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STATEMENT OF MERVYN M. DYMALLY

To the Senate Subcommittee on Civil Service,
Post Office, and General Services

HEARINGS ON SENATE BILL S.2116

August 16, 1984

Hearings at the Brentwood Theatre of
the Veterans Administration Medical Center
Los Angeles, California

STATEMENT OF MERVYN M. DYMALLY

To the Senate Subcommittee on Civil Service, Post
Office and General Services Considering
S.2116 - To accept the Findings and to Implement the
Recommendations of the Commission on Wartime
Relocation and Internment of Civilians

Good morning, Mr. Chairman, and Ladies and Gentlemen:

I am Mervyn Dymally, Member of the United States Congress from the 31st Congressional District, South Los Angeles County, California. I represent the largest single community of Nikkei citizens in the continental United States. This morning I wish to speak frankly in support of Senate Bill S.2116, which will bring about delayed justice to the Americans of Japanese and Aleut ancestry who were uprooted and interned during World War II under Executive Order No. 9066.

As you well know, Mr. Chairman, we in the House have just concluded three days of exhaustive hearings through our Judiciary Committee, at which I supported our companion Bill -- H.R. 4110. The overwhelming reality emanating from these hearings as well as through the voluminous Report of the Commission on Wartime Relocation and Internment of Civilians is that over 110,000 men, women and children of Japanese ancestry were evacuated and incarcerated by being placed in internment camps in the interior of the United States for the duration of the War. Similarly, Aleuts of Alaska

were evacuated and interned in deplorably unsanitary fish canneries and other facilities resulting in the highest mortality rate suffered by any group of evacuees anywhere on the West Coast!

With your permission, Mr. Chairman, let me make some observations about the progress we have made in our joint endeavor to bring about approval of this legislation through Congress. From initial Congressional hearings, I do not believe there exist substantive controversy nor disagreement over the major recommendations of the Commission in these areas. The Commission recommends that simple justice can be realized through:

- A Congressional apology to the Japanese American people for their incarceration and loss of civil liberties;
- A Presidential pardon for those convicted of violating Executive Order 9066, where the offenses were based on a refusal to accept governmental treatment based on race or ethnicity;
- Establishment of funds for educational purposes for the Japanese American community; and similarly, a Restitution fund for the Aleut community.

In my judgment these recommendations are wholly appropriate and acceptable to most reasonable people. However, to those who may not believe in this redress legislation, we hear a barrage of arguments and doubts expressed about the Commission's recommendation regarding individual reparations, to both the Japanese American and Aleut evacuees.

Looking at these arguments bluntly, which are particularly issued by fiscal conservatives in Congress who say that this Bill will cost too much, Mr. Chairman, I must say to you that I have great difficulty, as do the people of the 31st Congressional District and especially the Japanese American community, to put a limited price tag on a Congressional apology on one hand, and then to vote millions of dollars to foreign governments waging campaigns in the name of saving democracy abroad. We must simply say that justice must occur in the United States and that we in America have the will and the capacity to pay the price! Nothing less than providing simple justice will suffice, and we must pay this price!

Therefore, Mr. Chairman, I emphatically support the language of Senate Bill S.2116 regarding individual monetary compensation to Japanese American and Aleut survivors who suffered and survived during this period in recent American history.

Regarding the monetary payments themselves, I am puzzled by the Commission's recommendation of \$20,000 per individual Japanese American, and only \$5,000 for the individual Aleut. Rather, I believe the recommendation of \$12,000 as contained in the Senate Bill language is more appropriate to the personal suffering and devastation visited upon the Aleuts during their period of internment, particularly at the hands of Federal authorities.

The notion of monetary compensation for personal damage and injury is clearly sustained in American law and practice. Because it was indeed an official governmental policy which authorized the incarceration of innocent Japanese Americans, legal aliens, and Aleutian islanders which directly resulted in their loss of property; loss of the means of livelihood; loss of educational opportunities; and inflicted grave psychological and personal damage. Most of all, the gravest loss was to their freedom and civil liberties which other Americans enjoyed even during this wartime period.

All these people should have enjoyed the protection of the Constitution and the requirement of due process. Their rights were suspended under the authority Congress provides for use during emergencies or war. However, as the Commission testimony demonstrates, the very reasons used to justify this extraordinary use of the war powers have not been substantiated, and indeed, they were believed to be insubstantial at the time they were given and explained later to the courts. There thus exists a preponderance of evidence that the Federal Government acted improperly against these evacuees, and should therefore offer compensation to these affected individuals to partially offset their losses. Mr. Chairman, this is the meaning of providing simple justice!

As a parting Legislator, who introduced the first national redress bill in the House upon my election to Congress, I must pose the question of our progress in our total efforts made to

date: If after undertaking a major Commission study with its extensive set of hearings documenting this whole sad episode of injustice, and if after the current Congressional hearings are completed, what will result from all these efforts? In my judgment, the answer clearly lies in the moral and political courage which we in the Congress can bring to bear in passing the most crucial civil rights legislation since the passage of the momentous Civil Rights Act of 1964!

In the Congress, it will require the overriding moral arguments in the rightness, in the justness and in the merits of passing both S.2116 and H.R. 4110. Likewise, it will take political courage and persuasion to bring these bills out of Committee and onto the Floor for debate and passage and for this to happen, we will need your exemplary leadership, Mr. Chairman, along with the support of your colleagues, while we in the House summon our courage and support. It will require critical public education about the profound travesties committed and the redress that Congress can at long last provide as a remedy. And it will require our commitment to work out the most acceptable language in the legislation which will provide fairness and equity to all those concerned.

Let us remind ourselves that nothing can be achieved here without a great deal of hard labor, and without some tears and without some patience. I can recall the need for patience, which was required to pass other difficult legislation as the bill before us:

- The watershed Civil Rights Act of 1964 was over 100 years in the making before providing desegregated public facilities for all Americans. And its re-authorization 20 years later in 1984 again took a united and determined Congress to renew governmental protection and extension of equality.
- The Martin Luther King Holiday Bill took 16 long years in winding its way through Congress, finally becoming a reality only in late 1983.

Now Mr. Chairman, we must do the same for S.2116 and H.R. 4110. In addition to the current 104 co-sponsors to the House Bill, I am determined to work tirelessly for signatures of support from Members of the other side of the aisle (from Republican Members) who have not taken a position on this important legislation. I shall be happy to work with you in developing the necessary bipartisan approach and the necessary momentum to present America with a great and deserving gift of historic reconciliation -- when we add the Civil Liberties Act of 1984 to the list of great American achievements!

May I take this opportunity to thank the Senator from Alaska for his kind invitation to address this Subcommittee and for his leadership on this very important matter.