



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 100th CONGRESS, FIRST SESSION

FROM THE OFFICE OF
SPARK MATSUNAGA
U.S. SENATOR

Vol. 133

WASHINGTON, FRIDAY, APRIL 10, 1987

No. 60

Senate

FRIDAY, APRIL 10, 1987

By Mr. MATSUNAGA (for himself, Mr. INOUE, Mr. STEVENS, Mr. MURKOWSKI, Mr. BYRD, Mr. DOLE, Mr. CRANSTON, Mr. SIMPSON, Mr. ADAMS, Mr. ARMSTRONG, Mr. BAUCUS, Mr. BENTSEN, Mr. BIDEN, Mr. BOND, Mr. BOREN, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BREAUX, Mr. BURDICK, Mr. CHILES, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. D'AMATO, Mr. DASCHLE, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. DURENBERGER, Mr. EVANS, Mr. FOWLER, Mr. GARN, Mr. GLENN, Mr. GORE, Mr. GRAHAM, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. JOHNSTON, Mr. KARNES, Mr. KASTEN, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LUGAR, Mr. MCCONNELL, Mr. MELCHER, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. PACKWOOD, Mr. PELL, Mr. PROXMIRE, Mr. REID, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. RUDMAN, Mr. SANFORD, Mr. SARBANES, Mr. SASSER, Mr. SIMON, Mr. SPECTER, Mr. STAFFORD, Mr. SYMMS, Mr. WARNER, Mr. WEICKER, Mr. WILSON, and Mr. WIRTH):

S. 1009. A bill to accept the findings and to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians; to the Committee on Governmental Affairs.

IMPLEMENTATION OF THE FINDINGS AND RECOMMENDATIONS OF THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS

Mr. MATSUNAGA. Mr. President, the greatness of any nation can be accurately measured by the laws under which its people are governed. This year we celebrate the bicentennial of that greatest of documents ever written by mortals which we have adopted as the supreme law of our land. In so doing, I am extremely pleased, if not exhilarated, to announce that on this day 71 Members of the august body

have joined together in introducing legislation to remove that one ugly blot which has marred our National Constitution over the past 45 years.

That piece of legislation, S. 1009, is designed to implement the recommendations of a nine-member Commission authorized by Congress and appointed by the President, which submitted its moving report, entitled "Personal Justice Denied," in 1983.

The Commission recommended, and our bill would provide, a long-overdue remedy for what has been called America's worst wartime mistake and one of the worst single violations of individual civil liberties in our Nation's history.

Those of us in this Chamber who are over 50 years of age no doubt recall exactly where we were and what we were doing on December 7, 1941, the day that Japan attacked the American naval base at Pearl Harbor. I myself was in active military service on the Island of Molokai as an Army officer. I was on the Island of Molokai in temporary command of an infantry company defending that island against the invaders. In fact, I was one of more than 1,500 men of Japanese ancestry who had volunteered for and were in active military service in Uncle Sam's uniform 6 months or more prior to the attack on Pearl Harbor, and who stood in defense of Hawaii against the enemy.

We remember vividly the atmosphere which prevailed in this country immediately following the bombing of Pearl Harbor. Rumors of a Japanese attack on the west coast of the United States were rampant and numerous false sightings of enemy war planes off the coast were reported. A great wave of fear and hysteria swept the United States, particularly along the west coast, where a relatively small population of Japanese Americans had for many years been subjected to racial discrimination and often violent attacks, even before the outbreak of World War II.

Some 2 months after the attack on Pearl Harbor, February 1942, President Franklin D. Roosevelt issued Ex-

Executive Order 9066. The Executive order gave to the Secretary of War the authority to designate restricted military areas and to exclude any or all persons from such areas. Penalties for violations of the restrictions were subsequently established by Congress in Public Law 77-503, enacted in March 1942.

At about the same time, the military commander of the Western District, Lt. Gen. John DeWitt, issued four public proclamations establishing restricted zones in eight Western States and instituting a curfew applicable to enemy aliens and persons of Japanese ancestry and restricting the travel of Americans of Japanese ancestry and resident aliens. The first "Civilian Exclusion Order" was issued by General DeWitt on March 24, 1942 and marked the beginning of the relocation and internment of Japanese Americans and their resident alien parents from the west coast.

It is significant to note that the military commander of the then Territory of Hawaii, which had actually suffered an enemy attack and was under martial law, did not believe that it was necessary to evacuate any Americans or resident aliens of Japanese ancestry from Hawaii, although about 1,400 leaders of the Japanese American community in Hawaii were rounded up immediately after the attack and sent to detention camps on the United States mainland.

FBI Director J. Edgar Hoover, who could hardly be accused of being soft on suspected spies, opposed the mass evacuation of Japanese Americans from Hawaii or the west coast, pointing out that the FBI and other law enforcement agencies were capable of apprehending any spies or saboteurs. Japanese diplomats, consular officials and military attachés who were in this country at the outbreak of war between the United States and Japan were not incarcerated in detention camps. On Hoover's orders, they were confined to house arrest and treated courteously, because the FBI Director hoped that American citizens in Japan would be treated in a similar manner. The Office of Naval Intelligence had also informed President Roosevelt that the wholesale incarceration of Japanese Americans was unnecessary, pointing to the lack of evidence of any acts of espionage or sabotage by Americans of Japanese ancestry or their parents, before, during or after the attack on Pearl Harbor.

Of the 120,000 individuals who were ordered, on 72 hours notice, to pack, leave their homes, and report to assembly centers on the west coast prior to being moved to camps in the interior United States, about 80 percent

were native born American citizens, many of them little children and teenagers. The remainder, including many elderly people, were legal alien residents of the United States who were prohibited by U.S. law, the Oriental Exclusion Act of 1924, from becoming naturalized American citizens. All of them, native born Americans and legal alien residents alike, were entitled to the full protection of the United States and the laws of our land, but their constitutional rights were summarily denied. Without being charged or indicted, without trial or hearing, without being convicted of any single crime, they were en-masse ordered into what can only be described as American-style concentration camps, surrounded by barbed wire fences, with searchlights, watch towers, and armed guards. They lost every earthly possession, and life in the camps was soul-trying.

During hearings held by the Commission on Wartime Relocation and Internment of Civilians, former internees, many telling their stories for the first time, told of infants, young mothers and elderly persons who died for lack of adequate medical care and facilities; of families who were separated, with elderly parents or in-laws going to one camp and their married children to another; of large families forced to live together in one small room; of the constant, nagging uncertainty about the future, both immediate and longterm; of internees who were shot and killed by guards when they inadvertently wandered to close to the camp fence; and of the strains which all of this placed on their families and on the close-knit Japanese American community as a whole.

A dramatic incident tells of a Dr. Ta-shiro whose father and son were playing pitch-catch ball. No one was to be seen between barbed wire fences after 6 o'clock.

It was a summer day; although past 6 o'clock, it was broad daylight. The grandfather missed the ball, and chased after it between the two fences. The guard in the watchtower yelled out, "Get back." The grandfather responded, "Oh, I am just going for the ball." and went after the ball.

The guard from the watchtower fired with his machine gun and killed him on the spot.

But perhaps the most traumatic experience, the one thing that has haunted Americans of Japanese ancestry for 45 years, was the stigma of being cast as disloyal to their own beloved country, the United States of America. One elderly internee, an American veteran of World War I, committed suicide rather than bear

the brand of disloyalty to his country, the United States of America.

In 1980, 38 years after the beginning of the relocation and internment of Japanese Americans, Congress authorized a thorough study of the circumstances surrounding the incident, which is still the most traumatic experience in the lives of about 60,000 living former internees. The distinguished nine-member Commission established by Congress was mandated to examine the facts surrounding the issuance of Executive Order 9066 and the subsequent relocation and internment of some 120,000 Americans and resident aliens of Japanese ancestry during World War II. In addition, the Commission was authorized to study the circumstances surrounding the evacuation of the Aleutian and Pribilof Islands of Alaska and the relocation of Native American Aleuts. The Commission submitted its report, entitled "Personal Justice Denied" in June 1983.

Japanese Americans welcomed the study commission's thorough and intensive review of the circumstances surrounding their relocation and internment. The Commission report revealed publicly and confirmed what they had always known: The relocation and internment of Americans of Japanese ancestry was not justified by military necessity, but was the result of wartime hysteria, racism, and the failure of political leadership.

