

HEARINGS

before the

SENATE COMMITTEE ON GOVERNMENTAL AFFAIRS

on

S. 1647, The Commission on Wartime Relocation and Internment of Civilians Act

Tuesday, March 18, 1980

2:00 p.m.

Room 3302 Dirksen Senate Office Building

W I T N E S S L I S T

Panel I -- Members of Congress

The Honorable Daniel K. Inouye (D.-Hawaii)
United States Senate

The Honorable Spark M. Matsunaga (D.-Hawaii)
United States Senate

The Honorable Jim Wright (D.-Texas)
United States House of Representatives

The Honorable Norman Y. Mineta (D.-California)
United States House of Representatives

The Honorable Robert T. Matsui (D.-California)
United States House of Representatives

Panel II - Civil Rights/History

Clarence M. Mitchell, Jr., Chairman
Leadership Conference on Civil Rights

Dr. Roger Daniels, Head
Department of History
University of Cincinnati

Panel III - Interest Groups

Jerry Enomoto, Past President
Japanese American Citizens League

Diane Yen-Mei Wong, Executive Director
Commission on Asian American Affairs

William Hohri, Chair
National Council for Japanese American Redress
Also, Member, Methodist Association for Social
Action, Chicago Chapter

Mike N. Masaoka
President and Washington Advocate
Nisei Lobby

o Senator Spark Matsunaga:

Some members of the Japanese American community do believe that the federal government should provide some form of monetary compensation to "redress" them for the injustice they suffered. However, members of this committee ought to know that an almost equal number maintain that no amount of money can ever compensate them for the loss of their "inalienable" right to life, liberty, and the pursuit of happiness, or the loss of their constitutional rights.

The proposed bill is not a "redress" bill. Should the Commission authorized to look into the matter decide that some form of compensation should be provided, the Congress would still be able to consider the question and make the final decision. Whether or not redress is provided, the study undertaken by the Commission will be valuable in and of itself, not only for Japanese Americans but for all Americans. Passage of S.1647 will be just one more piece of evidence that ours is a Nation great enough to recognize and rectify its past mistakes.

o Majority Leader, Jim Wright:

There is no way in which we can ever repay those proud and loyal Americans for having questioned their patriotism. We cannot give them back the months of their lives nor redress the shame to which we subjected them by impugning their loyalty to this land.

The best we can do, therefore, is to take official notice that what we did under the severe pressure of that wrenching emergency was completely out of character for us -- to apologize to those on whom we afflicted the insulting assumption of their disloyalty, and to avow that never again will any group of American citizens be subjected to such humiliations on grounds no more valid than the blood that runs in their veins.

o Representative Norman Y. Mineta:

My message today is this: What happened in 1942 can happen again. Civil liberties cannot be taken for granted. Our greatest hope is that the knowledge gained from the proposed commission will guarantee that this tragic abuse of civil rights will never occur again.

o Congressman Robert T. Matsui:

Mr. Chairman, passage of this legislation would allow for the first time Federal examination of the serious economic, social, and psychological implications of the incarceration of loyal Americans during the early stages of World War II. However, equally important, passage of this bill would signal the Federal government's willingness to constructively examine errors of the past, and to define clearly its role and responsibilities in the future.

o Professor Roger Daniels:

For more than a generation the Japanese American community was largely silent about the question of redress for what was an undoubted wrong. They are silent no more. The bill before you, which would set up a commission to investigate, take testimony and make legislative recommendations, is an excellent way to begin to make some amends. Such a commission could also serve an educational purpose by reminding Americans about one of the wrongs of our past.

○ Japanese American Citizens League:

Our initial discussions focused on the attempt to seek monetary compensation for our experiences of 1942, but through months of consideration and in consultation with various members of Congress and others, our position has evolved to supporting a Presidential fact-finding commission whose task it will be to study the evacuation and to determine whether an injustice was committed against American citizens and legal resident aliens. The JAACL, in concert with the concept of S.1647, places its faith in the commission to view the facts regarding the evacuation and to correct a grievous injustice of the past by recommending appropriate remedies.

It is the hope of the Japanese American Citizens League that, through the commission, there will be an official query into the past events that shaped a fateful policy, and in so doing, to insure the principles of democracy in the future.

○ Diane Yen-Mei Wong, Executive Director, Washington State Commission on Asian American Affairs:

As many of the members of the CAAA envision it, the study commission bill and a direct redress bill would work hand in hand, with the latter providing a logical vehicle through which to implement the commission's recommendations. The CAAA, it must be remembered, is confident that the facts compel a conclusion that direct redress is not only needed, but also correct. Thus, the CAAA logically supports both the concept of a study and of direct redress.

