

REDRESS PROPOSAL

PURPOSE: To provide reparative compensation to those persons of Japanese ancestry and their immediate family members who, during World War II, suffered injustice by official action of the United States Government. By this action to make such injustice less likely to occur in the future.

BASIS FOR CLAIM: Expulsion from their homes, imprisonment and/or severe harassments as consequences of Presidential Executive Order #9066. These unconscionable acts of our government, based solely on ancestry, were performed without specific charges or indictments and constitute a gross violation of human rights guaranteed by the Bill of Rights and the Constitution of the United States.

Recognizing that the wrong of this magnitude can never be fully rectified, the United States Congress must provide a meaningful restitution to those victims of injustice.

ELIGIBILITY: All persons of Japanese ancestry and their immediate family members who, during World War II, were: 1) detained or interned in U.S. government camps, or were 2) affected unjustly by the consequences of Executive Order #9066 while living within the Western Defense Command area (States of Washington, Oregon, California, Arizona, Utah, Nevada, Idaho and Montana).

Proof of detention or internment shall be conclusive when such is reflected in any governmental record, including but not limited to records of the War Relocation Authority (WRA) or the Wartime Civil Control Administration (WCCA).

Proof of residing in the Western Defense Command may be established by any federal, state, county or municipal records. Those not detained in camps would need to make prima facie showing of injustices suffered as a consequences of Executive Order #9066.

Needless legal costs!

Suggested modifications:

- 1) Instead of the entire Western Defense Command area, limit the area to Military Zones #1 and #2 (States of Washington, Oregon, California and Arizona). Proof of residence by satisfactory proof is all that is necessary to be eligible.
- 2) Include heirs that qualify for Social Security dependents benefits-- minor children 18 years of age and under, and up to 22 years of age if still in school.

RESTITUTION: The United States Congress will be asked to make direct appropriation of \$25,000 for each victim. The total sum for the 120,000 persons of Japanese ancestry affected would be three billion dollars.

Payments received would be free from any federal, state or local taxes and shall not affect eligibility to receive any other benefits.

METHOD OF DISBURSEMENT: Appropriations authorized by Congress will be paid into trust to be disbursed by a Japanese American Commission established by Congress.

Direct individual payments are due to all survivors who qualify. Priority payments will begin with the eldest survivors.

Portion remaining after individual payments will be kept in trust and will be used for the welfare and benefits of Japanese Americans as determined by the Nikkei Commission.

*Excludes
all heirs of deceased
evacuees*

Suggested modifications:

- 1) Heirs be given the right to designate the non-profit organization (501 c 3 or 501 c 4) of their choice to which the money is to go.
- 2) Surviving claimants may specify recipient(s) in his/her will upon Congressional approval for appropriation.

NIKKEI COMMISSION: It is strongly urged that the Commission be an all Nikkei group, with two non-voting Ex Officio representatives from 1) the Treasury Department and the 2) Department of Justice. Appointment to the Commission is by the President of the United States.

RECOMMENDING COMMITTEE: Suggestion for the initial nominating committee is a representative from each of the eight Japanese American Citizens League (JACL) Districts (not limited to JACL members) plus outstanding representatives of recognized Nikkei groups.

DEFINITIONS: For the purpose of this bill, the following definitions will apply:

(A) "Expelled, detained, or interned" refers to expulsion from the military zones, detention, or internment pursuant to --

(1) Executive Order Number 9066, dated February 19, 1942.

(2) Executive Order Number 9489, dated October 18, 1944.

(3) Any other statute, rule, regulation, or order.

(B) "World War II" refers to the period beginning on December 7, 1941 and ending on October 1, 1946 (the date the last mass detention camp closed).

* Note: June 30, 1946 was the date the WRA control of the camps ended.

SOME OF THE COMMENTS DURING DELIBERATION

PURPOSE:

To educate the American public. Re-awaken America.
 The gross violation of our rights emanated from official proclamations and acts of our government.
 For prevention of similar occurrence in the future.
 A punitive measure.
 Don't just take the "easy road."

BASIS FOR CLAIMS:

Deprivation of human rights guaranteed under the Constitution and the Bill of Rights.
 Redress sought on moral, rather than on legal, ground-- because of the 1944 Supreme Court ruling.
 Detention was clearly unconstitutional--in spite of what the Court said.
 A compensation for freedom and liberty denied.
 America speaks in terms of dollars.

ELIGIBILITY:

To specify spouses and immediate family members--because these may not be of Japanese ancestry.
 Include those in the Western Defense Command area because of the suffering they went through although not in camps. Those in Military Area #2 were not moved into camps (except California), but they had to be ready, expecting an order to move into camps any day. Also some Japanese Americans living outside the Military Zones faced severe harassments at the hands of the local people.
 6/30/46--date WRA ended control. Tule Lake did not close till 10/1/46.
 All those incarcerated in camps or living in Western Defense Command area (may be changed to Military Zones #1 and #2) between 12/7/41 and 10/1/46. Therefore, this includes all "voluntary evacuees," those who volunteered for service from camps, those "repatriated" from camps, Peruvians held in U.S. camps, etc.

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RESTITUTION:

\$25,000 per individual is still a token compensation.

Since 120,000 individuals involved, as defined under "eligibility," the total sum requested will be \$3 billion.

113,000 moved into 10 detention camps. 2,000 interned in Dept of Justice camps. 2,000 from Hawaii brought over to mainland camps plus several hundred held in Oahu camp. 2000 Central and South American Japanese brought here by the U.S. government and interned. Plus those who lived in the Western Defense Command area (esp. Military Zones #1 and #2) who were not in camps.

METHOD OF DISBURSEMENT:

No matter what method is used it is still Congressional appropriation. Direct appropriation important as acknowledgement of the wrong committed.

Concerning modification of the Internal Revenue structure (tax check-off or tax credit): Precedent being established for other groups to ask for same for various reasons. Obtaining this special privilege is another obstacle to overcome. Setting aside tax money will never be looked upon as financing our own program; tax money due to the government is government property, and therefore no different from any other federal money.

Appropriations, if OKed, would be in increments. Beginning payments with the oldest survivors would assure that surviving Issei will get the highest priority.

There should be no charge for services rendered.

Individual awards should be non-taxable.

NIKKEI COMMISSION:

No federal agency! Control must be in Nikkei hands.

A Nikkei administrative body. Government to pay for expenses.

May be mixed--"quasi governmental"--(federal plus non-federal); but Japanese Americans must be in clear majority.

Proportional area representation should be considered.
Nikkei population distribution should be considered.

Appointive, not elective. Appointed by the President of the United States from a given list of recommended names.

Fixed terms (staggered).

Recall provision necessary.

A full accountability, with government auditing.

Suggest 12 Nikkei and 2 Ex Officio (one each from Treasury Dept and Dept of Justice).

NOMINATING COMMITTEE:

Since JACL is spearheading the campaign, probably JACL can be involved more directly in recommending the initial committee.

In considering both the Nikkei Commission and the Nominating Committee, it is important that all Japanese Americans be considered and not just JACL members.

To assure regional representation, each JACL District could designate a committee member, appointed by the Governor.

Suggestions for groups from which committee members chosen: Bishop of Buddhist Churches of America, Head of the Japanese Christian Federation, prominent Judge, Congressperson, Head of the Japanese American Veterans organizations, etc.

Term on committee, review and recall provisions, number on committee, etc. still to be worked out.