The Commission found that the precipitous action had been taken under the leadership of men like the Western District Military Commander, General DeWitt, who believed, and stated to the U.S. House of Representatives Naval Affairs Subcommittee on April 13, 1943:

A Jap's a Jap. They are a dangerous element, whether loyal or not. There is no way to determine their loyalty * * * it makes no difference whether he is an American; theoretically, he is still a Japanese, and you can't change him * * *. You can't change him by giving him a piece of paper.

In recommending the relocation and incarceration of Japanese Americans to his superiors in Washington, General DeWitt stated:

The Japanese race is an enemy race and while many second and third generation Japanese born on United States soil, possessed of United States citizenship have become "Americanized", the racial strains are undiluted.

General DeWitt's views were loudly echoed by many on the west coast, in Congress and in the media. Although the Secretary of the Army and his deputy did not share DeWitt's racial views and, in fact, tried to suppress them, they did not reject his proposed

solution to the so-called Japanese American problem on the west coast, cloaking it instead in the spurious guise of military necessity, and adopting his argument that there just wasn't time for the FBI, military intelligence, and local law enforcement agencies to identify and apprehend any suspected spies or saboteurs. No one argued to the President of the United States that the DeWitt proposal was wrong, and that the failure to prove military necessity would render the proposed relocation and detention of Japanese Americans and their resident parents constitutionally impermissible. No one said, "Mr. President: Bad idea. You can't just snatch up a group of American citizens and imprison them for years without charging them with a crime and providing them with a fair trial. The fifth amendment of our Constitution, the supreme law of our land forbids it." Indeed the matter was never even raised to the level of discussion at a cabinet meeting.

While revelation of the truth at last by a congressionally created commission is a great relief to Americans of Japanese ancestry who were victims of this grave wartime mistake, it is not enough to provide them with justice denied them for too long a period—any more than it would be for any other innocent American falsely imprisoned for years on trumped-up charges. In our great society, the victims of such errors in justice are entitled to relief.

While it would not provide full relief, our bill is intended to provide some personal justice too long denied. The bill, in accordance with the study commission's recommendations, would provide a modest, token payment in the amount of \$20,000 to each of the approximately 60,000 former internees who are still alive today. In addition, funds would be authorized for the establishment of a civil liberties education fund, which, we believe, would enhance the protection of civil liberties in this country and help ensure that what happened to Japanese Americans during World War II will never happen to any other group of Americans. Enactment of the bill would also constitute an official acknowledgment of the wrong done.

The bill would also implement the study commission's recommendations with respect to claims stemming from the evacuation of the Aleuts from their ancestral homes in the Aleutian and Pribilof Islands of Alaska during World War II. The study commission found that this evacuation was necessary because of the threat of an enemy attack—and one of the islands

was attacked by the Japanese—however, it was poorly planned and carried out. The Aleuts were moved to makeshift camps on the Alaskan mainland and, due to a lack of adequate food, clothing and medical care, about 10 percent of them died. They lost most of their personal possessions and, upon return to their island villages, found that in many cases their homes and community buildings had been destroyed. Attu Island, the site of a native village for many years prior to World War II, was never returned to the Aleuts and our bill also provides compensation for the taking of the island, now one of the Nation's most valuable and beautiful wilderness areas.

Mr. President, joining me in introducing this historic measure are my colleagues: Senator INOUE of Hawaii, Senators STEVENS and MURKOWSKI of Alaska, Senator DeCONCINI of Arizona, Senators CRANSTON and WILSON of California, Senators ARMSTRONG and WIRTH of Colorado, Senators WEICKER and DODD of Connecticut, Senator BIDEN of Delaware, Senators CHILES and GRAHAM of Florida, Senator FOWLER of Georgia, Senator SYMMS of Idaho, Senators DIXON and SIMON of Illinois, Senator LUGAR of Indiana, Senator HARKIN of Iowa, Senator DOLE of Kansas, Senator McCONNELL of Kentucky, Senators JOHNSTON and BREAUX of Louisiana, Senators COHEN and MITCHELL of Maine, Senators SARBANES and MIKULSKI of Maryland, Senators KENNEDY and KERRY of Massachusetts, Senators RIEGLE and LEVIN of Michigan, Senators DURENBERGER and BOSCHWITZ of Minnesota, Senator COCHRAN of Mississippi, Senator BOND of Missouri, Senators MELCHER and BAUCUS of Montana, Senator REID of Nevada, Senator KARNES of Nebraska, Senator RUDMAN of New Hampshire, Senators BRADLEY and LAUTENBERG of New Jersey, Senators MOYNIHAN and D'AMATO of New York, Senator SANFORD of North Carolina, Senators BURDICK and CONRAD of North Dakota, Senators GLENN and METZENBAUM of Ohio, Senator BOREN of Oklahoma, Senators HATFIELD and PACKWOOD of Oregon, Senator SPECTER of Pennsylvania, Senator PELL of Rhode Island, Senator DASCHLE of South Dakota, Senators SASSER and GORE of Tennessee, Senator BENTSEN of Texas, Senators GARN and HATCH of Utah, Senators STAFFORD and LEAHY of Vermont, Senator WARNER of Virginia, Senators EVANS and ADAMS of Washington, Senators BYRD and ROCKEFELLER of West Virginia, Senators PROXMIER and KASTEN of Wisconsin, and Senator SIMPSON of Wyoming. As a veteran of the All-Nisei 100th Infantry Battalion/442d Regiment, the most highly

decorated unit of its size in U.S. military history, I am deeply grateful for their sense of justice. I am sure that others will join as cosponsors after having had the opportunity to consider the facts in the matter.

Mr. President, in closing, I would like to quote the words of poet W.H. Auden: "Left alone with their day, and the time is short and/History to the defeated/May say Alas but cannot help or pardon." It is not enough for our great Nation to simply say "Alas" to the Japanese American and Aleut victims of our wartime policies. The early consideration and passage of this legislation would prove once again to the rest of the world that the United States derives its greatness partly from the truth that it is unafraid to admit its mistakes of the past and to make whole those whom it has wronged.

Mr. President, I ask unanimous consent that the statements of Senators INOUE, CRANSTON, and MURKOWSKI be printed in the RECORD, following mine and other Senators who may wish to, may do likewise.

I further ask unanimous consent that the text of the bill be printed in full following the statements made by cosponsors of the measure.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND PURPOSE

SECTION 1. (a) FINDINGS.—The Congress finds that—

(1) the findings of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act, accurately and completely describe the circumstances of the exclusion, relocation, and internment of in excess of one hundred and ten thousand United States citizens and permanent resident aliens of Japanese ancestry and the treatment of the individuals of Aleut ancestry who were removed from the Aleutian and the Pribilof Islands;

(2) the internment of individuals of Japanese ancestry was carried out without any documented acts of espionage or sabotage, or other acts of disloyalty by any citizens or permanent resident aliens of Japanese ancestry on the west coast;

(3) there was no military or security reason for the internment;

(4) the internment of the individuals of Japanese ancestry was caused by racial prejudice, war hysteria, and a failure of political leadership;

(5) the excluded individuals of Japanese ancestry suffered enormous damages and losses, both material and intangible, and there were incalculable losses in education and job training, all of which resulted in significant human suffering;

(6) the basic civil liberties and constitutional rights of those individuals of Japanese ancestry interned were fundamentally violated by that evacuation and internment;

(7) as documented in the Commission's reports, the Aleut civilian residents of the Pribilof Islands and the Aleutian Islands west of Unimak Island were relocated during World War II to temporary camps in isolated regions of southeast Alaska where they remained, under United States control and in the care of the United States, until long after any potential danger to their home villages had passed;

(8) the United States failed to provide reasonable care for the Aleuts, and this resulted in widespread illness, disease, and death among the residents of the camps; and the United States further failed to protect Aleut personal and community property while such property was in its possession or under its control;

(9) the United States has not compensated the Aleuts adequately for the conversion or destruction of personal property caused by the United States military occupation of Aleut villages during World War II;

(10) the United States has not removed certain abandoned military equipment and structures from inhabited Aleutian Islands following World War II, thus creating conditions which constitute potential hazards to the health and welfare of the residents of the islands;

(11) the United States has not rehabilitated Attu village, thus precluding the development of Attu Island for the benefit of the Aleut people and impairing the preservation of traditional Aleut property on the island; and

(12) there is no remedy for injustices suffered by the Aleuts during World War II except an Act of Congress providing appropriate compensation for those losses which are attributable to the conduct of United States forces and other officials and employees of the United States.