○ William Hohri, National Chairperson, National Council for Japanese American Redress and Spokesperson for the Methodist Federation for Social Action:

The people are not asking for a Study Commission. We know it was wrong. We do not need Congress or anyone else, at this late date, to undertake a study to determine whether a wrong was committed. We understand the wrong. What we need now is the opportunity to redress the wrong.

We Americans of Japanese ancestry need to know that we are entitled to equal treatment under the law; that the Writ of Habeas Corpus shall not be suspended of our race; that the right to compensation for a miscarriage of justice involving years of internment shall apply to us as well as to all other human beings.

Justice has already been delayed too long for our parents, the first generation of Japanese Americans, for most are now gone. Justice delayed for them is now justice denied. I pray that you do not repeat the same error for those of us who still carry the memory of those camps. S.1647 is beneath our dignity. Dismiss this sorry excuse for justice. Let us, instead, resolve to redress the victims and repair the Constitution.

○ Mike Masaoka, Nisei Lobby:

To begin with, candor requires us to note that the political realities as we view them will hardly tolerate an economy-minded National Legislature to appropriate significant funds from the public treasury unless the request is supported by strong and convincing evidence justifying such payments.

If an impartial commission of distinguished Americans carries out an intensive factfinding investigation and finds that the wrongs suffered justify money awards, then there is a more reasonable chance that the Congress will accept such recommendations.

More importantly, however, we believe that only an independent commission is in a position to determine whether money payments to individuals is the most appropriate remedy under the present circumstances when many--if not possibly most--of those who were the older and more needy victims of Executive Order 9066 have, for one reason or another, passed on.

Perhaps, if money damages are suggested as a proper response, it would be more reasonable to use such designated sums to establish a public trust fund that could be used for many needed public purposes, such as a civil rights defense fund for all Americans, and not just Japanese Americans; as an educational and cultural center to promote understanding and cooperation between Japan, the land of our ancestry, and the United States, the country of our citizenship; as a national resources pool to help disadvantaged and denied Americans; as an international operation to help the refugees of political persecutions and/or natural calamities; etc.

Indeed, there are many among us who feel that what we suffered cannot be measured in monetary terms, for the price of freedom, health, sanity, dignity, pride, opportunity, and the other intangibles that make life worthwhile in America cannot be counted in dollars and cents. Money could well cheapen our experiences and our present advocacy if granted on an individual basis.

####

o March 3, 1979, National Committee for Redress (JACL) Meeting in San Francisco, Kaz Oshiki:

In some discussion . . . Mike Masaoka and I had lunch and we were talking about this commission idea and we thought in terms of a commission. Probably the easiest way to get the commission established by legislation and neutralize Hayakawa to some extent would be to make this a fact-finding commission, to make a determination of the justness or unjustness of the evacuation and trying to arrange it to have the kind of commission appointed which would come up with the conclusion that we would like to see them come up with.

o Senator Hayakawa to Dwight Chuman, Rafu Shimpo, March 13, 1979:

The only condition I made the other four members of Congress to agree to was that no monetary reparations would ever be asked. If they had not agreed to that, I would not have endorsed that bill.

Q.E.D.



National Council for Japanese American Redress

925 West Diversey Parkway, Chicago, Illinois 60614

April 2, 1980

Dear Friends,

March was an eventful month.

I spent a week-end in New York and spoke to the Asian American Law Students Association at their all-day meeting-workshop (March 15). I met some important people and renewed old acquaintances. I met Gordon Hirabayashi, a person who protested and tested the exclusion order, went to jail, and then to the Supreme Court; Amy Uno Ishii, who presented an excellent slide show on the camps; Mine Okubo, an artist of extraordinary talent; and Aiko Herzig, an uncommonly rare type, a Nisei activist, a New Yorker recently transplanted to Falls Church, VA. Then there were the acquaintances pleasantly renewed: Michi Weglyn, the expert on the camps and their history; Taxi Kusunoki, English editor of the *New York Nichibei*; and Phil Tajitsu Nash, organizer of the affair who allowed me to twist his arm without complaining. And, of course, my daughter, Sasha, whose father I am known as, and my brother, Sohei, artist, calligrapher, and yachting expert.

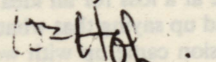
Then I went to Washington, DC on the 18th to testify.

It was just by chance that I learned of the Senate hearings on S.1647 and I barely squeaked out an invitation. My wife, Yuriko, came along at half fare and we were joined at the airport by Aiko Herzig. The three of us tromped between the Senate and House Office Buildings, using the congressional subway when we could find it, and put in a little lobbying. I must say I felt good having Aiko along. I felt we were representing New York as well as Chicago. Aiko, besides being a strong supporter of the Lowry Bill and the redress movement, is friendly, intelligent, assertive, and, most important of all, is willing to help us. A few days later, she agreed to become our Washington lobbyist. That's a major accomplishment and step forward. She can be reached at:

Aiko Herzig
3713 S. George Mason Drive, apt. 310-W
Falls Church, VA 22041
(703)820-6605

After the hearings, we went over to her husband's office (Jack), relaxed a bit, and then went out to a nice Greek restaurant for an early dinner.

