During World War II the United States was a co-conspirator and participant in a program that seized, shipped, and interned 2,264 Latin-American Japanese, against none of whom was a charge of espionage, sabotage, or subversion ever leveled. Residents of twelve Latin-American countries, they experienced the violation of their civil and legal rights, both by their country of residence and by various branches of the American government.¹

The ignorance, prejudice, hate, fear, and disregard for legal norms that accompanied American abuse of Japanese Americans reached out to include Japanese Latin Americans living on the Pacific side, from Mexico to Chile. Brazil, with more Japanese than all the rest of Latin America, was not involved by virtue of its facing the Atlantic. The same was true of Argentina. One country, Peru, was home to approximately 75 percent of the people of Japanese ancestry on the Pacific side of Latin America; however, even though Peru, a primary focus of U.S. policy, deserves our major attention, the program did not originate there, nor did it begin with the United States. In fact, it did not even begin with World War II.

The tiny country of Panama played a precedent-making role regarding enemy aliens that influenced the internment-repatriation program of the entire hemisphere. On October 17–18, 1941, the American ambassador and the Panamanian foreign minister discussed the internment of the Japanese in the event of war. After reviewing the record of U.S.-Panamanian cooperation during World War I, they concluded that Panama would arrest the ethnic Japanese on Panamanian soil and intern them on Taboga Island, nine miles off the Pacific end of the canal. The United States would bear all expenses and assume full responsibility should any claims arise. The two governments never reduced these arrangements to a written document.

For months Panamanian authorities, aided by American officials—especially FBI agents—had been refining their lists of potentially subversive aliens. On December 7, 1941, in a matter of hours, they took those Axis aliens into custody. An analysis of Japanese apprehended indicates that 94 percent were arrested that very day; 71 percent in the city of Panama, 23 percent in Colon.

Ambassador Edwin C. Wilson urged the immediate construction in Panama of an internment camp. Particularly pleasing to Washington was the speed with which Panama had arrested and interned its Axis aliens, declared war against the Axis states, and frozen Axis funds. Soon, however, the internment issue provoked a different approach. After enumerating the problems attendant upon the construction, maintenance, and operation of an internment camp, American authorities suggested that the enemy aliens be sent to the United States "as was done during the last war." Panama agreed.²

So it came about that, before Christmas 1941, the progressive steps whereby enemy aliens were apprehended, interned, and shipped from Panama to the United States reflected close adherence to, if not conscious duplication of the experience of 1917–1918, when Germans first went to Taboga Island and then were shipped north. In both instances, the specter of lax Panamanian control of internees sped the process. The U.S.-Panamanian precedent bred the program of 1941–1942 and it, in turn, established the American approach to the control of presumably dangerous aliens from the rest of Latin America where, also, no agreements were reduced to writing.

On December 9—less than forty-eight hours after the bombing at Pearl Harbor—American efforts aimed at economic strangulation through a government-sponsored boycott that listed 159 Japanese businesses in Peru. This blacklist was euphemistically termed "The Proclaimed List of Certain Blocked Nationals." Probably that fuzzy avoidance of truth was conceived by some of the same minds that avoided the term "concentration camps" when they referred to the handling of Japanese Americans.

After the January 1942 meeting in Rio de Janeiro of Western Hemisphere foreign ministers, numerous Latin-American governments broke diplomatic ties with Japan and prepared to repatriate their enemy aliens, diplomatic and consular personnel, and private citizens, via the United States. In April 1942 they arrived in the United States from Panama, Costa Rica, Colombia, Ecuador, Peru, and Bolivia. The initial ousting and repatriating of Japanese who were not formal representatives of Japan along with the diplomats opened the door to continuing these practices.

Basic responsibility for deportation and internment programs rested with the chief executives of the various countries. "When the security of the state requires it," Article 70 of the Peruvian Constitution read, "the Executive can suspend totally or par-
partially... the guarantees set down in Articles 56, 61, 62, 67, and 68. That meant that Peruvian homes could be invaded and individuals detained without written authorization, that people could neither congregate nor move about freely, and finally, that they could be removed from the country without legal recourse. Other Latin-American constitutions and laws were similar.

At the same time, in the United States the Alien Enemy Act of 1798 permitted the summary apprehension and internment of nationals of states at war with the United States. However, to apply this 143-year-old law to Latin-American Japanese, someone would have to seize those enemy aliens and bring them within range of American legal authority. That, in tum, called for U.S.-Latin American cooperation at the executive level.

Between April 1942 and April 1945 approximately 1,800 Peruvian Japanese were interned in the United States. They represented 80 percent of all the Latin-American Japanese interned here. The deportation-internment program involving the Latin-American Japanese was totally unrelated to the relocation-internment program of the War Relocation Authority. The Immigration and Naturalization Service held the people from Latin America in Texas, at Kenedy in a one-time CCC camp; at Seagoville in a federal reformatory for women; and at Crystal City in a migrant labor camp.

As soon as the first shipment of enemy aliens arrived from Panama, the question of keeping the internee families together quickly entered U.S.-Peruvian relations. When the State Department and the Peruvian Foreign Office agreed that family unity should be preserved, one was left to wonder how much of the decision stemmed from elementary humanitarianism and how much reflected the expedient control of even larger numbers of aliens. After all, the U.S. ambassador in Lima, R. Henry Norweb, had declared, "We may be able to assist the Peruvian Government by making available information and suggestions based upon our handling of Japanese residents of the United States."

The embassy staff in Lima included John K. Emmerson, probably the only person with a command of Japanese at any American diplomatic mission in all Latin America. Thirty-five years later he would declare, "During my period of service in the embassy we found no reliable evidence of planned or contemplated acts of sabotage, subversion, or espionage." Nonetheless, Japanese assets were frozen and successive issues of the American blacklist targeted more businesses. Fears multiplied as the Japanese witnessed the increasing alignment of Peru with American wartime aims. As the press mounted attacks on the Japanese, the Peruvian police fashioned lists of prospective deportees that encouraged the solicitation and acceptance of bribes in return for the opportunity to escape deportation temporarily.

In early 1942, in both Latin America and the United States, more uncertainty and tension beset those of Japanese ancestry. Then the American government corralled them in the horse barns of Santa Anita and other assembly centers en route to desolate relocation centers. In the same period, those in Peru scheduled for internment, they knew not where, were fretting in the jails of Lima and other cities.

In the Lima embassy, Emmerson concluded that the Japanese posed a very serious problem. He considered the colony in Peru, led by a relatively small number of powerful individuals, to be dangerous, thoroughly organized, and intensely patriotic. To defuse the potential danger associated with the colony, he recommended that "Japanese leaders believed to be dangerous should be expelled from Peru. These include," Emmerson declared, "officers of Japanese associations, businessmen who have been active in the Japanese colony, journalists, directors of educational and propaganda organizations, and teachers in Japanese schools." The State Department quickly established these recommendations as the cornerstone of the ensuing deportation program.

Pivotal in this statement of criteria for expulsion were the words "believed to be dangerous." Many individuals named by Peruvian authorities could well be the objects of economic envy, cultural detestation, irrational and emotional outbursts, and whimsical dislike. To Peruvians, the Japanese constituted social and economic, not military, dangers, and the designation of "dangerous" men by Peru largely ignored American concerns about the conduct of a war. Inasmuch as Emmerson's expulsion criteria required no proof that a person was dangerous, American authorities were willing to ally themselves with Peruvians in a program that honored blind prejudice and emotion, ignoring legal rights and formalities. It was happening that way with the Japanese Americans in the United States, so why not in Peru?

By mid-June 1942, three ships had transported Japanese from west coast South American countries to the United States. One vessel, the Etolin, docked at San Francisco; the other two, the Acadia and the Shawnee, transited the canal and docked at New Orleans. Among the passengers on the three ships were more than 500 Peruvian Japanese, all of whom were sent to the Texas camps. Preceding them was a ship bearing Panamanian and Central-American Japanese.

A multifaceted sequence had promoted the inclu-
sion and movement of many nonofficial Japanese from Latin America to the United States. Along with the widening scope of the war and the insistent desire of both Japan and the United States that their officials be exchanged, there were such factors as the desire of loyal Japanese to return to Japan, the U.S. desire to retrieve the many American civilians in Japanese hands, the desire of Latin American governments to rid themselves of unwanted aliens, as well as the American fear that the Latin-American governments would not be able to control prospective saboteurs. One thing had led to another and, as a capstone to all else, the large size of the ships used suggested the inclusion of other Japanese in addition to the diplomatic officials in the exchange program.