(b) PURPOSES.—The purposes of this Act are to—

(1) acknowledge the fundamental injustice of the evacuation, relocation, and internment of United States citizens and permanent resident aliens of Japanese ancestry;

(2) apologize on behalf of the people of the United States for the evacuation, relocation, and internment of the citizens and permanent resident aliens of Japanese ancestry;

(3) provide for a public education fund to finance efforts to inform the public about the internment of such individuals so as to prevent the reoccurrence of any similar event;

(4) make restitution to those individuals of Japanese ancestry who were interned;

(5) make restitution to Aleut residents of the Pribilof Islands and the Aleutian Islands west of Unimak Island, in settlement of United States obligations in equity and at law, for—

(A) injustices suffered and unreasonable hardships endured while under United States control during World War II;

(B) personal property taken or destroyed by United States forces during World War II;

(C) community property, including community church property, taken or destroyed by United States forces during World War II; and

(D) traditional village lands on Attu Island not rehabilitated after World War II for Aleut occupation or other productive use.

TITLE I—RECOGNITION OF INJUSTICE AND APOLOGY ON BEHALF OF THE NATION

SEC. 101. The Congress accepts the findings of the Commission on Wartime Relocation and Internment of Civilians and recognizes that a grave injustice was done to both citizens and resident aliens of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II. On behalf of the Nation, the Congress apologizes.

TITLE II—UNITED STATES CITIZENS OF JAPANESE ANCESTRY AND RESIDENT JAPANESE ALIENS

DEFINITIONS

SEC. 201. For the purposes of this title—

(1) the term "eligible individual" means any living individual of Japanese ancestry who—

(A) 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; or

(B) was confined, held in custody, or otherwise deprived of liberty or property during the period as a result of—

(i) Executive Order Numbered 9066 (February 19, 1942; 7 Fed. Reg. 1407);

(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" and 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 made by or on behalf of the United States or its agents, representatives, officers, or employees respecting the exclusion, relocation, or detention of individuals on the basis of race;

(2) the term "Fund" means the Civil Liberties Public Education Fund established in section 204;

(3) the term "Board" means the Civil Liberties Public Education Fund Board of Directors established in section 206;

(4) the term "evacuation, relocation, and internment period" means that period beginning on December 7, 1941, and ending on June 30, 1946; and

(5) the term "Commission" means the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act.

CRIMINAL CONVICTIONS

SEC. 202. (a) REVIEW.—The Attorney General is requested to review all cases in which United States citizens and permanent resident aliens of Japanese ancestry were convicted of violations of laws of the United States, including convictions for violations of military orders, where such convictions resulted from charges filed against such individuals during the evacuation, relocation, and internment period.

(b) RECOMMENDATIONS.—Based upon the review required by subsection (a), the Attorney General is requested to recommend to the President for pardon consideration those convictions which the Attorney Gen-

eral finds were based on a refusal by such individuals to accept treatment that discriminated against them on the basis of race or ethnicity.

(c) **PARDONS.**—In consideration of the findings contained in this Act, the President is requested to offer pardons to those individuals recommended by the Attorney General pursuant to subsection (b).

CONSIDERATION OF COMMISSION FINDINGS

SEC. 203. Departments and agencies of the United States Government to which eligible individuals may apply for the restitution of positions, status, or entitlements lost in whole or in part because of discriminatory acts of the United States Government against such individuals based upon their race or ethnicity and which occurred during the evacuation, relocation, and internment period shall review such applications for restitution of positions, status, or entitlements with liberality, giving full consideration to the historical findings of the Commission and the findings contained in this Act.

TRUST FUND

SEC. 204. (a) **ESTABLISHMENT.**—There is hereby established in the Treasury of the United States the Civil Liberties Public Education Fund, to be administered by the Secretary of the Treasury. Amounts in the Fund shall be invested in accordance with section 9702 of title 31, United States Code, and shall only be available for disbursement by the Attorney General under section 205, and by the Board of Directors of the Fund under section 206.

(b) **AUTHORIZATION.**—There are authorized to be appropriated to the Fund \$1,300,000,000.

RESTITUTION

SEC. 205. (a) **LOCATION OF ELIGIBLE INDIVIDUALS.**—(1) The Attorney General, with the assistance of the Board, shall locate, using records already in the possession of the United States Government, each eligible individual and shall pay out of the Fund to each such individual the sum of \$20,000. The Attorney General shall encourage each eligible individual to submit his or her current address to the Department of Justice through a public awareness campaign.

(2) If an eligible individual refuses to accept any payment under this section, such amount shall remain in the Fund and no payment shall be made under this section to such individual at any future date.

(b) **PREFERENCE TO OLDEST.**—The Attorney General shall endeavor to make payment to eligible individuals who are living in the order of date of birth (with the oldest receiving full payment first), until all eligible individuals who are living have received payment in full.

(c) **NONRESIDENTS.**—In attempting to locate any eligible individual who resides outside the United States, the Attorney General may use any available facility or resources of any public or nonprofit organization.

(d) **NO SET OFF FOR ADMINISTRATIVE COSTS.**—No costs incurred by the Attorney General in carrying out this section shall be paid from the Fund or set off against, or otherwise deducted from, any payment under this section to any eligible individual.

(e) **EXTINGUISHMENT OF CLAIMS.**—The claims of an eligible individual against the United States shall be extinguished—

(A) on the date which is ten years after the date of enactment of this Act, or

(B) on the date by which the individual has received the total amount of payments under this Act, whichever first occurs.

BOARD OF DIRECTORS

SEC. 206. (a) **ESTABLISHMENT.**—There is hereby established the Civil Liberties Public Education Fund Board of Directors which shall be responsible for making disbursements from the Fund in the manner provided in this section.

(b) **DISBURSEMENTS FROM FUND.**—The Board of Directors may make disbursements from the Fund only—

(1) to sponsor research and public educational activities so that the events surrounding the relocation and internment of United States citizens and permanent resident aliens of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood;

(2) to fund comparative studies of similar civil liberties abuses, or to fund comparative studies of the effect upon particular groups of racial prejudice embodied by Government action in times of national stress;

(3) to prepare and distribute the hearings and findings of the Commission to textbook publishers, educators, and libraries;

(4) for the general welfare of the ethnic Japanese community in the United States, taking into consideration the effect of the exclusion and detention on the descendants of those individuals who were detained during the evacuation, relocation, and internment period (individual payments in compensation for loss or damages shall not be made under this paragraph); and

(5) for reasonable administrative expenses, including expenses incurred under subsections (c)(3), (d), and (e).

(c) **MEMBERSHIP AND TERMS OF OFFICE.**—(1) The Board shall be composed of nine members appointed by the President, by and with the advice and consent of the Senate, from persons who are not officers or employees of the United States Government. At least five of the individuals appointed shall be individuals who are of Japanese ancestry.

(2)(A) Except as provided in subparagraphs (B) and (C), members shall be appointed for terms of three years.

(B) Of the members first appointed—

(i) five shall be appointed for terms of three years; and

(ii) four shall be appointed for terms of two years; as designated by the President at the time of appointment.

(C) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office. No individual may be appointed to more than two consecutive terms.

(3) Members of the Board shall serve without pay, except members of the Board shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Board, in the same manner as persons employed intermittently in the United States Government are allowed expenses under section 5703 of title 5, United States Code.

(4) Five members of the Board shall constitute a quorum but a lesser number may hold hearings.

(5) The Chair of the Board shall be elected by the members of the Board.

(d)(1) The Board shall have a Director who shall be appointed by the Board and who shall be paid at a rate not to exceed the minimum rate of basic pay payable for GS-18 of the General Schedule under section 5332(a) of title 5, United States Code.

(2) The Board may appoint and fix the pay of such additional staff personnel as it may require.

(3) The Director and the additional staff personnel of the Board may be appointed without regard to section 5311(B) of title 5, United States Code, and may be appointed without regard to the provisions of such title governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Board may not exceed a rate equivalent to the rate payable under GS-18 of the General Schedule under section 5332(a) of such title.

(e) **SUPPORT SERVICES.**—The Administrator of General Services shall provide to the Board of Directors on a reimbursable basis such administrative support services as the Board may request.

(f) **DONATIONS.**—The Board may accept, use, and dispose of gifts or donations or services or property for purposes authorized under subsection (b).