Peace,


William Hohri

Volume XXXV, No. 1754

Senate Hearing Room: One View

BY WILLIAN HOHRI

Senator Jackson and, for about an hour, Senator Levin and, for a few minutes, Senator Mathias heard testimony on Tuesday afternoon, March 18, 1980, on the Whatchamacallit Bill, otherwise known as S. 1647. It's "Whatchamacallit" because after listening to an hour and a half of testimony, I find it hard to figure out just what the bill is supposed to accomplish.

The pecking order was clear. First the senators on the Committee (Jackson and Levin), then the senators presenting testimony (Inouye and Matsunaga, but Inouye, being ill, was not there), then the congressmen (Wright, Mineta and Matsui), then the civil rights leader, Clarence Mitchell, then the Scholar, Roger Daniels—by this time we are down to just Jackson—and then the ordinary citizens, Jerry Enomoto (JACL), Diane Wong (Commission on Asian American Affairs, State of Washington), me (National Council for Japanese American Redress and the Methodist Federation for Social Action, the only thing I was long on), and Mike Masaoka (Nisei Lobby).

As the members of Congress spoke, it became increasingly clear that Senator Hayakawa, notably absent, was probably telling Dwight Chuman the truth when he said, "The only condition I made the other four members of Congress to agree to was that no monetary reparations would ever be asked. If they had not agreed to that, I would not have endorsed that bill." (Rafu Shimpō, 3-13-80).

Jim Wright, House Majority Leader, said, "There is no way in which we can ever repay those proud and loyal Americans for having questioned their patriotism. We cannot give them back the months of their lives nor redress the shame to which we subjected them . . . The best we can do, therefore, is to take official notice that what we did under the severe pressure of that wrenching emergency was completely out of character for us—to apologize to those on whom we afflicted the insulting assumption of their disloyalty and to avow that never again will any group . . ."

That theme was developed by Senator Matsunaga, who was, I guess, fashionably late so he had to speak after the representatives. He said, "Some members of the Japanese American community do believe that the federal government should provide some form of monetary compensation to 'redress' them for the injustice they suffered. However, members of this committee ought to know that an almost equal number maintain that no amount of money can ever compensate them for the loss of their 'inalienable' right to life, liberty and the pursuit of happiness, or the loss of their constitutional rights." He concludes, "Whether or not redress is provided, the study . . . will be valuable in and of itself, not only for Japanese Americans, but for all Americans. Passage of S. 1647 will be just one more piece of evidence that ours is a Nation great enough to recognize and rectify its past mistakes."

The representatives followed with: (Mineta) "It would provide an important framework for a factual discussion of this sad chapter in our not-so-distant past . . . In addition, the work of the Commission will educate or remind people about an event they may not remember or know much about . . . Our greatest hope is that the knowledge gained from the proposed commission will guarantee that this tragic abuse of civil rights will never occur again." (Matsui) ". . . passage of this legislation will allow for the first time Federal examination of the serious economic, social, and psychological implications of the incarceration of loyal Americans during the early stages of World War II. However, equally important, passage of this bill would signal the Federal government's willingness to constructively examine errors of the past, and to define clearly its role and responsibility in the future."

So that's basically it.

The wrong was so severe that it cannot be remedied by money—an innovative concept of justice, to say the least. Education is very valuable and has become the new deterrent to future violations of the law. Talk about being soft on crime. And somehow the Federal (why is it capitalized?) government can do a more superior job of research and education than our educational institutions.

But I guess what is most clear is that the Commission will not lead towards redress. Senator Hayakawa let the cat out of the bag.

The civil rights leader and the professor were there to establish credibility, it seems. I was a little taken aback when Mitchell talked about how the JACL had been so helpful in the civil rights movement. When was that? But the really interesting stuff occurred with the common folk.

Jerry Enomoto is not the current president of the JACL. Nor is he the immediate past president. I remember him from 1970, ten years ago. So, I was a little mystified why he was testifying for the JACL. The JACL submitted about a hundred pages of written testimony. Senator Jackson called it a "book." But we were all limited to 5 to 10 minutes of spoken testimony. JACL support was there in force. I felt like I was among the few friends of the groom at a wedding while across the aisle sat a crowd of well-wishers for the bride. But whatever the tactic for Jerry's surrogate role, it appears to have slipped up when Senator Jackson asked Jerry what it was the JACL wanted to have the Commission come up with as an end result of their study. There was something surprisingly candid about that question. And I expected a quick, clear, simple answer, like, maybe, redress the victims and a trust fund for Nikkei community organizations. But Jerry seemed to be at a loss for an idea. He finally wound up saying that whatever the Commission came up with would be okay for the JACL.