By mid-1942, battlefield casualties did not constitute the only body count. For the Japanese-held Americans who were eligible to be sent to the United States, an equal number of Japanese had to be sent to Japan. When the United States put men, women, and children from Costa Rica and Panama and numerous men from Peru aboard the exchange vessel Gripsholm, those Latin-American Japanese represented pawns in a human traffic Washington hoped to continue. Before the completion of the first exchange, American officials had compiled lists for future exchanges, believing they would quickly follow.

In that frame of mind, it was easy for the Washington authorities to accept the line of thought pronounced by Ambassador Norweb in Lima: "the removal...to the United States of all persons in Peru of the Japanese race." Backing him were the conclusions of his staff—Emmerson, the commercial attache, the legal attache, and the military and naval attaches. All had produced copious files on the Japanese individually and collectively. Norweb's proposal to remove everybody of Japanese ancestry from Peru involved no fewer than 25,000 people.

In August 1942, Secretary of State Cordell Hull expanded the wartime role of his department. Calculating that there were 3,300 American citizens in China alone who desired to return to the U.S., he told President Roosevelt, "In exchange for them we will have to send out Japanese in the same quantity." To do so, he urged the continuance of "our exchange agreement with the Japanese" and "our efforts to remove all the Japanese from these American Republic countries for internment in the United States."

When fifteen months elapsed between the first and second repatriation voyages of the Gripsholm, official American disappointment set in. And when that second shipload left the United States in September 1943, Latin-American Japanese represented 55 percent of the passenger list.

In the meantime, four more shiploads of Axis aliens, including 500 Peruvian Japanese, had landed in the United States. The helplessness of those men, and indeed of all the Latin-American Japanese, became immediately apparent the moment they set foot on American soil. In lines they moved slowly toward the tables, behind which sat Immigration and Naturalization Service officials. As a man reached the front of the line, he heard the question, "Do you have a passport?" Inasmuch as all passports and other identifying documents had been confiscated en route to this country and never returned, each man responded, with varying degrees of concealed bitterness, "No." Lacking the precious document, each heard an official declare, "You must recognize the fact that your entry into the United States is illegal."

It was a weird world in which the kidnapper was telling the kidnapped that the wrong was of his doing. From the beginning the U.S. government had considered such individuals as pawns. Upon reaching the United States, the Latin-American Japanese realized that this was indeed so.

The second voyage of the Gripsholm proved to be the last wartime exchange with Japan, and as more and more Axis aliens came north from Latin America the United States, instead of serving as a way station in a repatriation program, increasingly became an internment depository. The operation of internment centers, for which the State Department had neither the experience nor the facilities and the Immigration and Naturalization Service had but limited experience, spawned bureaucratic bumbling on all fronts.

One example will illustrate the problem. During his first two weeks in Texas, Taiichi Onishi, a thirty-seven-year-old Lima merchant, attempted suicide four times. The Immigration and Naturalization Service, holding the State Department responsible for his presence in the United States, tried to relieve itself of the troubled internee. But the State Department, lacking the needed facility, suggested that the War Department, experienced in handling insane soldiers, surely had the needed capability. This buck-passing continued until finally a Texas state hospital admitted the ailing man.

Of the pattern of life ten shiploads of people experienced in the Texas camps from 1942 to 1946—indeed, well beyond the end of the war—little need be said. It essentially resembled the experience of the Japanese Americans in the WRA centers. It should be recognized, however, that the Latin-American Japanese had an even more bewildering experience because their countries were not fighting Japan; they were interned in a foreign land whose language and laws were strange to all of them; and their camps, never
publicized, drew neither public scrutiny nor the attention of humanitarian agencies. As elsewhere, a general listlessness born of boredom undermined staid and sober people, rendering them frivolous. Life behind barbed wire and watchtowers reduced otherwise dignified individuals to scandal mongering that fueled hates and jealousies. Hypochondria set in. Family ties weakened and parental discipline broke down. The camps bred rivalries that even produced confrontations between social gangs. But at the same time, the docile side of their Japanese nature readily prompted their coming to terms with their jailers.

Between November 1945 and June 1946, approximately 750 Peruvian Japanese were shipped to Japan, the country of their choice once they learned that Peru would not readmit them and the United States did not want them. Approximately 100 gained reentry into Peru, thanks to special circumstances such as marriage to a Peruvian woman or Peruvian citizenship. However, hundreds of Peruvian Japanese, denied reentry by Peru and refusing to go to Japan, lived in limbo. In August 1946, they were paroled to Seabrook, New Jersey. An amendment to the Immigration Act of 1917 gave them some hope, as did the stubborn aid of American Civil Liberties Union attorney Wayne Collins and others. In June 1952, Public Law 414 made them, some of whom had virtually been stateless for a decade, eligible for U.S. citizenship. They and their children remain in this country.

Unlike the story of the deported and interned Latin-American Japanese, no full account of the wartime experiences of the Japanese that remained in Latin America will emerge. Unknown is the precise number of men whose pocketbooks and influential contacts enabled them to escape deportation. Unknown is the total amount of money paid as bribes. Unknown is the complete record of property transfers, confiscations, and other maneuvers by which the Japanese were victimized. On every count, officially and unofficially, the Latin-American countries prefer to forget—even more, to ignore—a chapter that lends no distinction to their history.

In conclusion, anyone who thoughtfully reflects upon certain events of the 1940s will conclude that they were unnecessary militarily, inept politically, and inhumane socially. But there is to be no consolation derived from the fact that they are part of the dead past in which the Alien Act of 1798, President Roosevelt’s Executive Order 9066, General DeWitt’s orders on our West Coast, and the program of American ambassadors in Latin America fostered gross abuse of elementary human rights.

Why not? Because “the uncertain future that precipitates other tense and fear-laden moments may unfortunately find American law, an American president, the American military, and American diplomats equally able and willing to violate the human rights of innocent men, women and children.”

BIBLIOGRAPHICAL NOTE

The primary source for this paper has been the writer’s *Pawns in a Triangle of Hate: The Peruvian Japanese and the United States* (Seattle: University of Washington Press, 1981), a volume based upon research in Department of State diplomatic files, correspondence, and memoranda; interdepartmental correspondence of the departments of State, Justice, War, and Navy; FBI reports, many of which had to be declassified; Immigration and Naturalization Service records; passenger lists; internment camp records; court proceedings; files of attorneys and philanthropic organizations; and personal recollections of former internees and officials. The research required wide travel in the United States, Peru, and Japan.


NOTES

2. Ibid., 32.
4. Ibid., 22.
5. Ibid., 40.
6. Ibid., 54.
7. Ibid., 56.
8. Ibid., 176.
UNRESOLVED REDRESS ISSUES
FOR PERSONS OF JAPANESE ANCESTRY WHOSE RIGHTS WERE VIOLATED BY THE US GOVERNMENT DURING WWII

While recognizing the passage of the Civil Liberties Act of 1988 (CLA) as a historic achievement, and despite the completion of a commendable ten-year redress program and the approval of the controversial Mochizuki settlement agreement, there are still hundreds of Japanese Americans (JAs) and Japanese Latin Americans (JLAs) who are being denied redress. And only one-tenth ($5 million) of what was expected for educational programming ($50 million) was actually appropriated.

Both the compensation and education mandates of the CLA remain unfulfilled. Taxpayers' money is being spent to fight internees in court over redress eligibility and charges of government malfeasance. With millions of Americans—including government officials—still unaware that these civil and human rights violations even occurred, there is no confidence that similar events will be prevented in the future. The credibility and sincerity of any declaration of concern by the US over violations of human rights committed by other nations will not stand close scrutiny.

Despite the conclusion of the redress program, eligibility disputes still remain. For those categories of internees who were declared eligible late in the program, there has been inadequate notification and insufficient time for application. JLAs were given less than two months (using the timeframe of 6/12/98 to the 8/10/98 deadline for applications under the CLA as set by the DOJ). Proper completion of the US redress program must be accomplished while the survivors of these civil and human rights violations are still alive. If the executive and legislative branches of the US government will act now, then the legacy of the US redress program can affirm constitutional and human rights, both domestically and internationally.
UNRESOLVED REDRESS ISSUES

Education

Resolution: Funds for research and educational programs to fulfill the educational mandate of the Civil Liberties Act of 1988. Increased efforts should be made to sponsor research and public educational activities and to include an accurate record in educational curricula and materials of the human rights violations experienced by the Japanese Latin Americans.