(g) **ANNUAL REPORT.**—Not later than twelve months after the first meeting of the Board and every twelve months thereafter, the Board shall transmit a report describing the activities of the Board to the President and to each House of the Congress.

(h) **SUNSET FOR BOARD.**—The Board shall terminate not later than the earlier of ninety days after the date on which an amount has been obligated to be expended from the Fund which is equal to the amount authorized to be appropriated to the Fund or ten years after the date of enactment of this Act. Investments shall be liquidated and receipts thereof deposited in the Fund and all funds remaining in the Fund shall be deposited in the miscellaneous receipts account in the Treasury of the United States.

TITLE III—ALEUTIAN AND PRIBILOF ISLANDS RESTITUTION

SHORT TITLE

SEC. 301. This title may be cited as the "Aleutian and Pribilof Islands Restitution Act".

DEFINITIONS

SEC. 302. As used in this title, the term—

(1) "Administrator" means the person designated under the terms of this title to administer certain expenditures made by the Secretary from the Aleutian and Pribilof Islands Restitution Fund;

(2) "affected Aleut villages" means those Aleut villages in Alaska whose residents were evacuated by United States forces during World War II, including Akutan, Atka, Nikolski, Saint George, Saint Paul, and Unalaska; and the Aleut village of Attu, Alaska, which was not rehabilitated by the United States for Aleut residence or other

use after World War II;

(3) "Aleutian Housing Authority" means the nonprofit regional native housing authority established for the Aleut region pursuant to AS 18.55.995 of the laws of the State of Alaska or any successor law of the State of Alaska;

(4) "Association" means the Aleutian/ Pribilof Islands Association, a nonprofit regional corporation established for the benefit of the Aleut people and organized under the laws of the State of Alaska;

(5) "Corporation" means the Aleut Corporation, a for-profit regional corporation for the Aleut region organized under the laws of the State of Alaska and established pursuant to section 7 of the Alaska Native Claims Settlement Act (Public Law 92-203);

(6) "eligible Aleut" means any Aleut living on the date of enactment of this Act who was a resident of Attu Island on June 7, 1942, or any Aleut living on the date of enactment of this Act who, as a civilian, was relocated by authority of the United States from his home village on the Pribilof Islands or the Aleutian Islands west of Unimak Island to an internment camp, or other temporary facility or location, during World War II; and

(7) "Secretary" means the Secretary of the Treasury.

ALEUTIAN AND PRIBILOF ISLANDS RESTITUTION FUND

SEC. 303. (a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a Fund to be known as the Aleutian and Pribilof Islands Restitution Fund (hereinafter referred to as the "Fund"). The Fund shall consist of amounts appropriated to it, as authorized by sections 306 and 307 of this title.

(b) **REPORT.**—It shall be the duty of the Secretary to hold the Fund, and to report to the Congress each year on the financial condition and the results of operations of such Fund during the preceding fiscal year and on its expected condition and operations during the next fiscal year. Such report shall be printed as a House document of the session of Congress to which the report is made.

(c) **INVESTMENT.**—It shall be the duty of the Secretary to invest such portion of the Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired—

(1) on original issue at the issue price, or

(2) by purchase of outstanding obligations at the market price.

(d) **SALE OF OBLIGATIONS.**—Any obligation acquired by the Fund may be sold by the Secretary at the market price.

(e) **INTEREST ON CERTAIN PROCEEDS.**—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(f) **TERMINATION.**—The Secretary shall terminate the Fund six years after the date of enactment of this Act, or one year after the completion of all restoration work pursuant to section 306(c) of this title, whichever occurs later. On the date the Fund is terminated, all investments shall be liquidated by the Secretary and receipts thereof deposited in the Fund and all funds remaining in the Fund shall be deposited in the miscellaneous

ous receipts account in the Treasury of the United States.

EXPENDITURES AND AUDIT

SEC. 304. (a) EXPENDITURES.—The Secretary is authorized and directed to pay, to the extent provided by appropriation Acts, to the Administrator from the principal, interest, and earnings of the Fund, such sums as are necessary to carry out the duties of the Administrator under this title.

(b) AUDIT.—The activities of the Administrator under this title may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, and files and all other papers, things, or property belonging to or in use by the Administrator, pertaining to such activities and necessary to facilitate the audit.

ADMINISTRATION OF CERTAIN FUND EXPENDITURES

SEC. 305. (a) DESIGNATION OF ADMINISTRATOR.—The Association is hereby designated as Administrator, subject to the terms and conditions of this title, of certain specified expenditures made by the Secretary from the Fund. As soon as practicable after the date of enactment of this Act the Secretary shall offer to undertake negotiations with the Association, leading to the execution of a binding agreement with the Association setting forth its duties as Administrator under the terms of this title. The Secretary shall make a good-faith effort to conclude such negotiations and execute such agreement within sixty days after the date of enactment of this Act. Such agreement shall be approved by a majority of the Board of Directors of the Association, and shall include, but need not be limited to—

(1) a detailed statement of the procedures to be employed by the Association in discharging each of its responsibilities as Administrator under this title;

(2) a requirement that the accounts of the Association, as they relate to its capacity as Administrator, shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants; and a further requirement that each such audit report shall be transmitted to the Secretary and to the Committees on the Judiciary of the Senate and House of Representatives; and

(3) a provision establishing the conditions under which the Secretary, upon thirty days notice, may terminate the Association's designation as Administrator for breach of fiduciary duty, failure to comply with the provisions of this Act as they relate to the duties of the Administrator, or any other significant failure to meet its responsibilities as Administrator under this title.

(b) SUBMISSION TO CONGRESS.—The Secretary shall submit the agreement described in subsection (a) to Congress within fifteen days after approval by the parties thereto. If the Secretary and the Association fail to reach agreement within the period provided in subsection (a), the Secretary shall report such failure to Congress within seventy-five days after the date of enactment of this Act, together with the reasons therefor.

(c) LIMITATION ON EXPENDITURES.—No expenditure may be made by the Secretary to the Administrator from the Fund until sixty days after submission to Congress of the agreement described in subsection (a).

DUTIES OF THE ADMINISTRATOR

SEC. 306. (a) IN GENERAL.—Out of payments from the Fund made to the Administrator by the Secretary, the Administrator shall make restitution, as provided by this section, for certain Aleut losses sustained in World War II, and shall take such other action as may be required by this title.

(b) TRUST ESTABLISHED.—(1) The Administrator shall establish a trust of \$5,000,000 for the benefit of affected Aleut communities, and for other purposes. Such trust shall be established pursuant to the laws of the State of Alaska, and shall be maintained and operated by not more than seven trustees, as designated by the Administrator. Each affected Aleut village, including the survivors of the Aleut village of Attu, may submit to the Administrator a list of three prospective trustees. In designating trustees pursuant to this subsection, the Administrator shall designate one trustee from each such list submitted.

(2) The trustees shall maintain and operate the trust as eight independent and separate accounts, including—

(A) one account for the independent benefit of the wartime Aleut residents of Attu and their descendants;

(B) six accounts, each one of which shall be for the independent benefit of one of the six surviving affected Aleut villages of Atka, Akutan, Nikolski, Saint George, Saint Paul, and Unalaska; and

(C) one account for the independent benefit of those Aleuts who, as determined by the trustees, are deserving but will not benefit directly from the accounts established pursuant to subparagraphs (A) and (B).

The trustees shall credit to the account described in subparagraph (C), an amount equal to five per centum of the principal amount credited by the Administrator to the trust. The remaining principal amount shall be divided among the accounts described in subparagraphs (A) and (B), in proportion to the June 1, 1942, Aleut civilian population of the village for which each such account is established, as compared to the total civilian Aleut population on such date of all affected Aleut villages.

(3) The trust established by this subsection shall be administered in a manner that is consistent with the laws of the State of Alaska, and as prescribed by the Administrator, after consultation with representative eligible Aleuts, the residents of affected Aleut villages, and the Secretary. The trustees may use the accrued interest, and other earnings of the trust for—

(A) the benefit of elderly, disabled, or seriously ill persons on the basis of special need;

(B) the benefit of students in need of scholarship assistance;

(C) the preservation of Aleut cultural heritage and historical records;

(D) the improvement of community centers in affected Aleut villages; and

(E) other purposes to improve the condition of Aleut life, as determined by the trustees.

(4) There are authorized to be appropriated \$5,000,000 to the Fund to carry out the purposes of this subsection.

