

TO UPHOLD AND DEFEND THE CONSTITUTION

HR. 5977 entitled the "World War II Japanese-American Human Rights Violations Redress Act" which was introduced by Congressman Mike Lowry on November 28, 1979, represents the first genuine formal attempt to undo the still largely unrecognized crippling of our Constitution's Bill of Rights perpetrated during World War II by the Government. The "Commission on Wartime Relocation and Internment of Civilians Act", on the other hand, which was introduced a few months earlier as S. 1647 in the Senate and HR. 5499 in the House appears to be a political maneuver to avoid a direct facing up to the basic constitutional issues involved.

The stated purpose of the Commission bill is to establish a fact-finding Commission composed of 15 members to "determine whether a wrong was committed" against Japanese Americans during the World War II period. The Commission will be required to "gather facts", hold public hearings in various cities across the country, "recommend appropriate remedies", and submit a report to Congress within 18 months after the enactment of the bill.

Despite the attachment of a number of names of well-meaning Caucasian members of Congress to S. 1647 and HR. 5499 as co-sponsors, the bill is recognized as the brain-child of the five Japanese American members of Congress. It is their belated response to the redress movement among Japanese Americans which was started by the Seattle Evacuation Redress Committee of the Seattle Chapter of the Japanese American Citizens League over six years ago.

It is important to note that this proposed bill to establish a Commission is not a bill to provide redress in any form or manner. Moreover, it should be kept in mind that not one of its five authors has in recent years publicly uttered a single word in favor of individual redress to the victims of the Evacuation orders.

Senator Hayakawa's reiterations and approval of the vicious anti-Japanese propaganda used to justify the wartime outrage against Japanese Americans and his pugnacious opposition to all proposals for

redress are well known. One of the Senators from Hawaii has been quoted in the Hawaiian press as being against the National J.A.C.L.'s former stand which asked for \$25,000 to each victim of that mass incarceration. The other senator from Hawaii, while expressing disapproval of the exile and imprisonment suffered by fellow Japanese Americans, has always conspicuously avoided supporting any kind of redress.

Privately, this senator is said to look upon the redress issue as a threat to the political lives of the two Japanese American congressmen from California and wants to see them remain in Congress. These two congressmen are said to be worried that if they support Lowry's redress bill, they will lose some of their Caucasian votes, and that if they do not support it, they will lose the Japanese American votes.

The real purpose of S. 1647 and HR. 5499 appears to be an attempt to delay, de-rail, and confuse the redress issue. Otherwise, it is difficult to see the need for a 15 member Commission embarking on a road show to waste 18 months holding hearings around the country to "determine whether a wrong was committed" when the fact that a wrong was committed has never been questioned in any of the many books by reputable scholars and writers published on the subject over the past 35 years.

In addition to wasting close to \$2,000,000 of the tax-payers' money to determine facts which, except by the racist lunatic fringe, have never been disputed, the Commission bill is a bill which will deny redress to those hundreds of Issei and Nisei victims of the Evacuation who, as a result of the 18 month delay, will because of advancing age and illness die before a genuine redress bill such as the Lowry bill can be enacted into law. At least one of the five Japanese Americans in Congress is said to be making light of this denial of justice by misinforming interested Caucasian congressional colleagues that the Issei do not care about receiving redress.

Apparently the five Japanese American members of Congress believe that the arbitrary subjecting of an innocent minority to mass exile and imprisonment averaging three years is in and of itself not a wrong of sufficient gravity to warrant any kind of redress for the victims. The five are, in effect, claiming that public hearings must now be held to determine whether the victims were otherwise wronged by the Evacuation. These members of Congress seem to be implying that, unless those subjected to the Evacuation can testify convincingly before the Commission that there were concurrently more serious wrongs committed against them by the Government, there is nothing to redress. In other words, the protections supposedly provided by the Constitution against the arbitrary denial of a person's freedom have no validity in connection with Japanese Americans.

If the Commission bill is enacted into law, it is not difficult to foresee the outcome. It is safe to assume that the 15 political appointees will be selected from a group suggested by the five who fathered the Commission bill. In view of their anti-redress bias, it is highly unlikely that most members of the Commission will not reflect this viewpoint. While it is possible that some kind of face-saving so-called remedial measures may be recommended by the Commission after the 18 month delay, they will probably be limited to the giving of a few lump sum grants to Japanese American organizations such as the National J.A.C.L. with nothing going to the individual former inmates of those prison camps. The Commission is not likely to recommend individual redress payments such as the Lowry bill does.

More than anything else, the Japanese American politicians are said to dread the possible loss of their support from the segment of white voters who will almost instinctively resent the Japanese American families' receiving money from the Government for redress of their wrongful imprisonment of over 35 years ago; especially when many Japanese Americans now

appear to be reasonably well off economically. At least some Caucasians can be expected to express their jealousy and resentment by voting against any Japanese names which appear on the ballot at the next election. The Commission members, therefore, are not likely to arrive at any decisions which would be contrary to the personal political interests of the Japanese American politicians to whom they really owe their appointment.

Of even greater seriousness is the possible damage to the principles of limited government on which this nation was founded. If the Commission bill becomes law and the resulting hearings take place, a precedent will have been created which will further seriously weaken the protection of the Constitution against arbitrary imprisonment and similar violations of other human rights. It will serve to solidify the precedent that such violations can be committed by the Government with impunity with little risk of punishment for the perpetrators and no concern about redress for the hapless victims.

Let us hope that the Caucasian members of Congress will recognize the Commission bill as a calculated maneuver to avoid confronting the fact that our Constitution's Bill of Rights was and remains gravely damaged by the wartime mistreatment of Japanese Americans. Creation of the Commission would be little more than a needless and costly boondoggle to postpone direct consideration of a politically sensitive issue which has been allowed to remain neglected too long. Both S. 1647 and HR. 5499 should be rejected by overwhelming majorities.

The Lowry bill, HR. 5977, which in effect re-affirms and strengthens the protection of human rights under our Constitution should be supported by all Americans concerned with human freedom and of our form of government. It should be enacted into law at the earliest possible date.

Shosuke Sasaki
Shosuke Sasaki
December 18, 1979