Only one-tenth ($5 million), out of an expected $50 million, was spent on research and educational programs, beginning in the eighth year of the ten-year redress program. Due to the significant underestimation of the number of eligible claimants, the compensation and education purposes of the CLA were pitted against each other. The US redress program was underfunded, despite two additional appropriations, resulting in the failure to fulfill both the education and compensation mandates. The shortfall in compensation payments was partially covered by monies which had been expected to be used for educational programming. This unfortunate situation would not have occurred had the redress funds been invested as explicitly required under the CLA; the estimated $200 million of missing interest should have been used for compensation and education purposes.
Redress: Equity for JLAs

Resolution: Compliance with existing principles and norms concerning reparation to victims of gross violations of human rights*

Between December 1941 and February 1948, 2264 men, women and children of Japanese ancestry from 13 Latin American countries (with 68 children born in US internment camps) were subjected to gross violations of human rights by the US government. These violations include forced deportation, taking of hostages, causing the disappearance of individuals, prolonged arbitrary internment and forced labor. These victims suffered harm, including physical or mental injury, emotional suffering, economic loss and substantial impairment of their fundamental rights as well as lost educational opportunities and harm to reputation and dignity. It is estimated that there may be 1400 survivors dispersed around the world, but mostly in the US, Japan, Okinawa and Latin America. There is no statute of limitations for gross violations of human rights and such violations are considered to be continuing until properly redressed. Proper redress would include:

Apology which includes public acknowledgement of the facts and acceptance of government responsibility

Compensation (commensurate with the severity of the violations and, at minimum, no less than the $20,000 redress payments granted to JAs). The JLAs who received $5,000 compensation payments under the Mochizuki settlement should, therefore, receive at minimum $15,000 in additional compensation.

Expanded notification for a reasonable period of time, with a review and appeals process, which will include the right of appeal in either Federal District Court or the US Court of Federal Claims at the option of the person challenging the Department of Justice's finding of ineligibility for a period of six years from the date of last denial of eligibility. The federal courts shall review the Department of Justice's finding of ineligibility on a de novo basis.

Acknowledgment of the impropriety of the "illegal alien" classification for all former JLA internees;
Reclassification of the initial status of all former JLA internees (so they will not be denied any benefits due legal entrants or permanent residents under color of law); and
Expungement of the "illegal alien" classification from all government records for all former JLA internees

Full disclosure of the facts, including the fate of the disappeared individuals

Release of the names, addresses, telephone numbers, and status of applications for all persons who have claimed or will claim redress to the attorneys representing JLA claimants to ensure proper processing of their claims and representation of their interests.
Redress Equity for JAs Excluded from Redress

Resolution:  
(I) Determination of redress eligibility for the following JAs who have been denied redress:

27 late JA applicants

7 "Crystal City babies" or "cut-off kids"  
(US citizens born in an internment camp between 6/30/46 and 3/1/48. Two were born to Japanese Peruvian parents.)

approx. 600 Song-type cases  
(US citizens born outside of camp between 1/20/45 and 3/1/48 [closing date of the last internment camp] whose civil liberties were violated (even with the official lifting of the exclusion orders) because federal government still maintained effective barriers for return and failed to provide adequate notice, and given the incongruity of the previous 1/20/45 cut-off date.)

approx. 200 railroad & mine workers  
With expanded notification of the change in government policy granting redress eligibility, it is estimated that more claimants may apply.

unk. # Persons of Japanese ancestry who were forced, coerced, used as part of the prisoner of war exchange, or otherwise involuntarily relocated to a country while the US was at war with that country, during the period beginning on 12/7/41 and ending on 9/2/45.  
(The US government should disclose how many persons were used in the prisoner of war exchange (at least 1540 non-JLAs) and how many have received redress (e.g., minor-aged US citizens).

unk. # Persons of Japanese ancestry who could have become US citizens or permanent residents had it not been for discriminatory immigration laws which prevented persons of Japanese ancestry from becoming citizens or permanent residents.

unk. # Other persons of Japanese ancestry may also become eligible depending on the outcome of cases in litigation

(II) Expanded notification for the above-categories of JAs now eligible for a reasonable period of time.
(III) Establishment of a review and appeals process which will include the right of appeal in either Federal District Court or the US Court of Federal Claims at the option of the person challenging the Department of Justice's finding of ineligibility for a period of six years from the date of last denial of eligibility. The federal courts shall review the Department of Justice's finding of ineligibility on a de novo basis.

(IV) Adequate notice (including by direct mail and publication) of the review and appeals process given to all JAs who have been denied redress.

(V) Review of files of all JAs denied redress to ensure consistent processing of claims and accordance with subsequent legal decisions or policy changes (e.g., railroad worker cases which may have had limited review or appeals process).

(V) Funds to provide redress payments to all persons of Japanese ancestry (including non-Japanese spouses) who were "confined, held in custody, relocated, or otherwise deprived of liberty or property" (whether found eligible by the Department of Justice or the courts).
An Overview of Current Redress Litigation:
(includes the following cases)

Redress Funds

* NCRR & Suzuki v. USA lawsuit filed in 10/98, charging government with malfeasance for failure to invest the $1.65 billion redress fund as required under the CLA and seeking recovery of an estimated $200 million lost interest for purposes of redress compensation and educational programming. On appeal.

Redress Equity for JLAs

* Lawsuits have been filed by 8 of the 17 JLAs who rejected the Mochizuki settlement, seeking equitable redress under the US Constitution and international law.

Shima v. Reno (USA) filed in 8/98
Shibayama v. Reno (USA) filed in 2/99
Yano, Kato & Ogura v. Reno (USA) filed in 12/99 (see below)

Redress Equity for JAs

* Yano, Kato & Ogura v. Reno (USA) filed 12/99
  * Yano, one of the 7 "Crystal City babies" or "cut-off kids" born between 6/30/46 and 3/1/48, is being denied redress due to a technical error in the CLA.
    (US citizens born in an internment camp after the CLA's erroneous 6/30/46 date for the closing of the last camp ("cut-off date". Two were born to Japanese Peruvian parents.)
  * Kato, a Japanese national lawfully admitted on a merchant visa and continuously residing in the US since 1937 with his American-born wife and children, is denied redress because he is technically not considered a permanent resident.
  * Ogura family are Japanese Peruvian internees who are denied redress because they opted out of the Mochizuki settlement.

* Song-type cases: There are at least 200 known JAs who are similarly situated to the plaintiff in SONG V. USA . The government did not appeal the favorable decision for Song, who was born after 1/20/45 when the government supposedly rescinded all legal barriers to the return of most JAs to the Military Exclusion Zone. Judge ruled that the federal government still maintained effective barriers for the return, failed to provide adequate notice of lifting of order, and imposed the incongruous date of 1/20/45. With expanded notification, more claimants may apply.

Hirota v. USA
Higashi v. USA
Murakami v. USA, filed 2/99
Statistical Information About JLAs: (as of 10/99):

TOTAL # of JLAs interned: 2332
# of JLA forcibly brought to and interned in the US 2264
# of babies born to JLA parents while interned 68

TOTAL # of JLA applications received: 935
# of JLAs who got redress under the CLA @ $20k (retroactive permanent residents or born in camp) 189
# of JLAs who applied under Mochizuki @ $5k 729
# of JLAs who submitted late applications under Mochizuki 17

# of JLAs who may be alive but not yet "located" ~600

[NOTE:
2/3 of 120,000 (# of JAs interned) = 80,000 (JAs eligible for redress)
2/3 of 2,264 (# of JAs interned) = 1,510 (JLAs potentially eligible)
1510 minus 935 (# of JLA applications) = 575 (JLAs who may be alive but not yet located)

TOTAL # of JLAs who received redress under the CLA/Mochizuki settlement (DOJ figures) <852>
# under the CLA due to retroactive permanent residency or US citizenship status @ $20K 189
# under the Mochizuki settlement @ $5K <663>
with CLA funds 145
with supplemental appropriations eligible 468
still pending 50 <663>

# of JLAs who are denied redress under the Mochizuki settlement (DOJ figures) ~66
late JLA applicants 17
deemed ineligible 35
deemed eligible but deceased without heirs 5
deemed ineligible due to unknown address/undeliverable mail 9