(c) **RESTORATION OF CHURCH PROPERTY.**—(1) The Administrator is authorized to rebuild, restore, or replace churches and church property damaged or destroyed in affected Aleut villages during World War II. Within fifteen days after the date that expenditures from the Fund are authorized by this title, the Secretary shall pay \$100,000 to the Administrator for the purpose of making an inventory and assessment, as complete as may be possible under the circumstances, of all churches and church property damaged or destroyed in affected Aleut villages during World War II. In making such inventory and assessment, the Administrator shall consult with the trustees of the trust established by section 306(b) of this title and shall take into consideration, among other things, the present replacement value of such damaged or destroyed structures, furnishings, and artifacts. Within one year after the date of enactment of this Act, the Administrator shall submit such inventory and assessment, together with specific recommendations and detailed plans for reconstruction, restoration, and replacement work to be performed, to a review panel composed of—

(A) the Secretary of Housing and Urban Development;

(B) the Chairman of the National Endowment for the Arts; and

(C) the Administrator of the General Services Administration.

(2) If the Administrator's plans and recommendations or any portion of them are not disapproved by the review panel within sixty days, such plans and recommendations as are not disapproved shall be implemented as soon as practicable by the Administrator. If any portion of the Administrator's plans and recommendations is disapproved, such portion shall be revised and resubmitted to the review panel as soon as practicable after notice of disapproval, and the reasons therefor, have been received by the Administrator. In any case of irreconcilable differences between the Administrator and the review panel with respect to any specific portion of the plans and recommendations for work to be performed under this subsection, the Secretary shall submit such specific portion of such plans and recommendations to the Congress for approval or disapproval by joint resolution.

(3) In contracting for any necessary construction work to be performed on churches or church property under this subsection, the Administrator shall give preference to the Aleutian Housing Authority as general contractor. For purposes of this subsection, "churches or church property" shall be deemed to be "public facilities" as described in AS 18.55.996(b) of the laws of the State of Alaska.

(4) There are authorized to be appropriated to the Fund \$1,399,000 to carry out the purposes of this subsection.

(d) **ADMINISTRATIVE AND LEGAL EXPENSES.**—The Administrator is authorized to incur reasonable and necessary administrative and legal expenses in carrying out its responsibilities under this title. There are authorized to be appropriated to the Fund such sums as may be necessary for the Secretary to compensate the Administrator, not less often than quarterly, for all such reasonable and necessary administrative and legal expenses.

INDIVIDUAL COMPENSATION OF ELIGIBLE ALEUTS

SEC. 307. (a) PAYMENTS TO ELIGIBLE ALEUTS.—(1) In accordance with the provisions of this section, the Secretary shall make per capita payments out of the Fund to eligible Aleuts for uncompensated personal property losses, and for other purposes. The Secretary shall pay to each eligible Aleut the sum of \$12,000. All payments to eligible Aleuts shall be made within one year after the date of enactment of this Act.

(2) The Secretary may request, and upon such request, the Attorney General shall provide, reasonable assistance in locating eligible Aleuts residing outside the affected Aleut villages. In providing such assistance, the Attorney General may use available facilities and resources of the International Committee of the Red Cross and other organizations.

(3) The Administrator shall assist the Secretary in identifying and locating eligible Aleuts pursuant to this section.

(4) Any payment made under this subsection shall not be considered income or receipts for purposes of any Federal taxes or for purposes of determining the eligibility for or the amount of any benefits or assistance provided under any Federal program or under any State or local program financed in whole or part with Federal funds.

(b) **AUTHORIZATION.**—There are authorized to be appropriated to the Fund such sums as are necessary to carry out the purposes of this section.

SUPPLEMENTAL CLEANUP OF WARTIME DEBRIS

SEC. 308. (a) The Congress finds that the Department of Defense has implemented an ongoing program for the removal and disposal of live ammunition, obsolete buildings, abandoned machinery, and other hazardous debris remaining in populated areas of the lower Alaska Peninsula and the Aleutian Islands as a result of military activities during World War II. Such program is being accomplished pursuant to Acts making appropriations for the Department of Defense, in accordance with congressional statements of purpose in establishing and funding the Environmental Restoration Defense Account. The authority contained in this section shall be supplemental to the authority of the Secretary of Defense in administering the Environmental Restoration Defense Account, and shall be exercised only in the event that such account is inadequate to eliminate hazardous military debris from populated areas of the Lower Alaska Peninsula and the Aleutian Islands.

(b) **CLEANUP PROGRAM.**—Subject to the terms and conditions of subsection (a), the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to plan and implement a program, as the Chief of Engineers may deem feasible and appropriate, for the removal and disposal of live ammunition, obsolete buildings, abandoned machinery, and other hazardous debris remaining in populated areas of the lower Alaska Peninsula and the Aleutian Islands as a result of military construction and other activities during World War II. The Congress finds that such a program is essential for the further development of safe, sanitary housing conditions, public facilities, and public utilities within the region.

(c) **ADMINISTRATION OF PROGRAM.**—The debris removal program authorized under subsection (a) shall be carried out substantially in accordance with the recommendations for a minimum cleanup contained in the report prepared by the Alaska district, Corps of Engineers, entitled "Debris Removal and Cleanup Study: Aleutian Islands and Lower Alaska Peninsula, Alaska", dated October 1976. In carrying out the program required by this section, the Chief of Engineers shall consult with the trustees of the trust established by section 306(b) of this Act, and shall give preference to the Aleutian Housing Authority as general contractor.

(d) **AUTHORIZATION.**—There are authorized to be appropriated \$15,000,000 to carry out the purposes of this section.

ATTU ISLAND RESTITUTION PROGRAM

SEC. 309. (a) In accordance with section 3(c) of the Wilderness Act (78 Stat. 892) and section 702(1) of the Alaska National Interest Lands Conservation Act (94 Stat. 2417), the public lands on Attu Island, Alaska, within the National Wildlife Refuge System are designated as wilderness. In order to make restitution for the loss of traditional Aleut lands and village properties on Attu Island, while preserving the present designation of Attu Island lands as part of the National Wilderness Preservation System, compensation to the Aleut people in lieu of Attu Island conveyance shall be provided in accordance with this section.

(b) The Secretary of the Treasury shall establish an account designated "The Aleut Corporation Property Account", which shall be available for the purpose of bidding on Federal surplus property. The initial balance of the account shall be \$17,868,500, which reflects an entitlement of \$500 for each of the thirty-five thousand seven hundred and thirty-seven acres within that part of eastern Attu Island traditionally occupied and used by the Aleut people for subsistence hunting and fishing. The balance of the account shall be adjusted as necessary to reflect successful bids under subsection (c) or other conveyances of property under subsections (f) and (g).

(c) The Corporation may, by using the account established in subsection (b) bid, as any other bidder for surplus property, wherever located, in accordance with the requirements of section 484 of title 40, United States Code. No preference right of any type may be offered to the Corporation for bidding for General Services Administration surplus property under this subsection and no additional advertising shall be required other than that prescribed in section 484(e)(2) of title 40, United States Code.

(d) The amount charged against the Treasury account established under subsection (b) shall be treated as proceeds of dispositions of surplus property for the purpose of determining the basis for calculating direct expenses pursuant to section 485(b) of title 40, United States Code.

(e) The basis for computing gain or loss on subsequent sale or other disposition of property conveyed to the Corporation under this section for purposes of any Federal, State, or local tax imposed on or measured by income, shall be the fair value of such property at the time of receipt. The amount charged against the Treasury account established under subsection (b) shall be prima

facie evidence of such fair value.

(f) The Administrator of General Services may, at the discretion of the Administrator, tender to the Secretary of the Treasury any surplus property otherwise to be disposed of pursuant to section 484(e)(3) of title 40, United States Code, to be offered to the Corporation for a period of ninety days so as to aid in the fulfillment of the Secretary of the Treasury's obligations for restitution to the Aleut people under this section, except that before any disposition under this subsection or subsection (g), the Administrator shall notify the governing body of the locality where such property is located and any appropriate state agency, and no such disposition shall be made if such governing body or State agency within ninety days of such notification formally advises the Administrator that it objects to the proposed disposition.

(g)(1) Notwithstanding any provision of any other law or any implementing regulation inconsistent with this subsection, concurrently with the commencement of screening of any excess real property, wherever located, for utilization by Federal agencies, the Administrator of General Services shall notify the Corporation that such property may be available for conveyance to the Corporation upon negotiated sale. Within fifteen days of the date of receipt of such notice, the Corporation may advise the Administrator that there is a tentative need for the property to fulfill the obligations established under this section. If the Administrator determines the property should be disposed of by transfer to the Corporation, the Administrator or other appropriate Federal official shall promptly transfer such property.

