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## United States Senate

COMMITTEE ON  
GOVERNMENTAL AFFAIRS

SUBCOMMITTEE ON  
FEDERAL SERVICES, POST OFFICE, AND  
CIVIL SERVICE

WASHINGTON, DC 20510-6250

June 3, 1987

Mr. William Hohri  
President  
National Council on Japanese American Redress  
925 West DiVersey Parkway  
Chicago, IL 60614

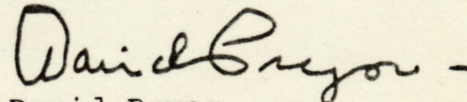
Dear Mr. Hohri:

On Wednesday, June 17, 1987, the Subcommittee on Federal Services, Post Office and Civil Service will hold a hearing regarding S. 1009, a bill to accept the findings and to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians. Given your leadership on this important issue, I hope you will be able to testify. Enclosed please find a copy of the bill.

The hearing will begin at 2:00 p.m. in room 342 of the Dirksen Senate Office Building. Witnesses may submit written testimony of any length for the record, however, the initial verbal statement of all witnesses will be limited to 10 minutes. Committee rules provide that witnesses supply 100 copies of their prepared statements at least 48 hours in advance of the hearing. I would appreciate if this material could be delivered to the subcommittee office by 12:00 noon, Monday, June 15.

If you have any questions, please contact Rick Goodman of my Subcommittee staff, at 224-2254.

Sincerely,

  
David Pryor

Testimony of William Hohri, June 17, 1987

Mr. Chairman and members of the subcommittee, thank you. I appreciate your invitation to me to speak on behalf of the National Council for Japanese American Redress and as the lead named plaintiff in the court case of Hohri et al. versus the United States. I have read S.1009. I am pleased to recommend its enactment. Even though our organization's focus is on the courts, I believe I speak for most of our supporters in urging Congress to redress the grievances of the victims of our wartime program of mass exclusion and detention. The responsibility for this grave injustice rests with all three branches of government.

Despite the separation of powers, we have seen the Congress and the courts interact on the issue of Japanese-American redress. After almost two years of preparation, we filed our lawsuit in March 1983 in the U.S. District Court for the District of Columbia. Our arguments relied on findings of the Commission on Wartime Relocation and Internment of Civilians, as well as on our own legal and historical research. In May 1984, while we prevailed on several issues, our case was dismissed due to the statute of limitations. We, of course, appealed. In January 1986, the U.S. Court of Appeals for the District of Columbia Circuit tolled the statute of limitations to July 31, 1980, the date of the establishment of this same Commission. Our case was remanded to trial.

Both sides appealed to the Supreme Court. The government's appeal was accepted while ours was left pending. On the first day of this month, the Supreme Court vacated the appeals court decision and remanded the case with instructions to transfer our appeal to the U.S. Court of Appeals for the Federal Circuit. In 1982, while we were preparing our court complaint,

Congress enacted the Federal Courts Improvement Act and created this new forum for certain appeals. Our case is now back to square two, the first level of appeal. Though the Court's decision is a disappointment, we will continue to seek a judicial resolution of the legal and constitutional issues created by our wartime exclusion and detention. As an aside, I hope that Congress will clarify the ambiguities of that portion of the 1982 Federal Courts Improvement Act that caused this unfortunate delay.

Clearly, then, the separate powers, while not intervening, do interact. And while our focus is on the courts, I do have comments on two parts of S.1009.

I strongly support the proposed apology. It complements our request for a declaration from the courts that mass exclusion and detention were illegal and unconstitutional. I would like respectfully to request one alteration. On line 7 of page 6, please consider substituting the word "exclusion" for "relocation." Since "evacuation" is used, "relocation" seems redundant. Moreover, around 5,000 persons were excluded from their homes and communities in the coastal region and forced to move inland, even though they were never interned. Also, exclusion orders were issued for each campsite to provide a legal basis for confinement within each camp's perimeter. If an inmate crossed the perimeter, he or she would trespass into an exclusion zone and be subject to arrest. By the government's own admission, military necessity did not apply. Perhaps the meanest use of exclusion occurred in May 1942, when General DeWitt initiated an order that excluded Japanese-American soldiers on furlough from the western states. Fortunately, this insult lasted only eleven months rather than three years. Surely, such excesses require an apology.

Also, I strongly support the widest distribution of the hearings and findings of the Commission. I would respectfully suggest that you consider modifying paragraph (3) of page 11 of the bill to read:

to have published the hearings and findings of the Commission and to promote their distribution to schools, booksellers, and libraries.

The transcripts of the Commission's hearings were never published. The Commission's staff, plus some dedicated volunteers, did manage to edit their entire several thousand pages. These pages were waiting to be printed at the U.S. Government Printing Office when the Commission's term expired. Throughout its 1981 hearings, the Commission repeatedly promised the witnesses who appeared that their testimonies would go into the record. This record has yet to be published. I think we should make certain it does through this bill.

I conclude by noting that we have read press clippings on our Supreme Court case. They reflect widespread and growing public interest in, and, I believe, support for, Japanese-American redress. We even made the pages of The Daily Mining Gazette of Houghton, Michigan. Perhaps the most unintentionally humorous and telling comment I heard was on a San Antonio, Texas radio call-in show from a rather hostile, elderly man who explained, "You Japanese have changed since World War II." Well, I don't think I've suffered any noticeable genetic changes in my life, but I think we as a nation have grown up.

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