# of JLAs who opted out of Mochizuki settlement 17
As of actual payments made in 12/99, DOJ reported:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td># under the Mochizuki settlement @ $5K</td>
<td>611</td>
</tr>
<tr>
<td>with CLA funds (paid ~2/99)</td>
<td>145</td>
</tr>
<tr>
<td>with supplemental appropriations (paid 12/99)</td>
<td>466</td>
</tr>
<tr>
<td>to be paid Spring/Summer 2000</td>
<td>4</td>
</tr>
<tr>
<td>still pending</td>
<td>&lt;48&gt;</td>
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# of JLAs who are denied redress under the Mochizuki settlement (DOJ figures as of 12/99)

<table>
<thead>
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<th>Category</th>
<th>Amount</th>
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<td>late JLA applicants</td>
<td>17</td>
</tr>
<tr>
<td>deemed ineligible</td>
<td>4</td>
</tr>
<tr>
<td>deemed eligible but deceased without heirs</td>
<td>1</td>
</tr>
<tr>
<td>deemed ineligible due to unknown address/undeliverable mail</td>
<td>9</td>
</tr>
<tr>
<td>withdrawn claim</td>
<td>1</td>
</tr>
</tbody>
</table>

# of JLAs who opted out of Mochizuki settlement                | 17     |

TOTAL: 708

NOTE: Only 708 applications are accounted for. There were 730 applications submitted (excluding the late applicants). CFJ is awaiting clarification from DOJ about the discrepancy regarding 22 applicants.
REDRESS FUNDS EXPENDED
FOR PERSONS OF JAPANESE ANCESTRY WHOSE RIGHTS WERE
VIOLATED BY THE US GOVERNMENT DURING WW II

At the close of 10-year redress program (2/5/99),
established by the Civil Liberties Act of 1988 (CLA):

$1.65 billion spent for:

5 million for educational programming
(out of expected $50 million)

over 1.600 billion for compensation:

<table>
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<tr>
<td>82,030 JA @ $20K</td>
<td>1,640,600,000</td>
</tr>
<tr>
<td>189 JLA @ $20K</td>
<td>3,780,000</td>
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<tr>
<td>145 JLA @ $5K</td>
<td>725,000</td>
</tr>
</tbody>
</table>

Emergency Supplemental Appropriations Act passed in 5/99 for
reprogramming of $4.3 million of DOJ funds. Payment made in

Up to $4.3 million authorized to be reprogrammed for
individuals including the following:

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
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<tr>
<td>79 JA @ $20K</td>
<td>1,580,000</td>
</tr>
<tr>
<td>529 JLA @ $5K</td>
<td>2,645,000</td>
</tr>
</tbody>
</table>

396 JLA ready for payment $1,980,000
133 JLA pending $665,000

$4,225,000 appropriated

[$75,000 could be further appropriated].

Status of payments made in 12/99: (DOJ figures)

JAs: DOJ has not yet clarified the payments made to JAs, but
in 10/99, DOJ projected:

30-74 JAs @ $20K: 8 eligible & ready for payment
22 potentially eligible
44 pending documents
5 ineligible

JLAs: 466 JLAs paid @ $5K (396 + 70)
4 deemed eligible & will be paid in Spring/Summer 00
44 could become eligible pending approval of documents
ESTIMATED FUNDS NEEDED
TO RESOLVE OUTSTANDING REDRESS ISSUES
FOR PERSONS OF JAPANESE ANCESTRY WHOSE RIGHTS WERE
VOLIATED BY THE US GOVERNMENT DURING WWII

I. EDUCATION FUND

<table>
<thead>
<tr>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>$45,000,000</td>
<td>for research &amp; educational programs</td>
</tr>
</tbody>
</table>

II. REDRESS EQUITY FOR JAPANESE LATIN AMERICANS

(using figures as of 10/99)

<table>
<thead>
<tr>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>$340,000</td>
<td>17 opt outers @ $20K</td>
</tr>
<tr>
<td>340,000</td>
<td>17 late Mochizuki applicants @ $20K</td>
</tr>
<tr>
<td>700,000</td>
<td>35 deemed ineligible under Mochizuki @ $20K</td>
</tr>
<tr>
<td>100,000</td>
<td>5 deemed eligible but deceased without heirs @ $20K</td>
</tr>
<tr>
<td>180,000</td>
<td>9 undeliverables under Mochizuki @ $20K</td>
</tr>
<tr>
<td>2,175,000</td>
<td>145 paid with CLA funds @ $15K</td>
</tr>
<tr>
<td>7,020,000</td>
<td>468 paid with supplemental funds @ $15K</td>
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<tr>
<td>750,000</td>
<td>50 pending under Mochizuki @ $15K</td>
</tr>
<tr>
<td>11,605,000</td>
<td></td>
</tr>
<tr>
<td>12,000,000</td>
<td>~600 JLAs @ $20K (potentially with extended notification)</td>
</tr>
<tr>
<td>23,605,000</td>
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III. REDRESS EQUITY FOR JAPANESE AMERICANS

<table>
<thead>
<tr>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>$140,000</td>
<td>7 cut-off kids (Yano v. US)</td>
</tr>
<tr>
<td>~12,000,000</td>
<td>~600 Song-type cases</td>
</tr>
<tr>
<td>540,000</td>
<td>27 late applicants (could increase)</td>
</tr>
<tr>
<td>4,000,000</td>
<td>~200 railroad/mine workers</td>
</tr>
<tr>
<td>unk</td>
<td>? prisoner of war exchange</td>
</tr>
<tr>
<td>unk</td>
<td>? Issei residents (e.g. Kato v. US)</td>
</tr>
<tr>
<td>unk</td>
<td>? other litigation</td>
</tr>
<tr>
<td>unk</td>
<td>? expanded notification</td>
</tr>
<tr>
<td>16,680,000</td>
<td></td>
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</table>

TOTAL

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<th>Amount</th>
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<td>~16,680,000</td>
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</table>

<table>
<thead>
<tr>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>~85,285,000</td>
<td></td>
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</table>
Redress for Japanese Latin American Internees of World War II
Fact Sheet (updated March 25, 1998)

Appropriated funds available for payments under the Civil Liberties Act of 1988, to date $19.44 million

Number of redress payments potentially available, to date 972

Estimated number of redress payments pending for payment cycle November 1997 - March 1998 400

Estimated number of redress payments under the Ishida classification pending for payment cycle November 1997 - March 1998 40-50

Estimated number of redress payments under the Ishida classification through October 1997 800

Estimated number of redress payments under the Japanese American railroad and mine workers classification, through March 1998 200

Number of redress claims filed by Japanese Latin Americans as of February 1998 515
Redress for Japanese Latin American Internees of World War II
Fact Sheet

<table>
<thead>
<tr>
<th>Description</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Japanese Latin Americans apprehended and relocated from Latin America, and interned in the United States</td>
<td>2264</td>
</tr>
<tr>
<td>Number of Japanese Latin Americans exchanged for American prisoners of war during World War II</td>
<td>865</td>
</tr>
<tr>
<td>Estimated number of Japanese Latin Americans exchanged for American prisoners of war after World War II</td>
<td>900</td>
</tr>
<tr>
<td>Estimated number of Japanese Latin Americans able to return to Peru</td>
<td>100</td>
</tr>
<tr>
<td>Estimated number of Japanese Latin Americans who established residence in the United States</td>
<td>335</td>
</tr>
<tr>
<td>Estimated number of Japanese Latin Americans who established residence in the United States who were alive in 1988</td>
<td>220</td>
</tr>
<tr>
<td>Estimated number of Japanese Latin Americans who, under Public Law 751, were allowed to adjust their immigration status to that of a person lawfully admitted for permanent residence, and who have received redress</td>
<td>148</td>
</tr>
</tbody>
</table>

(Source: Japanese Peruvian Oral History Project, (510) 528-7288)
SOME QUESTIONS AND ANSWERS ABOUT REDRESS FOR THE JAPANESE LATIN AMERICAN INTERNEES AND "PRUCOL"

During World War II, the U.S. government orchestrated and financed the mass arrest and deportation of 2,264 men, women and children of Japanese ancestry from 13 Latin American countries to U.S. prison camps. These Latin Americans of Japanese ancestry were interned in INS alien enemy detention camps until the end of the war, some until 1948. The main camp was in Crystal City, Texas.