(2) No disposition or conveyance of property under this subsection to the Corporation shall be made until the Administrator of General Services, after notice to affected State and local governments, has provided to them such opportunity to obtain the property as is recognized in title 40, United States Code, and the regulations thereunder for the disposition or conveyance of surplus property.

(3) As used in this subsection, "real property" means any land or interests in land owned or held by the United States or any Federal agency, any improvements on such land or rights to their use or exploitation, and any personal property related to the land.

(h) The Secretary of the Interior may convey to the Corporation the traditional Aleut village site on Attu Island, Alaska, pursuant to the authority contained in section 1613(h)(1) of title 43, United States Code, except that on or after the date of enactment of this section, no site on Attu Island, Alaska, other than such traditional Aleut village site, shall be conveyed to the Corporation pursuant to such section 1613(h)(1) of title 43, United States Code.

SEPARABILITY OF PROVISIONS

SEC. 310. If any provision of this title, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this title or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Mr. INOUE. Mr. President, I am pleased to join my colleagues as we the people celebrate the 200th birthday of our Constitution, to address what has been described as "The Ugly Blot" on U.S. constitutional democracy.

I am referring to the dark times when over 120,000 American citizens and resident aliens of Japanese ancestry became exiles in their own country, evacuated from their homes and imprisoned in internment camps, without the benefit of individual review. The Japanese-American case is unique in the constitutional history of our country in that there was a total abrogation of constitutional guarantees inflicted against a single group of citizens and resident aliens solely on the basis of ethnicity.

The Commission on Wartime Relocation and Internment of Civilians, established pursuant to Public Law 96-317, studied the facts and circumstances surrounding the evacuation and internment of thousands of American citizens and resident aliens of Japanese ancestry during World War II. In its final report entitled "Personal Justice Denied," the Commission concluded that there was no justification for the mass evacuation, relocation and internment of Japanese-American citizens and resident aliens.

Based on these findings, the Commission recommended remedies which comprise the legislation which we are introducing today. In brief, the Commission recommended the establishment of a trust fund from which individual payments to surviving internees would be made. The remainder would be used for humanitarian and public education purposes in order to preclude this event from occurring again in the future.

The Commission further recommended the enactment of legislation to officially recognize the injustice that was committed and offer the apologies of the Nation.

The Commission also recommended granting pardons to those convicted of violating wartime statutes relating to forced curfews and evacuation on the basis of ethnicity, and a liberal review of individual cases for the restitution of positions, status, or entitlements lost as a result of the evacuation, relocation, and internment.

At the very least, it is my hope that this legislation we are introducing today will serve to heighten the awareness of both the Congress and the American people to the extent that the racist sentiment which led to internment 45 years ago does not flare up again in the future.

To this end, it is vitally important

that we recognize the gravity of the serious error that was committed, and that we redress in some form the victims of this reprehensible event.

President Harry S. Truman, addressing the 442d Regimental Combat Team comprised almost entirely of volunteer Japanese-Americans, as they were honored for their heroic efforts, "You fought not only the enemy, but you fought prejudice and you've won * * * the Constitution stands for the welfare of all the people, all the time * * *."

Our Constitution and our freedoms have been preserved because no single and exclusive vision of America has been able to prevail. Instead, as diverse people joined by threads of freedom and opportunity have been able to survive and flourish.

The path to survival lay in remaking a choice originally framed by Thomas Jefferson:

Men are * * * naturally divided into two parties; (1) those who fear and distrust the people, and wish to draw all powers from them into the hands of the higher classes.

(2) Those who identify themselves with the people, have confidence in them, cherish and consider them as the most honest and safe * * * depository of the public interest.

It is only by taking the second path that Americans can fulfill the prophecy of "We the people * * *."

The monetary payment to surviving internees represents a symbolic effort to redress a grave infraction of civil liberties. The actual loss, incurred by those who suffered this injustice at the hands of their own government, is immeasurable.

Learning from our mistakes is not pleasant, but we must do so if we want to avoid repeating them. We must learn from the tragic injustice imposed upon the Japanese-Americans and take all the necessary steps to assure that prejudice never again obscures our commitment to upholding the constitutional rights of all our people.

Mr. MURKOWSKI. Mr. President, I am pleased to join Senator MATSUNAGA, Senator INOUE, my senior colleague Senator STEVENS, and over 50 additional Senators in introducing legislation to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians. Senator MATSUNAGA has reflected on the merits of those Japanese-Americans who were interned in concentration camps throughout our country, so I will confine my remarks to the injustices done to the Aleut Americans residing in my State of Alaska.

As my colleagues will recall, the independent Commission was estab-

lished by an act of Congress in 1980 to investigate the circumstances surrounding the relocation and internment of Japanese-Americans and Aleut citizens during World War II. The Commission's reports were presented to Congress in January and June 1983. Those reports document fully the injustices suffered by those who were relocated to camps far from their homes in early 1942 for the duration of the war.

Mr. President, I recall, as a small child, observing on the outskirts of Ketchika, AK, the Aleut camp where the Aleuts were confined. It was a very isolated area at the end of the road along side a creek that flowed into a lake, a heavily timbered area. While there was available care from the U.S. Department of Public health with regard to their medical needs, it was an area that was prone to some of the exposure of the outdoors in Alaska, which at times can be quite severe. I recall my mother mentioning that many of those interned had an extraordinary high rate of tuberculosis.

I want to take this opportunity to share a discussion I had with Mary Bourdukofski who described her personal experience as an internee. At the time she was interned, Mary was married with two children. She reflected that on a Sunday afternoon in 1941, she saw Navy boats off the coast of St. Paul Island, the village where she lived. She was informed that the boats were to evacuate the village residents from the island and were told they could not take anything but what they were wearing and a suitcase. Mary recalls she tried to put away personal belongings such as antiques that had belonged to her mother, but was not given time to do so. She was told to leave her home and not to lock the door. Within 12 hours all 500 residents were evacuated from St. Paul. The boat then picked up all the residents of St. George and other residents of the Aleutian Islands and Alaska Peninsula. After 10 days on the boat, the nearly 800 individuals were taken to abandoned canneries and mines throughout southeastern Alaska where camps were established.

At the camps, Mary describes the living conditions as terrible. The only running water in the camp where she was located at Funter Bay, was in the mess hall. There were no rooms, partitions were established by hanging blankets from the ceiling in order to establish some privacy. There was no stove to cook food. Health care and births were given in these conditions.

After 2 years of living in these conditions, Mary and the surviving Aleuts were returned to their villages. Mary found her home had been converted

into a "club" where a pool table, dart board, and stove were the only items left in the House. All of her personal effects, including her mother's antiques, were gone.

Mary's experience is not unique, approximately 881 residents of Alaska suffered the same losses.

The Commission determined that the military decision to relocate the people were justified under the circumstances. Unfortunately, the relocation of the Aleuts to abandoned fish canneries and mining camps in southeastern Alaska resulted in disease and death among some of the residents of the camps and losses such as those recounted by Mary Bourdukofski.

The Commission found on examination that indeed medical care was inadequate and, as Senator MATSUNAGA indicated, there were a number of those Aleut people who died in their internment. Shelter and food were below standard, and sanitary facilities were poor. At least 10 percent of all Aleuts relocated to camps perished before their villages were restored on the Aleutian and Pribilof Islands.

After an extended period of time of 2 to 3 to 4 years in camp, the Aleuts were returned to their villages in the western part of Alaska, the Alaska Peninsula, the Aleutian Islands.

Upon returning to their villages, the Aleuts, like Mary, found their personal and community property had been converted without compensation for military use, destroyed, or taken by those who occupied villages in the Aleuts' absence. They were never fully compensated for these losses. In addition, some of their churches were burned or were desecrated, or stripped of irreplaceable religious icons dating from 18th and 19th century Imperial Russia. There was never any effort by our Government to replace or rehabilitate the churches and church properties destroyed or severely damaged.

Mr. President, the populated areas of the Lower Alaska Peninsula and the Aleutians are still littered with the debris and abandoned structures from the U.S. military occupation of the islands. In recent years, at least one child, who lived with his family in Cold Bay, lost the use of his hand when a World War II fuse exploded. He had been playing in an area where live ammunition still litters the lands outside the village. The Commission has recommended that this debris be cleaned up, as the debris from World War II has been cleaned up in Japan, Europe, and elsewhere often with substantial American assistance.

