

NATIONAL COUNCIL ON REDRESS FOR JAPANESE AMERICANS

Proposed Legislation (draft)

June 1979

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1 I. TITLE OF ACT

2 This act shall be cited as the "World War II Japanese American Human Rights
3 Violations Redress Act."

4 II. PURPOSE AND INTENT

5 The purpose and intent of this Act is to accomplish the following:

6 A. Recognize and redress the injustices and human rights violations per-
7 petrated against Japanese Americans by the United States government during
8 World War II.

9 B. Discourage and make less likely similar abuses of Executive Powers
10 in the future.

11 C. Make more credible the sincerity of the repeated declarations of con-
12 cern by the United States government over violations of human rights by other
13 nations.

14 III. DECLARATION OF POLICY

15 WHEREAS, on February 19, 1942, President Franklin D. Roosevelt signed
16 Executive Order 9066, which authorized the wholesale uprooting, exile, and
17 imprisonment of 120,313 persons of Japanese ancestry from the Pacific Coast
18 areas, two-thirds of whom were United States citizens; and

19 WHEREAS, the carrying out of Executive Order 9066 resulted in gross
20 violations of seven of the ten Articles of the Bill of Rights; and

21 WHEREAS, such persons of Japanese ancestry in the United States were,
22 with no evidence of misconduct and without trial, deprived of their freedom,
23 jobs, and homes and subjected to psychological and mental suffering unlike any
24 other body of American citizens during World War II; and

25 WHEREAS, it was the policy of the United States government during and
26 after World War II to suppress the cultural and ethnic identity of Japanese
27 Americans; and

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1 WHEREAS, martial law was never invoked in the United States; and

2 WHEREAS, citizens of Japanese ancestry contributed substantially to the
3 war effort, served heroically in the United States armed forces, and suffered
4 the loss of life and limb despite the wartime denial to them of the benefits of
5 such citizenship; and

6 WHEREAS, in a nation that holds itself forth to other nations
7 as an example of the proper treatment of their minorities, continued failure by
8 our government to provide redress to the Japanese American victims of its own
9 violations of human rights will undermine America's credibility and prestige
10 among other nations; and

11 WHEREAS, the Evacuation Claims Act of 1948 can in no way be regarded as
12 an adequate attempt to make restitution because it (1) provided for provable
13 losses of tangible property only, (2) was carried out in such a manner that
14 payments made under it amounted to less than 10 percent of total tangible
15 property losses estimated in 1942 by the Federal Reserve Bank of San Francisco,
16 and (3) forced all who received payments made under it to renounce all other
17 claims against the government; and

18 WHEREAS, mass exile and imprisonment of Japanese American residents of
19 Pacific Coast areas during World War II solely on the basis of race are con-
20 trary to the long-established laws and traditions of our nation, and appropriate
21 recognition of redress for the victims of that outrage by the United States
22 government is long overdue;

23 THEREFORE, be it enacted by the Senate and House of Representatives of
24 the United States of America in Congress assembled that the Government of the
25 United States provide with payments of money, in the amounts and in the manner
26 specified in the following sections of this Act, redress for the expulsion and
27 incarceration inflicted upon West Coast Japanese Americans during World War II.

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1 IV. AMOUNTS OF PAYMENTS

2 The sum of ten thousand dollars (\$10,000) shall be paid to each person affected
3 by the exclusion and evacuation orders, plus the sum of fifteen dollars (\$15)
4 per day of incarceration. These sums shall be paid to eligible persons as
5 defined in Section V of this Act.

6 V. ELIGIBILITY

7 All persons of Japanese ancestry and their immediate family members who during
8 World War II were exiled, incarcerated, or interned by the United States
9 government, or who while residing within the "exclusion" areas of the Western
10 Defense Command were required to move from their homes, are eligible for pay-
11 ments provided under this Act.

12 A. As far as possible, verification of time spent in the concentration
13 camps and other related facts shall rely on the records of the Wartime Civil
14 Control Administration and the War Relocation Authority in the Government
15 Archives. Where such records are missing or incomplete or where their accuracy
16 is in serious question, affidavits supplied by claimants and witnesses as well
17 as other documents may be used to determine the necessary facts.

18 B. Proof of having resided within the "exclusion" areas may be established
19 by any federal, state, county, or municipal records, other documents, or by
20 personal affidavit.

21 C. Redress that would have been paid to eligible persons who are now
22 deceased shall be paid directly to such decedents' surviving next-of-kin in
23 the following order of priority: first, the spouse at the time of the person's
24 death; second, the children; third, the parents; and fourth, brothers and
25 sisters. No other relatives of the deceased shall have the right to receive
26 such payments.

27 D. The right to receive redress payments shall not be denied because of

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1 a claimant's present residence or citizenship in a foreign country.

2 VI. METHOD OF FUNDING

3 An Internal Revenue Service Special Trust Fund shall be created for the purpose
4 of receiving federal income taxes paid by persons of Japanese descent who elect
5 to allocate said taxes for the purposes of this Act. Such election shall be
6 entirely voluntary; however, any persons who shall not elect to have their
7 federal income taxes put into said Trust Fund shall be ineligible to receive
8 any redress payments pursuant to this Act. Any eligible person or next-of-kin
9 of any deceased eligible person whose income is such that no federal income
10 taxes are required on it shall not be ineligible for the receipt of payments
11 hereunder. Said Special Trust Fund shall not terminate until such time as
12 sufficient funds are received to pay all claims and all redress payments are
13 disbursed.

14 VII. METHOD OF DISBURSEMENT

15 Direct individual payments by the United States government shall be paid to all
16 eligible persons as defined in Section V of this Act. Payments shall be made
17 first to those eligible persons who are disabled or who are 65 years of age or
18 older; second, to eligible persons who are 50 years of age or older; third, to
19 all other eligible evacuees, internees, and detainees; and fourth, to qualified
20 next-of-kin of deceased evacuees, internees, and detainees.

21 VIII. ADMINISTRATIVE COSTS

22 All costs of administration and related costs of carrying out this Act shall be
23 borne by the United States government and shall not be deducted from any redress
24 funds.

25 IX. TAX STATUS OF REDRESS PAYMENTS

26 Redress payments under this Act shall be exempt from all federal, state, and
27 local taxes.

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1 X. PROHIBITION AGAINST DENIAL OF WELFARE

2 BENEFITS OR PUBLIC ASSISTANCE

3 Receipt of any redress payments shall in no manner be cause for the cessation
4 of or reduction in participation in any government-assisted or -subsidized
5 welfare program.

6 XI. LIMITATION ON FEES FOR ASSISTANCE

7 IN FILLING OUT CLAIM FORMS

8 Redress payment claim forms shall be made as simple as possible, and those
9 providing assistance to claimants in filling out such forms shall not be per-
10 mitted to demand or receive more than a flat fee of fifteen dollars (\$15) for
11 each claim.

12 XII. UNCLAIMED REDRESS FUNDS

13 Money that could have been paid to persons under this Act and that remain
14 unclaimed shall be placed in a Nikkei Trust Fund (described under Section XIII).
15 These sums include amounts that could have been claimed by evacuees and
16 internees who are now deceased and have no relatives who qualify as heirs
17 under this Act. Also included under this category are amounts that could have
18 gone to those who have renounced or have refused to file claims for redress
19 payments.

20 XIII. NIKKEI TRUST FUND

21 The Nikkei Trust Fund shall be used for educational, cultural, and humanitarian
22 purposes by organizations composed of persons of Japanese ancestry in the
23 United States, and for a legal defense fund that will be used to protect the
24 constitutional rights of Japanese Americans.

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