The Campaign for Justice believes that the Japanese Latin American former internees ("JLAs") deserve redress under the Civil Liberties Act of 1988 ("the Act"). The Act is a federal statute which has provided redress and an apology to persons of Japanese ancestry who were deprived of fundamental constitutional rights by the U.S. government during World War II.

JLAs have been denied redress under the Act because the Act has an eligibility clause requiring redress applicants to have been a U.S. citizen or permanent resident at the time of the internment.

WHAT IS "PRUCOL?"

"PRUCOL" is an acronym which stands for "Permanently Residing Under Color of Law." PRUCOL is a status which U.S. government agencies have granted to individuals who, like the Japanese Latin Americans, reside in the U.S. with the knowledge and permission of the U.S. government, but lack the formal "permanent resident" documentation necessary to receive U.S. government benefits.

HOW IS "PRUCOL" RELEVANT TO REDRESS FOR JAPANESE LATIN AMERICANS?

The Executive Branch of the U.S. government, through the Office of Redress Administration ("ORA"), creates rules and regulations to govern the ORA's implementation of the Act.

One of the ways the government can include Japanese Latin American former internees ("JLAs") in the redress law is by amending the federal regulations to recognize that Japanese Latin Americans were unwilling recipients of the status of "permanently residing under color of law," and as such, should qualify as eligible to receive redress under the CLA as "permanent residents."

DO THE JLAs QUALIFY FOR "PRUCOL" STATUS?

To be entitled to PRUCOL status, the JLAs must meet the following criteria: they must have been here in the U.S. prison camp in Crystal City or in other locations with (1) the knowledge of the U.S. government; (2) with the permission of the U.S. government; and (3) at the relevant time in question, the U.S. government did not contemplate the JLAs' departure. Holley v. Lavine, 553 F.2d 845, 847 (2d Cir. 1977), Berger v. Heckler, 771 F.2d 1556, 1576-77 (2d Cir. 1985).

There is no doubt that the JLAs meet the test. First, the government not only knew the JLAs were here, but it was the government that brought them here! Second, the JLA's presence in the U.S. was clearly with U.S. government permission, since it was the government who incarcerated them here. Third, it is clear that the U.S. government imprisoned them in 1943 and 1944 without any date certain of
when they would be let go and free to return to their country.

In fact, the U.S. government (1) forcibly brought the JLAs to this country, (2) deliberately issued no visas and confiscated passports so that the JLAs could be classified as "illegal immigrants" and their internment in INS camps could be legally justified; and (3) incarcerated for the duration of the war, which was then an unknown, indefinite period of time. These facts are set forth in the Congressional Report, Personal Justice Denied.

The JLAs should therefore be eligible for redress within the category of "permanent residents" of the U.S. All that is required is ORA's amendment of the regulations.

**DOES GRANTING THE JLA'S REDRESS VIA "PRUCOL" STATUS RUN CONTRARY TO CONGRESS' INTENTIONS IN ENACTING THE CIVIL LIBERTIES ACT?**

No. It is well established in the law that the comments of a few individual legislators, even the sponsor of a bill, does not conclusively determine what the intentions were of all the legislators who passed the bill. Had all the members of Congress been aware of the Japanese Latin Americans' ordeal, it is difficult to imagine that they would have voted to explicitly exclude them from the law. As the Civil Liberties Act is currently drafted, one could conclude that it bars "illegal immigrants" who were interned from receiving benefits. But how could it apply to persons who were brought to this country by force?

**BUT THE TERM "PRUCOL" IS NOT MENTIONED IN THE CIVIL LIBERTIES ACT. DOES THIS MEAN THAT "PRUCOL" CANNOT BE APPLIED HERE?**

No. Some have argued that the JLAs cannot qualify under PRUCOL because the CLA statute does not specifically mention that "persons who were permanently residing under color of law" meet the eligibility criteria. However, we point out that there is precedent for the legality of the Executive Branch to include those people who are "permanently residing under color of law" to receive benefits as "U.S. permanent residents," regardless of whether the law itself carries that language.

In the case of Holley v. Lavine, 353 F.2d 845 (2d Cir. 1977), the federal court of appeal for the Second Circuit held that the government must award AFDC to an undocumented Canadian woman who had U.S. born children, even though she did not fit the eligibility criteria of being a U.S. Citizen or permanent resident. The INS had advised the state agency that they were not deporting her at this time due to humanitarian reasons. The court of appeals found that she was eligible to receive AFDC as "permanently residing under color of law." The applicable statutes themselves did not explicitly list PRUCOL as an eligible status, but was added to the regulations by the Secretary of Health, Education and Welfare, the agency official responsible for implementing the law. *Holley v. Lavine, supra.* This case remains good law to this day.

Such an amendment is supported even further by the specific language of the Civil Liberties Act, which stressed that "the benefit of the doubt" shall be given to the applicant for redress. 50 U.S.C. Appx 1980-4(a)(3).

For further information, or more copies of this fact sheet, you may contact the Campaign for Justice by calling (310) 473-6134, or by mail at: P.O. Box 214, Gardena, California 90248.
WHAT IS THE CIVIL LIBERTIES ACT OF 1988?

The purposes of the Civil Liberties Act of 1988 (CLA) with respect to persons of Japanese ancestry include the following:

1) to acknowledge the fundamental injustice of the evacuation, relocation and internment of citizens and permanent resident aliens of Japanese ancestry during WWII;

2) to apologize on behalf of the people of the US for the evacuation, internment and relocation of such citizens and permanent alien residents;

3) to provide for a public education fund to finance efforts to inform the public about the internment so as to prevent the recurrence of any similar event;

4) to make restitution to those individuals of Japanese ancestry who were interned; and

5) to make more credible and sincere any declaration of concern by the US over violations of human rights committed by other nations.

WHY ARE JAPANESE LATIN AMERICAN INTERNEES DENIED REDRESS UNDER THE CLA?

The Office of Redress Administration has stated that Japanese Latin American internees are ineligible for redress because of the CLA's restrictive language:

* they must be a US citizen or permanent resident alien during the deportation or internment period (i.e., they are ineligible because they were not lawfully admitted into the US for permanent residence and were declared to be "illegal aliens")

* those who relocated to a country while the US was at war with that country between 12/7/41 and 9/2/45 are specifically excluded from redress (i.e., they are ineligible because they were used in the two hostage exchanges in 1942 and 1943)
Q: Why have some Japanese Latin American internees been granted redress under the CLA?

A: The Office of Redress Administration only recognizes the eligibility of:

* babies who were born in camp to Japanese Latin American internees (i.e., these babies are considered to have been born US citizens)

* Japanese Latin American internees who obtained the status of permanent resident alien extending retroactively to the date of their initial entry into the US, during the internment period

Q: What is the current status of redress for Japanese Latin Americans?

A: # of Japanese Latin Americans (JLA) deported/interned: 2264

# of babies born to JLA parents while interned: 68

TOTAL # of JLAs deported/interned: 2322

# of JLAs who have received redress: 148

# of JLAs who have not received redress: 2174 (includes 322 whose redress applications have been denied)

# of JLAs who are estimated to have been a live in 1988: 1500

Estimated # of payments left in the CLA reparations fund: 1200
WHAT COUNTRIES WERE INVOLVED IN THE HOSTAGE EXCHANGE PROGRAM?

THE UNITED STATES AND 13 LATIN AMERICAN COUNTRIES

The United States government initiated and orchestrated the exchange program, assuming all expenses and responsibility. The Department of State was responsible for the deportations from Latin American countries and the exchanges with Japan. The Department of Justice was responsible for interning Japanese Latin Americans in the United States.

13 Latin American countries cooperated with the exchange program by apprehending, detaining and deporting citizens and permanent residents of Japanese ancestry: Bolivia, Columbia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama and Peru.

HOW MANY JAPANESE LATIN AMERICANS WERE APPREHENDED, DEPORTED TO & INTERNED IN THE UNITED STATES?

2264 JAPANESE LATIN AMERICANS + 68 BABIES BORN DURING INTERNMENT

2264 men, women & children of Japanese ancestry, citizens & permanent residents of 13 Latin American countries

At least 331 men were also interned at the U.S. military base in Panama (some being forced to perform hard labor) before being sent to internment camps in the U.S.

68 babies were born in Crystal City Internment Camp, Texas between 1942 and 1947.

? persons died while in custody between 12/41 and 2/27/48 (when Crystal City Internment Camp officially closed).
Q: HOW MANY JAPANESE LATIN AMERICANS WERE EXCHANGED DURING WWII?

