



U.S. Department of Justice
Civil Rights Division
Office of Redress Administration

The Civil Liberties Act of 1988

Questions and Answers



MESSAGE FROM THE ADMINISTRATOR OF REDRESS

In 1980, the Congress established the Commission on Wartime Relocation and Internment of Civilians to study the events and circumstances which resulted in the evacuation, relocation, and internment of citizens and permanent resident aliens of Japanese ancestry during World War II. The Commission concluded that these events were influenced by racial prejudice, war hysteria, and a failure of political leadership, and recommended remedial action. The Civil Liberties Act of 1988 (Public Law 100-383) is the result of those findings and recommendations.

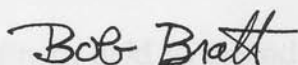
On August 10, 1988, President Reagan signed the Civil Liberties Act into law. The purposes of the Act are to acknowledge and apologize for the fundamental injustice of the evacuation, relocation, and internment, to make restitution, and to fund a public education program to prevent the recurrence of any similar event in the future.

Under the Act, the responsibility for making restitution is given to the Attorney General. In turn, the Attorney General has established the Office of Redress Administration (ORA), which I direct. ORA is charged with making restitution by identifying, locating, and making payment in the amount of \$20,000 to each eligible individual. ORA will also develop regulations governing eligibility for payment. Those regulations will be published for public comment in the *Federal Register*.

On the following pages are answers to frequently asked questions regarding the Act. Information can also be obtained by calling our toll free number: 1-800-228-8375 (Voice and TDD), 835-2094 in Washington, D.C.; or by writing:

U.S. Department of Justice
Civil Rights Division
Office of Redress Administration
P.O. Box 66260
Washington, D.C. 20035-6260

I hope you find these "Questions and Answers" helpful. My staff and I intend to keep the public fully informed as the program evolves.



Robert K. Bratt
Administrator of Redress

Q. Who is eligible to receive individual monetary payment from the U.S. Government?

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

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

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

(I) Executive Order Numbered 9066, dated February 19, 1942;

(II) the Act entitled "An Act to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, leaving, or committing any act in military areas or zones", approved March 21, 1942 (56 Stat. 173); or

(III) any other Executive Order, Presidential proclamation, law of the United States, directive of the Armed

Forces of the United States, or other action taken by or on behalf of the United States or its agents, representatives, officers or employees, respecting the evacuation, relocation, or internment of individuals solely on the basis of Japanese ancestry; or

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

Q. Are voluntary evacuees eligible?

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

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

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

Q. What is the amount of the payment?

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

Q. How many individuals are eligible?

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

Q. When and how will payments be made?

A. First, money must be appropriated from Congress to be placed in the Civil Liberties Public Education Fund from which payments may be made. The Act specifies that a total of \$1,250,000,000 is to be appropriated over a period of not more than ten years. No more than \$500,000,000 may be appropriated in any one year. Therefore, not all payments can be made at one time.

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

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

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

- ⇒ To a surviving spouse who is living at the time of payment provided that spouse was married to the individual for at least one year immediately before the death of the eligible individual.
- ✓ ⇒ If there is no eligible surviving spouse, in equal shares to all children of the eligible individual who are living at the time of payment. The definition of children includes recognized natural children, step-children who lived with the eligible individual in a regular parent-child relationship, and adopted children.
- ⇒ If there is no eligible surviving spouse or children, in equal shares to the parents of the eligible individual. The definition of parents includes mothers and fathers through adoption.
- ⇒ If there are no eligible survivors as described above, the payment goes into the Civil Liberties Public Education Fund. This fund will be used to educate the American public about the events surrounding the evacuation, relocation, and internment to prevent a recurrence in the future.

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

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

Q. What documentation is required?

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

Many individuals have written to the National Archives requesting verification of internment. All records held by the National Archives are being made available to ORA. Therefore, it is not necessary to contact the Archives. However, if you have

already received such a verification, you may wish to submit it to this office.

Q.

Where can I submit information or documentation regarding my eligibility?

A.

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

Q.

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

A.

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

Q. Must information be submitted in English?

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

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

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

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

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

Q. What information should be submitted?

A. You may voluntarily submit any information or documentation you wish or feel may be helpful. Suggested items are:

Name, including maiden or other names used
Date of birth
Address
Home and business telephone numbers
Social Security Number*
Locations of detention or internment
The names of parents or guardians of individuals who were children at the time of internment

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

* Social Security Number is an excellent means of identification and therefore very useful. However, failure to provide it will not jeopardize your payment. The redress payment is not subject to Federal income tax or considered when determining eligibility for most other Federal public assistance programs. See page 11.

Q. How will I know if I am eligible?

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

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

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

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

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

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

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

Q. Are payments taxable?

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

Q. How are payments treated under other laws?

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

This section of Title 31, United States Code covers many Social Security Act benefits including the supplemental security income program; old age, survivors, and disability insurance benefits; aid to

families with dependent children; and medical assistance. Specific questions should be addressed to your local Social Security Administration office.

This section also covers certain benefits under other Federal benefit and public assistance programs. Examples of these programs include certain veterans' benefits, housing programs for lower income families or elderly or handicapped persons sponsored by the Department of Housing and Urban Development or the Department of Agriculture, and the Low-Income Home Energy Assistance Act of 1981. If you are receiving benefits under such a program, you may address specific question to the Federal agency from which you are receiving those benefits.

Q. How can I keep informed about this program?

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