Diane Wong expressed the position of a State bureaucracy, and straddled the fence between the Commission and Redress. She felt the Commission should be supported for its educational value, but that redress was still required. It was nice to have at least that level of support. But such a position only

served, in the hearings, to support the Commission. The Committee not discussing alternatives to the Commission.

My speech was the only position against the bill. I described the history of the redress movement and how the JACL leadership contravened its own constituent assembly to arrive at the Commission concept. But, for lack of time, I had to leave out the juicy details. I noted that the people, both Nikkei and non-Nikkei, do not want the Commission; they want redress. I pointed out that justice had already been denied the Issei, and prayed not to deny us. I called the bill a sorry excuse for justice, and urged that the Senate move towards redressing the victims and repairing the Constitution. But my voice was just one against the Nikkei establishment in Washington. Still, I am grateful that there was at least one voice of dissent.

Mike Masaoka gave the most interesting testimony. Mr. JACL came out of the closet. He announced his preference for a public trust fund that would perform good works such as a "civil rights defense fund for all Americans, not just Japanese Americans," "an educational and cultural center," "a national resources pool to help disadvantaged and denied Americans," and "an international operation to help the refugees of political persecution and/or natural calamities."

My god! It boggles the imagination. I was sitting in my chair shaking my head. "What has all this to do with redressing the victims?" I thought. "Why is he so willing to volunteer money that should go to me for all those humanitarian purposes? Is the JACL reaching for divinity?"

After it was over, everyone had a good time congratulating everyone. Some folks even shook my hand. I'm not sure just what they were so happy about. Sure enough, they won. But what? Senator Matsunaga said it most clearly, "This is not a redress bill."

It's a Whatchamacallit.



Taxi Kusunoki, Mine Okubo, Gordon Hirabayashi



Aiko Herzig, Michi Weglyn, Taxi Kusunoki

RECEIVED
JAN 15 1962

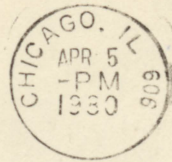
NATIONAL COUNCIL FOR
JAPANESE AMERICAN RELIEF
1000 University Avenue
Berkeley, California
94702

Kathy Haley Gordon
side to Rep Mike Law

Aiko Herzig, Yuriko Horii, Diane Wood

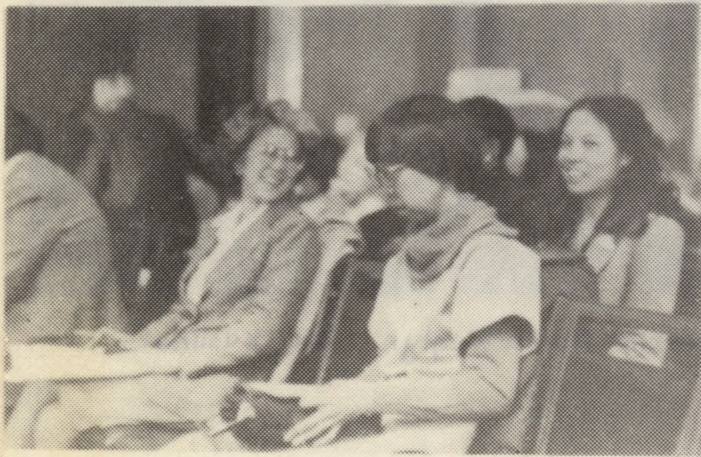
Gene Egan
JACL

NATIONAL COUNCIL for
 JAPANESE AMERICAN REDRESS
 925 West Diversey Parkway
 Chicago, Illinois 60614



MS SASHA HOHRI

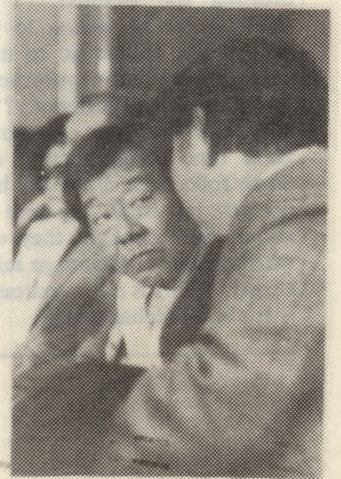
Senate Hearing Room March 18, 1980



Aiko Herzig, Yuriko Hohri, Diane Wong



Kathy Holey Garland,
 aide to Rep Mike Lowry



Jerry Enomoto,
 JAAL