A: APPROXIMATELY 865 JAPANESE LATIN AMERICANS WERE EXCHANGED

There were two exchanges during WWII, involving Japanese nationals who were permanent residents of Latin American countries as well as Latin American citizens of Japanese ancestry. The first exchange ship left New York on 6/18/42 (with 128 Japanese Latin American internees) and picked up additional persons in Rio de Janeiro, Brazil. The second exchange ship left New York in 9/43 (with 737 Japanese Latin American internees).

Q: WHAT HAPPENED TO THE JAPANESE LATIN AMERICANS WHO WERE STILL INTERNED AT THE END OF WWII?

A: 112 Japanese Bolivians, Costa Ricans and Ecuadorians are assumed to have been deported to Japan at the end of WWII

945+ Japanese Peruvians were deported to Japan at the end of WWII

365 Japanese Peruvians remained in the US to fight for the suspension of deportation, with hopes of returning to their homes in Peru. Of these, about 300 Japanese Peruvians were able to resolve their "illegal alien" status in the 1950s and eventually become US permanent residents or naturalized citizens.

Eventually, about 100 Japanese Peruvians were able to return to Peru.

** * * * *


Daniels, etc. (edit) JA - From Relocation to Redress. University of Utah Press. Salt Lake City, Utah.


Weglyn, Michi. Years of Infamy. WM Morrow & Co., NY. 1976
MEMORANDUM

TO: Senator
FROM: Marie
DATE: January 6, 2003
RE: The Wartime Parity and Justice Act of 2001

The Campaign for Justice organization requests the reintroduction of the Wartime Parity and Justice Act of 2001. Among other things, this legislation would provide redress in the amount of $20,000 to Japanese Latin Americans, who were brought from Central and South Americas and interned throughout the United States during World War II. Congressman Becerra’s office has indicated an interest in reintroducing the House measure but no decision has been reached as yet.

At Congressman Becerra’s request, your office made several attempts last year to have the Senate Judiciary Committee schedule a hearing on the legislation. The Committee referred the hearing request to Senator Feinstein, the designated chair for the requested hearing. While Senator Feinstein’s office expressed an interest in chairing the hearing, the Senator’s office would not commit to a specific date. Consequently, no hearing was held on the legislation last year.

Attached for your review is a section-by-section summary of the Wartime Parity and Justice Act of 2001. Last year, you expressed some concern about the bill’s educational activities component, and how this particular issue has already been addressed through the creation of the Center for Democracy.

In light of your expressed concern, do you wish to proceed with the reintroduction of the Wartime Parity and Justice Act of 2001?
Summary of S. 1237, the Wartime Parity and Justice Act of 2001

Overview

The Wartime Parity and Justice Act of 2001, provides redress in the amount of $20,000, to Japanese Latin Americans (JLAs), who were brought from Central and South Americas and interned throughout the United States during World War II. In addition, the measure provides redress to Japanese Americans, who were eligible for, but did not receive, payment prior to the termination of the Civil Liberties Act of 1988. Finally, the bill authorizes $45 million to create an education fund to ensure that this painful chapter in our nation’s history is appropriately memorialized.

Section-by-Section summary:


Section 2. Eligibility of certain individuals under the Civil Liberties Act of 1988.

Provides redress in the amount of $20,000, to the following eligible class of individuals:

- Japanese Latin Americans (JLAs), who were brought from Central and South Americas and interned throughout the United States during World War II.

- Japanese Americans who were deemed eligible under the Civil Liberties Act of 1988, but who failed to receive payment prior to the termination of the 1988 Act.

- Japanese Americans born outside of an internment camp between January 20, 1945 and March 1, 1948, and who faced government barriers for their return into exclusion areas.

- Japanese American workers, and their dependent children, who were employed by private railroad and mining companies and terminated because of government action.

- Persons of Japanese ancestry detained in the United States, who were eligible for citizenship or permanent resident status, but were made ineligible for U.S. citizenship or permanent resident status by law enacted based on the individual’s Japanese ancestry.

- Persons who were used as prisoner exchanges by the United States to Japan or territories occupied by Japan at any time during the period beginning on December 7, 1941, and ending on September 2, 1945.
Section 3. Apology of the United States.

- Provides an official U.S. apology from the President of the United States to eligible individuals under this Act.

Section 4. Procedures.

- Provisions under section 105 of the Civil Liberties Act of 1988 would apply to eligible individuals except those listed under this section of the Act.

- Requires the Attorney General to identify and locate eligible individuals, without requiring any application for payment and using records already in possession of the U.S. government, within 12 months after the date of the enactment of this Act.

- Would not preclude eligible individuals from receiving payment under the Civil Liberties Act of 1988, if the Attorney General fails to identify or locate eligible individuals within the 12-month period.

- Allows eligible individuals to notify the Attorney General of eligibility and provide documentation of eligibility within six years of enactment of this Act.

- Requires the Attorney General to make a final determination of eligibility no later than one year after locating the individual or receiving notification from an individual.

- Allows for judicial review in the denial of compensation by an appropriate U.S. Federal Claims Court within six years after the date of the denial.

- Allow those JLAs who accepted a $5,000 payment under Mochizuki v. the United States of America, to receive up to an additional $15,000 each.

Section 5. Correction of Immigration Status.

- Eliminates the designation of "illegal alien" from records of JLAs interned in the United States. Does not confer citizenship or permanent resident status.

Section 6. Full Disclosure of Information.

- Directs the U.S. government to disclose all information (other than information which may not be disclosed under other provisions of law) relevant to the removal and internment of individuals from Central and South America, including the disclosure of those individuals whose location is unknown.

- Directs the U.S. government to share the information with other nations.
Section 7. Trust Fund.

- Authorizes such appropriations as necessary to pay claimants and reestablishes the Civil Liberties Public Education Fund. Authorizes $45 million to fulfill the mandate of the Civil Liberties Act of 1988. Requires this amount to be invested in government obligations and earn interest to ensure that the education program continues in perpetuity.

Section 8. Board of Directors of the Fund

- Establishes a Civil Liberties Public Education Fund Board of Directors, who will be responsible for making disbursements from Fund for education and administrative activities.

Section 9. Definitions.

- Uses the definitions under section 108 of the Civil Liberties Act of 1988, to define the terms of evacuation, relocation, internment period, and permanent resident alien.
MEMORANDUM

TO: Senator
FROM: Marie
DATE: September 7, 2001
RE: Proposed hearing

The Senate Judiciary Committee is willing to schedule a hearing on your bill relating to the Japanese Latin Americans (S. 1237). The Committee can schedule a hearing (in D.C.) as early as the first week in October, your schedule permitting.

Staff did explore the possibility of having you chair the hearing but felt it would be too problematic because you are not a member of the Judiciary Committee. However, staff advised that Senator Feinstein may likely be the person to Chair the hearing, especially since some of the JLAs reside in California, and the hearing would provide good media coverage for the Senator in her home state.

Staff has asked that your office provide a list of potential witnesses for the hearing. I have not informed Congressman Becerra’s office of the hearing and thought that you would want to do the honor of speaking to Congressman Becerra directly. His office number is (5-6235). I will place a follow-up call to the Congressman’s staff, to obtain input for potential witnesses for the hearing.

How do you wish to proceed?
Lucy

x 43479

albee
MEMORANDUM

TO: Pat
FROM: Marie
DATE: August 9, 2001
RE: Hearing request

Senator Inouye would like the Judiciary Committee to schedule a hearing on his bill, S. 1237, the Wartime Parity and Justice Act of 2001, that would, among other things, provide redress in the amount of $20,000, to Japanese Latin Americans (JLAs) who were brought from Central and South Americans and interned throughout the United States during World War II. Attached is a section-by-section summary of the bill.

The Senator asked me to explore with the Judiciary Committee, the possibility of having either a Committee hearing on his measure, or a joint hearing with the House Judiciary Committee. The House companion bill, H.R. 619, was introduced on February 14, 2001 by Congressman Becerra of California. The Senator also wanted me to explore the possibility of a field hearing in California, if the Committee could not accommodate his hearing request. The Senator is amenable to chairing the hearing if the Committee allowed him to do so.