Mr. President, our legislation implements the five recommendations of the Commission to provide restitution

to the Aleut people for the losses they suffered as a consequence of Government operations during the war years. In addition the bill implements the Commission's recommendations for restitution of Japanese American losses.

Mr. President, 40 years and more have passed since the Aleuts were relocated to unimaginably inadequate camp facilities in southeastern Alaska. A number of those who suffered the most are quite elderly—an even greater number have already passed away. I urge the Senate to consider this legislation promptly, as substantial justice to the Aleut people as compensation for losses sustained as a result of U.S. Government activities in World War II. The restitution provided in our bill should not be unreasonably delayed any longer.

Again, I thank all of my colleagues who have joined in cosponsoring this legislation.

Mr. ADAMS. Mr. President, I am proud to join with Senator MATSUNAGA and many of my colleagues in offering legislation to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

The Commission report results from 20 days of hearings and testimony from 750 witnesses; many of them from my home State. Many of those witnesses, and many more Japanese Americans, are waiting for the day when this country will stand up and say that we made a tragic error and an inhuman mistake when, during the hysteria surrounding the attack on Pearl Harbor, our Government made the decision to sentence Americans of Japanese descent to internment camps without probable cause or the benefit of a trial. Typical of those who wait for that admission is Mrs. Peggy Nishimoto Mitchell from Seattle. She described the assembly center she was ordered to go to, under armed guard, prior to being transported to the actual relocation center. Here is what she had to say:

When we arrived at the Puyallup Center, we were dismayed to be crowded inside a small fenced compound with makeshift flimsy portables for our housing. I noticed some of the elderly women were crying in frustration. There were seven of us in one room. We were supposed to have army cots and blankets but since there were not enough to go around we huddled together and slept on the floor with our coats on * * *. Might as well have been a caged animal.

Mr. President, the 400-page report presented to the Congress and the public by the Commission was developed with the utmost care and detail. The Commission membership included

some of the most distinguished speakers and protectors of our civil liberties.

The Japanese American community, Asian American community, and other interested parties in my State, are closely watching what this body does.

I am proud to say that much of the nationwide citizen action movement which has brought us closer to an act of redress included the efforts of many Washington State citizens. Together with my esteemed colleague from Hawaii, this national coalition pushed, prodded, and exhibited an unbelievable amount of commitment to see this issue move forward to its present position on our national agenda.

I am also proud to say that local government jurisdictions in the State of Washington have also done their part in attempting to rectify historic wrongs committed by past governing bodies. Three years ago, under the initiation of City Councilmember Dolores Sibonga, the city of Seattle enacted redress legislation that provided monetary reparations to former city employees who were dismissed because of Executive Order 9066. Similar legislation was also enacted by the city of Seattle School District and the Washington State Legislature under the leadership of Senators George Fleming, Jim McDermott, John Jones, Kent Pullen, Phil Talmadge and Representative Gary Locke.

Mr. President, the Japanese American community, Asian American community, and the citizens of the State of Washington have done their part in attempting to right this wrong. They now look to their national representatives sitting here in this hall to follow suit and move toward the inevitable determination that history cannot be undone; that historic events cannot be erased; that whatever we do will never measure up to past losses and suffering; but that if we are a democracy, we will do what is within our power to provide remedies for violations of our own laws and principles.

Mr. CRANSTON. Mr. President, I am delighted to cosponsor the legislation, S. 1009, introduced today by my very good friend from Hawaii [Mr. MATSUNAGA] for redress of one of our Government's greatest acts of injustice. This legislation would implement the recommendations of the Commission on Wartime Relocation and Internment. It was introduced in the 99th Congress as S. 1053, and as S. 2116 in the 98th Congress. I am delighted to note the increasing number of cosponsors of this historic legislation.

As we look back with regret on this painful period of injustice—45 years ago—we must reaffirm our pledge that this kind of injustice must never recur.

Enactment of this legislation will help to prevent a recurrence.

And it will help us to look forward with hope to a brighter future of full participation by Asian-Americans in the American dream.

My involvement in opposing the relocation of Japanese-Americans dates back to the very beginning.

I believe that our Government's action in this case was a terrible affront to the ideals for which our Nation stands.

Shortly after Pearl Harbor, I was assigned to the Office of War Information. There I worked closely with Eleanor Roosevelt and Archibald MacLeish trying to dissuade President Roosevelt from forcefully evacuating Japanese-Americans from the west coast and interning them in so-called relocation camps.

Unfortunately for 120,000 Japanese-Americans—and for the good name of our Nation—military authorities prevailed, and the orders for internment were issued.

More than two-thirds of the internees were American citizens. The rest were legal U.S. residents.

After the internment process began, I visited two of the camps, Tule Lake in California and Heart Mountain, WY. Recently, the children of internees visited Heart Mountain trying to sense what their parents had felt. In part I can tell them.

For 4 days in the cold, snow-covered camp at Heart Mountain, I spent my time round the clock inside the barbed-wire camp, talking to internees and visiting with a number of boyhood friends from Los Altos.

We ate meals together, talked over old times, walked around in the bitingly cold weather, played poker—in wanton violation of camp rules—and cheered at a football rally.

My friends and former classmates justifiably felt themselves robbed of their citizenship. They were distressed at the racial prejudice behind their internment. They were anxious for their Government to prove its own adherence to democracy and to the very ideals for which we were then at war.

President Roosevelt himself proclaimed, "In vindication of the very ideals for which we are fighting this war it is important to us to maintain a high standard of fair, considerate, and equal treatment for the people of this minority as for all other minorities."

But this standard was not upheld.

The mere presence of Japanese blood in loyal American citizens was believed to be enough to warrant removal and exclusion from places they otherwise had a right to go.

The argument that they were removed for their own good, because of

possible vigilante attacks, was not persuasive. Most, if not all, Japanese-Americans would rather have faced the risk of being killed by individuals than deprived of their liberties by their own American Government. And given the choice to remain interned or fight in the war, most enlisted and served.

One of my most poignant memories is of an intelligent and progressive-minded mother who was still managing—with much difficulty—to conceal from her 4-year-old child that they were prisoners in what most inmates considered a racial internment camp.

It was ironic to see American Nisei soldiers, home on furlough and clad in uniform, wandering around inside a fenced-in camp. These Nisei soldiers returned from the battlefields of Europe as the most distinguished and decorated combat unit of the war, and from the Pacific theater as loyal soldiers and as officers in military intelligence. I have never forgotten these impressions.

In 1980, I was a cosponsor of the legislation establishing the Relocation Commission. The Commission report issued in 1983 amounted to our Government's official apology—41 years overdue to the internees and their families.

It confirmed what a great many conscientious Americans have long believed: These Americans of Japanese descent were clearly mistreated, and their basic civil liberties violated.

The ACLU singled out the internment and related abuses at the time as "the worst single wholesale violation of civil rights of American citizens in our history."

As one commentator on the period said:

Japanese-Americans were the immediate victims of the evacuation. But larger consequences are carried by the American people as a whole. Their legacy is the lasting one of precedent and constitutional sanctity for a policy of mass incarceration under military auspices. This is a result of the process by which the evacuation was made. That process betrayed all Americans.

Since those tragic events took place, a number of the participants have had changed hearts and minds. Henry L. Stimson, who was Secretary of War, realized that to loyal citizens this forced evacuation was a personal injustice. Former Attorney General Francis Biddle reiterated his belief that the program was ill-advised, unnecessary, and unnecessarily cruel. Justice William O. Douglas, one of the Supreme Court majority in the Korematsu decision holding the evacuation constitutionally permissible, later said "the case was ever on my conscience." And Chief Justice Earl Warren, who

as California's attorney general had urged evacuation, afterward said, "I have since deeply regretted the removal order and my own testimony advocating it, because it was not in keeping with our American concept of freedom and the rights of citizens."

On February 17, 1942, Attorney General Francis Biddle wrote to Secretary Stimson opposing the proposed exclusion order, stating that the War Department and the FBI had found no danger of imminent attack or evidence of planned sabotage. Biddle especially objected to removal from their homes of 60,000 American citizens who happened to be of Japanese descent. He refused to let the Justice Department participate in any way with the exclusion policy.

