When the President's budget was released, it included the recommendation for the additional \$250 million, for a total of \$500 million for the next fiscal year. There was, however, a major catch. The supplemental appropriation was characterized by the Administration as "pay as you go." Simply put, the \$250 million extra for redress must be found somewhere else in the budget, essentially forcing Congress to take money from other domestic programs to fund the supplemental appropriation. Given the current economic problems surrounding the budget, and other deserving programs competing for funding, the additional funding is placed in jeopardy. And given that there is another Administration proposal, discussed below, that would terminate the program in 1994, the urgency of appropriating the \$250 million this year is self-evident.

At present, intense discussions are occurring between Congress-

sional members and the Administration on ways to eliminate the "pay as you go" designation. Support from our community for Congressional members seeking to obtain the supplemental appropriation will be critical given these difficult circumstances.

As for proposed amendments to the Civil Liberties Act, the Congressional Record, dated February 7, 1992, carried legislation proposed by the Administration to significantly amend the Act. The proposed amendments include expanding the eligibility criteria to include non-Japanese spouses and parents interned with spouses and children of Japanese ancestry, thus making them eligible for redress payments. Also proposed are amendments to sunset the Act on September 30, 1993, as opposed to August 10, 1998. There are two proposed amendments dealing with litigation of disputes arising from denial of redress payments. The first covers situations where an heir to an eligible recipient is not reported to ORA by other heirs making a claim to payment. An improperly excluded heir would have to sue the other heirs for any share of the payment, not the Justice Department.

More importantly, another amendment would require that those whose claims are denied by ORA and the Justice Department to file lawsuits only within the U.S. Claims Court, rather than in Federal District Court. Such a limitation would permit legal review of such denials based on existing standards.

Finally, and perhaps most controversially, the Administration has proposed canceling the Public Education Fund as established by the Act to underwrite continuing education about the internment. Although an original appropriation of \$50 million was made, that would now be eliminated. The JACL is concerned about elimination of the Fund, because education about the internment and its historical lessons is crucial to fully understanding the basis for the monetary redress payments authorized by the bill. Continued support for the Fund must remain a high priority.

From my discussion with Congressional members and with the ORA, it is eminently clear that the final phase of the redress program is in doubt. It is incumbent upon us to urge both Congress and the Administration to jointly carry out the promise of acknowledging and correcting the fundamental injustice of the internment.

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