

9.10.20

STATEMENT OF JAMES HENNINGS
TO: THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT
OF CIVILIANS
SEATTLE, WASHINGTON
SEPTEMBER 10, 1981 .

Commissioners,

My name is James Hennings, I am speaking in favor of restitution to those persons who were relocated and interned during the Second World World, both citizens and non-citizens of the United States.

I am the Director of the Public Defender's Office in Portland, Oregon, having served in that position for the past 10 years. Prior to that time, I served for two years as a deputy district attorney in Portland, Oregon, and prior to that time, was a graduate fellow in criminal law at Northwestern University in Chicago, Illinois. I am a member of both the Illinois and the Oregon Bar Associations. I have been appointed by the Governor of the State of Oregon to the Oregon Law Enforcement Council and the Oregon State Community Corrections Advisory Commission. Further, I am on the Board of Trustees of the National Legal Aid Defender Association.

I approach these hearings from three different viewpoints. First, as a private citizen, I must re-express the shock and dismay I felt when I first learned through my studies of how our government violated its own basic principles when it relocated and interned its own citizens. Second, as a public defender, I speak with a special view of our system and must explore with you fears that I feel for the future of our governmental system if restitution is not made in this case. Third, as an individual

who is married to a Sansei (who is incidentally an Assistant U.S. Attorney in Portland, Oregon) and as the father of two children from the fourth generation, the Yonsei, I must express my concerns for my family and its future well being.

It is clear from the very formation of this commission that there is great feeling that restitution should be made to right a past wrong. However, the nature of the wrong committed by the government of the United States must be clearly explicated. Government exists and draws its validity only if it meets two absolute criteria. First, it must protect its own citizens and other individuals who are within its territory. Second, it must not deprive any individual citizen or group of citizens of basic individual rights. Especially in our form of government, based upon a contract between the people governed and the government, extraordinary care must be taken not to infringe on individual liberties. In the process of relocation and internment, the United States government grievously wronged not only those individuals who were interned, but also all other citizens whose individual rights were weakened by this action. Such a grievous wrong negates the moral validity of the United States and must be redressed on moral grounds alone.

Further, restitution will be a clear statement that never again will the United States government fail to protect individual citizens or deprived individual citizens of basic inherent rights. There has always been a false assumption that the internment was an aberration caused by the strained conditions of the war and a temporary failing of the government in giving into expediency.

However, the history of the United States is replete with instances of oppression and discrimination carried on not only in the name of the government but at the behest of the government. One need only look at the history of anti-labor activities, McCarthyism, illegal activities against war protestors and criminal activities by the highest officials of our government to see that the actions of the government during the internment were not just a temporary aberration, but part of a continuing background of the governmental system. As a public defender, I see on a daily basis continued indications of discrimination and even overt racism in the actions of government against minority citizens. One need only look at the prison statistics which show incredibly disproportionate numbers of Indian, Chicano and Black citizens incarcerated. Or more recently, one need only look at overtly racist activities by the Portland, Oregon Police Department, which is being condoned by the government authorities as an indication of the ongoing trend of government to not only fail to protect its citizens, but to actually deprive its citizens of basic rights. Restitution in this case will be a strong statement that such trends must be stopped.

The real value of restitution is not only to make the victim whole, something which in the case of the internment is impossible because of the passage of time and the incalculable psychological damage which has been done to not only the internees but all other citizens, but also as a method of atonement for those citizens who did not object when this wrong was taking place.

As a matter of equity, money damages are demanded in this case. In criminal law, a strong trend has recently developed towards making restitution to a victim from the convicted wrongdoer, almost without regard to whether or not the convicted person will be damaged by making the restitution. It seems incredible that the United States government cannot at least be held to the same standard. To do otherwise will only diminish the true conceptualization of the past wrongdoing of our government.

Restitution in this case will be a clear statement of the rights of any citizen or person within the United States territory of the true feeling we feel for the constitutional contract which is the basis of our government. Further, such restitution will be clear guidance to all citizens that the government will not condone nor allow discrimination against individuals.

Primarily, as an individual, I must urge our government not only to object to racist concepts in our society, but also to encourage the higher ideals which are the basis of our government. The fact that racism yet exists, particularly against Japanese Americans and all other Asian Americans, is clear from two incidents which have happened to me within the past two years. Shortly after my son began first grade, he returned home in tears one day and related that other children in his class has told him that he was not a real American because his relatives had fought against the United States. This was his first experience with overt racism against him and I believe is a true indication of the reality of racism in today's society. There is no

way that such racism can come from a first grade student unless it was learned from adults who operate in a society in which the government condones such racism. Restitution now will at least start to change that perception of the government. A second area that concerns me is the impact such racism has on daily social interaction. I had to watch as my wife was forcibly pushed out of a line in a supermarket by a woman who made the statement that my wife should go back where she came from. Besides the utter comedy of such a statement to an Assistant U.S. Attorney, such overt expressions of racism in public cause me to fear for the continued viability of our society and for the ability of Asian Americans to become integrated into our society.

This commission has the choice whether to recommend that the government truly recognize its abject failure in ordering the relocation and internment by which the basic contract between citizens and their government was violated or to relegate this matter to the dust bin of history and add one more failure of the government to an unfortunately growing list of failures. I urge the commission to strongly recommend restitution to those individuals who were wronged by this government activity.