Not a single documented act of espionage, sabotage, or fifth column activity was committed by the Nisei or by resident Japanese aliens on the west coast. Yet their lives were disrupted, fortunes were lost, and loyal citizens and legal residents incarcerated.

The victims of this policy were held collectively guilty, and collectively punished.

Moreover, the Government's attitude toward these innocent people fostered suspicions that often led to violence against them. Many were attacked when they attempted to return to their homes 3 years later.

The legislation I'm cosponsoring today redresses this mass violation of civil liberties and compensates internees for their suffering.

While the loss of liberty and the personal stigma attached to internment can be erased, Federal reparations are a justifiable response to the legitimate financial losses incurred. An independent study done for the Commission found the economic losses alone to evacuees between \$2.5 and \$6.2 billion in today's dollar values, including interest for the past 40 years. Many consider this a conservative estimate of the real economic losses of homes and other property, stores, and businesses. And these estimates do not begin to measure the personal hardships suffered.

The Commission found the cause of the exclusion and interment policies to be "race prejudice, war hysteria, and a failure of political leadership."

On February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066. Shortly afterward, all American citizens of Japanese descent were barred from living, working, or traveling on the west coast. The same exclusion applied to a whole generation of Japanese immigrants residing at that time in the United States who, because of Federal law, were not permitted to become U.S. citizens.

After the initial plan for voluntary exclusion failed, these American citizens or legal residents were forcibly removed by the Army, first to assembly centers—makeshift quarters in fairgrounds and racetracks—and then to relocation centers. These latter camps, located in desolate Western areas, were surrounded by barbed wire and guarded by military police.

The U.S. Government carried out its policy without reviewing individual cases or providing due process of law, and continued its policy virtually without regard for individuals who demonstrated loyalty to the United States.

Congress made it a crime to violate Executive Order 9066. The U.S. Supreme Court—in one of its most agonizing decisions—held the removal constitutionally permissible because of the war. Interestingly, since that decision a number of Justices from the majority—enough to have reversed the 5-to-4 decision—have written that on hindsight, they would have voted differently. The Supreme Court in a related case struck down imprisonment of these admittedly loyal American citizens. But long after the fact.

The Commission found that the main impetus leading to the exclusion order was the mistaken notion that individuals of Japanese descent would be loyal to Japan, not to the United States, and groundless fears of fifth column activity even though no evidence of such activities could be uncovered. The Commission stated that "the record does not permit the conclusion that military necessity warranted the exclusion of the ethnic Japanese from the west coast."

After exclusion became official policy, the War Relocation Authority [WRA]—the civilian agency charged with supervising the relocation—assumed that the vast majority of evacuees were loyal and should be allowed to resettle outside of the west coast. But because of harsh objections from certain mountain State politicians, a consensus plan for detention of the evacuees emerged. The WRA gave up on its idea of resettlement, and accepted a program of confinement. Despite WRA's belief that evacuees should be returned to normal productive life, it had, in effect, become their jailer. Since there was no military justification for detention, the WRA instead contended that the program was for the evacuees' own safety.

The history of life during the evacuation and in the relocation camps is one of suffering and deprivation. On the average, families received only 1 or 2 weeks notice of evacuation to an unknown destination. They could take with them only what could be carried. All else was lost or sold for cut-rate

prices. Life in the relocation camps was spartan, with shoddy and crowded buildings, defective facilities, faulty heating, inadequate health care, and limited education programs. Privacy was impossible. Families and individuals alike lost their identities and became known only by identification numbers.

Because the Western Defense Command opposed individual loyalty reviews—for fear of weakening the blanket exclusion—no opportunity for individual review was created in the assembly centers. The War Department favored conducting loyalty reviews, but did not act on this until the end of 1942. Although these reviews eventually permitted some to leave relocation centers, it didn't end the exclusion from the west coast. Moreover, even this belated process was offensive, since it treated Japanese Americans as guilty until proven innocent.

In the spring of 1943, Secretary of War Henry L. Stimson, Assistant Secretary of War John McCloy, and Gen. George C. Marshall reached the conclusion that the loyalty reviews eliminated any justification for exclusion from the west coast. They kept their views private, however, and General DeWitt repeatedly opposed ending exclusion until he left the Western Defense Command in late 1943, as did west coast anti-Japanese factions. Secretary Stimson finally put the recommendation before the Cabinet in May 1944. But no action was taken until December 7, 1944, while confinement continued for the great majority of Japanese Americans.

The exclusion and removal of Japanese-Americans resulted from a long history of anti-Japanese-American agitation and legislation on the west coast. By contrast, in Hawaii, where the military commander restrained plans for radical measures and treated the ethnic Japanese as loyal residents—absent evidence to the contrary—only 2,000 ethnic Japanese were taken into custody. The policy developed was in sharp contrast to Government actions against enemy aliens or citizens of non-Japanese descent. For example, the United States never ordered a mass exclusion or detention against American citizens of German or Italian descent.

This episode in American history should never have happened. It's the Government's responsibility to set the record straight and to try, at least, to recognize and partially compensate for past injustices, although the tarnish on our Constitution can never be completely removed.

Our purpose is to recognize and re-

dress the injustices and violations of civil liberties against U.S. citizens and U.S. residents of Japanese and Aleut ancestry by the United States and to discourage similar injustices and violations of civil liberties in the future.

The bill provides for the establishment of a \$1.5 billion trust fund from which individual payments to the surviving internees would be made.

Those eligible are people of Japanese or Alaskan Aleut ancestry excluded from the west coast between December 7, 1941, and June 30, 1946, or deprived of liberty or property as a result of a series of Executive orders, proclamations, laws, Armed Forces directives, or other Federal actions resulting in exclusion, relocation, and/or detention of individuals on the basis of race. The remaining moneys in the trust fund would be utilized for humanitarian and public education efforts to preclude this event from occurring again in the future.

This act is a just and fair redress to those individuals who were excluded and/or interned without justification, in gross violation of their civil liberties as American citizens and residents. I urge my colleagues to support it.

Mr. WILSON. Mr. President, I am proud to join my good friend, the distinguished Senator from Hawaii [Mr. MATSUNAGA] as an original cosponsor of this important legislative effort. For this reason, I would like to take this opportunity to highlight my thoughts and reasons for cosponsoring this very important bill.

Mr. President, I recognize that the country was in a state of emergency; this was the first time in over 120 years that America had been attacked on her own soil. The anger and panic resulting from Pearl Harbor were understandable. Indeed, because of hysteria, temporary relocation may have been justified to protect Japanese-Americans from potential violence. Nevertheless, this is no justification for the wholesale deprivations of property and personal liberty that, in fact, occurred.

We must remember, Mr. President, that most of the victims of this unfortunate episode were American citizens. In all, 80 percent of those interned were native Americans of Japanese ancestry, while the remaining 20 percent were long-time residents of the United States. But this legislation important not just to victims, but to all Americans because it seeks to cure the lapse of constitutional protection that should have been, but was not, extended to protect the rights of Americans who were deprived of property and personal liberty out of panic based solely on their ethnic identity. Those interned suffered enormous damage

and losses, both material and spiritual.

These Americans remained behind barbed wire, effectively incarcerated, literally for years after the initial panic and suspicion that placed them there should have subsided and given way to the greatest of American values and traditions: due process of law. But these Americans were denied the due process that would have disclosed that that they posed no threat to America's security. They were denied the due process that would have compensated them for serious property losses. They were denied justice—and they are owed it, still. Those freedoms and guarantees we so often take for granted, the cornerstone of our Constitution, were denied Japanese-Americans.

Mr. President, we also owe these Japanese Americans great gratitude, great admiration and at least the same loyalty that they displayed so long ago—and ever since. For while America was at war with Japan, and they were prisoners of war in their own country, they never lost faith in America, never flagged in their loyalty to her—even when their love went unrequited. One of the great ironies of the period is that many of America's most heroic combat in that long war that began with the attack on Pearl Harbor were sons and grandsons of the internees—members of the U.S. Army's celebrated 442d Regimental Combat Team, one of the most highly decorated combat unit in American military history.

This legislation comes 45 years late, but not too late. It comes appropriately as we prepare, as a nation, to undertake the celebration of the bicentennial of the U.S. Constitution. The sad fact is that most Americans are ignorant of this episode in our history. Mr. President, it is my sincere hope that this legislation will give Americans of all generations the opportunity to know and understand exactly what happened between 1942 and 1945 so that never again will we allow panic to blind us to our obligation to practice that essential and fundamental justice that makes America worth fighting for.