Two weeks ago, I spoke with Tim Lynch, who requested Senator Inouye's statement and a section-by-section of the bill, which I recently provided to him. Tim is out this week and is expected to return next week. At that time, I'll follow up with him. In the meantime, I wanted to see whether there is some thing else that can be done to move Senator's request along. The Senator has called twice on this issue. It appears he is most anxious to get an answer to his request.
TO: Luke Albee  To Senator Leahy's office
FROM: Marie Blanco  PHONE: (202) 224-6056

NUMBER OF PAGES FOLLOWING THIS PAGE: 1

DATE: 9/6  TIME: 

COMMENTS: Pat De Leon indicated that you needed another copy of the attached. I spoke to Tim Lynch during the recess and he said that he needed to get together w/ you. Any questions, please call me. I haven't heard back from Tim.

Marie Blanco.
Bill Summary & Status for the 107th Congress

Item 1 of 1

S.1237
Sponsor: Sen Inouye, Daniel K. (introduced 7/25/2001)
Latest Major Action: 7/25/2001 Referred to Senate committee
Title: A bill to allow certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America during World War II and were interned in the United States to be provided restitution under the Civil Liberties Act of 1988, and for other purposes.

SUMMARY AS OF:
7/25/2001—Introduced.

Wartime Parity and Justice Act of 2001 - Allows certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America and interned in the United States during World War II to be provided restitution under the Civil Liberties Act of 1988.

Urges the President to transmit a letter of apology to each such individual.

Makes the Attorney General responsible for identifying and locating individuals eligible for restitution. Authorizes judicial review of a denial of compensation. Permits an individual covered by this Act who has accepted payment on a related claim before this Act's enactment to receive an appropriately reduced payment.

Directs: (1) individuals covered by this Act to not be considered to have been present in the United States unlawfully during the evacuation, relocation, or internment period; (2) each U.S. agency to correct any records indicating otherwise; (3) agencies to disclose all information relating to the removal and internment of such individuals; and (4) the President to share such information with other countries and encourage those countries to make that information available.

Reestablishes in the Treasury the Civil Liberties Public Education Fund and establishes a board of directors for the Fund.
foreign commerce with the intent to delay or influence the testimony of or prevent from testifying a witness in a State crime proceeding, or who seeks to cause any person to destroy, alter or conceal evidence and thereafter perform, or attempts or conspires to perform, an act described above shall be imprisoned for not more than 20 years, fined, or both, and if death results, may be imprisoned for any term of years or for life, or be sentenced to death.

The proposed section also amends redesignated subsection c by amending "unlawful activity" to include assault with a deadly weapon, or in terrorizing injury, shotting at an occupied dwelling or motor vehicle, and intimidation of or retaliation against a witness, victim, juror, or informer.

Finally, the bill directs the United States Sentencing Commission to amend the Federal Sentencing Guidelines to provide an appropriate increase in the offense level for violations of the newly amended section.

SECTION 7
Amends 18 U.S.C. 1512 to increase the penalties for the use of physical force or the threat of physical force with the intent to delay or influence, delay, or prevent the testimony of any person giving testimony before a court of the United States.

The bill increases the maximum term of imprisonment for the use of physical force against any person in violation of the section from five years to twenty years. In the case of the use of the threat of physical force against any person, the individual may be imprisoned for not more than ten years. Identical provisions are assessed for persons who conspire to commit any offense under the section.

SECTION 8
This section amends various sections of title 18 to address violent offenses frequently or typically committed by gangs. Most of the amendments either eliminate a mens rea requirement or increase the penalty for a violation.

Subsection a amends 18 U.S.C. 2119 by eliminating the requirement that the offender intend to cause death or serious bodily harm during a carjacking in order to violate the section.

Subsection b amends 18 U.S.C. 1112(a)(b), dealing with assaults within the maritime and territorial jurisdiction of the United States, by increasing the maximum penalty for voluntary manslaughter from ten years to twenty; 18 U.S.C. 1112(a), which deals with offenses committed within Indian country, by including within the list of offenses subject to the same law and penalties as all other persons "an offense for which the maximum statutory term of imprisonment under section 1365 of this title is greater than five years"; 18 U.S.C. 1112(a)(A) by including within the definition of "racketeering activity" the illegal activities specified in the section that "would have been chargeable" as a violation of the section but for the application of the limitation in section 1363 of this title is greater than five years; 18 U.S.C. 1961(1)(A) by including within the definition of "racketeering activity" the illegal activities specified in the section that "would have been chargeable" as a violation of the section but for the application of the limitation in section 1363 of this title is greater than five years; 18 U.S.C. 1961(1)(A) by including within the definition of "racketeering activity" the illegal activities specified in the section that "would have been chargeable" as a violation of the section but for the application of the limitation in section 1363 of this title is greater than five years; 4. 18 U.S.C. 1961(1)(A) by including within the definition of "racketeering activity" the illegal activities specified in the section that "would have been chargeable" as a violation of the section but for the application of the limitation in section 1363 of this title is greater than five years.

Subsection d amends 18 U.S.C. 371, dealing with conspiracies involving misdeemeanors. A subsection is added that provides that the persons who conspire to commit any offense against the United States, and one or more such persons acts on the conspiracy, each shall be subject to the maximum penalty for the most serious offense that was the object of the conspiracy, except that the penalty of death shall not be imposed.

Amends the term "conviction" in 18 U.S.C. 924(e)(2)(C), part of the Armed Career Criminal Act, to include an act of juvenile delinquency involving a serious offense.

SECTION 9
Requires the United States Sentencing Commission to amend the Federal Sentencing Guidelines to provide an appropriate increase in the offense level for violations of the newly amended section.

SECTION 10
Requires the United States Sentencing Commission to amend the Federal Sentencing Guidelines to provide an appropriate increase in the offense level for violations of the newly amended section.

SECTION 11
Permits the Attorney General to designate an area as a high intensity interstate gang activity area. The Attorney General makes a determination after consultation with the Secretary of the Treasury and the Governors of the appropriate States. In making such determination, the Attorney General shall consider the extent to which gangs from the area are involved in interstate or international criminal activity, the extent to which the area is a source of gang members who are located in, or have relocated from, other States or foreign countries, the extent to which State and local law enforcement agencies have committed resources to respond to the problem of criminal gang activity in the area, the extent to which a significant increase in the allocation of Federal resources to respond to gang-related criminal activity in the area, and any other criteria deemed appropriate.

Such designation, the Attorney General shall provide assistance to the area by facilitating the establishment of a regional task force, consisting of Federal, State, and local law enforcement, the coordinated investigation, disruption, apprehension, and prosecution of criminal activities of gangs and gang members in the area. In addition, the Attorney General shall consider providing assistance to the area, and any other criteria deemed appropriate.

The bill authorizes $100,000,000 for each of fiscal years 2003 through 2008. Sixty percent of the appropriation is to be used to carry out the activities described above. The remainder is to be used to make grants for program prevention and intervention services that are designed for gang members and at-risk youth in the designated areas. The bill further requires the Attorney General to ensure that not less than 30 percent of the amounts spent each fiscal year are used to assist rural States.

SECTION 12
Amends the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 13982, to permit additional uses for grants made by the Attorney General under that Act. The additional uses are: to hire additional prosecutors; to provide funding to enable prosecutors to address drug, gang, and youth violence problems more effectively; to provide funding to assist prosecutors with funding for technology, equipment, and training; and to provide funding to assist prosecutors in their efforts to engage in community prosecution, problem solving, and conflict resolution techniques through collaborative efforts with police, school officials, law enforcement, probation officers, social service agencies, and community organizations.

Amends the Appropriation Act, 2001, S 1237, to appropriate $150,000,000 for each of fiscal years 2002 through 2006 to carry out the subtitle.

SECTION 13
Amends 18 U.S.C. 5053 so that government officials, other than the Attorney General, may advise juveniles of their rights, notify the Attorney General, and notify the juvenile's parents or legal representatives of their rights. This provision clarifies a provision that has been interpreted in an overly literal manner by the Ninth Circuit and is consistent with the current practice of law enforcement in that circuit. See United States v. Juvenile (RRA-A), 229 F.3d 737, 748 (9th Cir. 2000) (Trott, J., dissenting).

By Mr. INOUYE: S. 1257. A bill to allow certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America during World War II and were interned in the United States to be provided restitution under the Civil Liberties Act of 1988, and for other purposes; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, I rise to introduce the Wartime Parity and Justice Act of 2001, the Senate companion to H.R. 619. Among other things, the bill would provide restitution to certain American Indians and Alaska Natives, who were wrongfully imprisoned for the duration of World War II.

Between December, 1941, to February, 1948, more than 2,000 men,
women, and children of Japanese ancestry were relocated from thirteen Latin American countries to the United States. During World War II, the United States had these individuals shipped to the United States to be traded for the Japanese Government for American prisoners of war. Of this number, approximately 800 were traded for American prisoners of war. The remaining individuals were placed in internment camps throughout the United States.

The governments of those thirteen Latin American countries cooperated with the United States because they received millions of dollars in monetary compensation for their assistance. Much like their Japanese American counterparts in the United States, these people were selected merely because of their ethnic origin.

The bill, however, is that the United States made an effort to redress the wrong committed against the Japanese Americans. The Civil Liberties Act of 1988, signed into law by President Reagan, allowed for monetary compensation of $20,000 and an apology from the United States Government to all Japanese Americans interned in camps throughout the country. More than 120,000 Japanese Americans were placed into these internment camps because they were a "threat" to national security. To this day, not one case of sabotage or espionage by Japanese Americans during World War II has been uncovered by the United States Government.

Japanese American camps were not an eligible class under the Civil Liberties Act of 1988 even though they suffered under the same conditions experienced by their Japanese American counterparts.

In 1996, Japanese American citizens sued the United States Government in Machinikiu v. the United States. Through the settlement of this case, the Japanese American citizens were eventually awarded $5,000 each, along with a letter of apology signed by President Clinton. The settlement agreement explicitly allows for further action by Congress to fund Japanese American redress, in light of the fact that Japanese Americans were allowed $20,000 under the Civil Liberties Act of 1988.

My bill will allow us to correct this inequity by offering $20,000 to eligible Japanese American citizens. The Japanese American citizens who chose to accept their $5,000 award would be offered up to an additional $15,000 each. This bill would also reauthorize the educational mandate in the Act to continue research and education efforts, ensuring the internnees' experiences will be remembered, and hopefully, to prevent recurrences.

By Mr. WELLSTONE (for himself and Mr. DAVENPORT).

S. 1238. A bill to promote the engagement of young Americans in the democratic process through civic education in classrooms, in service learning programs, and in student leadership activities, of America's public schools; to the Committee on Health, Education, Labor, and Pensions.

Mr. WELLSTONE. Mr. President, I hope that colleagues will support a bill I am introducing today: the Hubert Humphrey Civic Education Enhancement Act. Senator DAYTON joins me as a co-sponsor of this legislation. As a co-sponsor of Senator DODD's electoral reform bill, I look forward to a debate later this year on a strong electoral reform measure that will ensure that all Americans who wish to vote be able to do so easily and without facing acts of intimidation and to do so using equipment that ensures all votes will be counted. However, as we think about reforming the methods through which our democracy is practiced on Election Day, we should focus attention on an issue that arguably presents a challenge to the vibrancy of that democracy that is even more fundamental: the decline of Americans' engagement in public affairs. Turning the tide on political detachment by young persons through a new commitment to civic education in our public schools is the purpose of the Humphrey Act.

Civic knowledge, civic intellectual skills, civic participation skills, and civic virtue on the part of the American citizenry are all crucial for the vitality of a healthy representative democracy. But, there is growing evidence that many of our younger citizens are lagging in all of the components necessary for their effective engagement in public life as they enter adulthood. Because all these skills and values are vital to effective citizenship, a multifaceted approach to enhancing civic education in our Nation's elementary and secondary schools, expressed in the Humphrey Act, is a true national priority.

There are numerous pieces of evidence for a crisis in civic education that threatens the future vibrancy of our democracy. The most recent nationwide survey of incoming college freshmen conducted by the Higher Education Research Institute at the University of California at Los Angeles reports that only 28.1 percent of the students entering college in fall of 2000 reported an interest in "keeping up to date with political affairs." This was the lowest level in the 35 year history of the survey. In 1966, 68.3 percent of students reported an interest in political affairs. In addition, the 1998 National Assessment of Educational Progress, NAEP, Civics Assessment revealed startling results in terms of civic knowledge among students at grade levels 4, 8, and 12. At each grade level the percentage of students shown to be "Below Basic" outnumbered the percentage in the "At or above Proficient" and "Advanced" levels. The percentage of fourth-grade students, thirty percent of eighth-graders, and thirty-five percent of high school seniors were "Below Basic" in their civic achievement. And, a 1989 study published by the Lyndon B. Johnson School of Public Affairs at The University of Texas at Austin showed that the introduction of civic education to United States students in other fields, but typically not in civics, has resulted in a reduction in the amount of class time spent on civics.

Moreover, in the years after leaving high school, young Americans are becoming less engaged in the democratic process. While 50 percent of Americans between the ages of 18 and 25 voted in 1972, only 30 percent of that age group voted in 2000. And, according to a Harvard University survey published in 2000, 85 percent of young people now say that volunteer work is better than political engagement as a way to solve important issues. It is this evidence that links this effort directly to any serious electoral reform effort. Therefore, it is time for a serious national response to all of these troubling indicators of the civic health of the United States. We are relying upon to be thoughtful, active citizens in the years ahead.

The vibrancy of American elections of the future depend upon our revitalizing civic education today.

It is most appropriate that this legislation focused on enhancing civic education would also serve as a memorial to one of the great Minnesotans of the twentieth century, Hubert H. Humphrey, Vice President of the United States and as Vice President of the United States, Hubert H. Humphrey exemplified thoroughly the application of civic knowledge, civic intellectual skills, civic participation skills, and civic virtue in our representative democracy. As a teacher of political science at Macalester College, Hubert Humphrey made the case to students that, to be effective citizens, they must be informed about the political process and be analytical about the issues of their time as they take stances on them. By becoming active in party politics and, eventually, by running for office, Humphrey was a role model of a participant in the democratic experience at the local, State, and national levels. His belief in promoting public service was also shown in his nonstop work, beginning in his first campaign for President in 1960, in envisioning and supporting the Peace Corps program. Finally, Hubert Humphrey stood firm in his principles on so many occasions, exemplifying the civic virtue that is a crucial ingredient of complete citizenship. His moving oratory supporting President Truman's civil rights proposals at the 1948 Democratic National Convention helped to shift its course to one more in keeping with the values of the American people. And, eventually, the entire nation on one of the fundamental issues of his time. He showed fortitude in speech after speech and vote after vote on the floor of this Senate in expressing his belief in the duty to vote for the neediest citizens. As he put it: "The moral test of government is how that
TO: Tim Lyons 960 Judiciary Committee

FROM: Marie Blanco  PHONE: 4-6056

NUMBER OF PAGES FOLLOWING THIS PAGE: 5

DATE: 8/17 TIME: 

COMMENTS: Tim, I'm sorry it took me awhile to send the attached info to you. Senator Inouye still wants to explore the possibilities of having a hearing on his measure, S. 1237, or 2) a joint hearing of the House on this measure. Enclosed is Senator Inouye's statement and a section-by-section summary of S. 1237. Let me know if you need additional info.

Marie
One day of hearings
3-4 hrs.

JACL.
Berecara-
DK1.

= DK1 can conduct.
staff person:

LA, SF
Summary of H.R. 619, the Wartime Parity and Justice Act of 2001
February 2001

Sponsor:
Congressman Xavier Becerra (D-CA)

Overview:
The Wartime Parity and Justice Act of 2001, currently being drafted, will provide equitable redress to Japanese Latin Americans (JLA) forcibly removed, at the urging of our government, from various Latin American countries and interned in the United States during World War II. In addition, the legislation will seek to provide redress to Japanese Americans who suffered grievances resulting from government actions during the evacuations, relocation, and internment period, who did not garner rectification from the Civil Liberties Act of 1988 on various technical grounds. Finally, the bill will authorize $45 million to create an education fund to ensure that this chapter in our nation’s history is appropriately remembered.

Summary of Provisions:
1. Provides redress in the amount of $20,000 to JLA forcibly removed from certain Latin American countries and interned in the United States during WWII.

2. Provides an official U.S. apology to JLA that admits culpability, the facts surrounding the removal of these individuals from their residences, and their internment in the United States.

3. Provides expanded notification to individuals eligible for redress and extends the right of claimants who are denied to appeal the decision.

4. Expunges the designation of “illegal alien” from the record of JLA individuals while they were interned in the United States. Does not confer citizenship or residency status.

5. Directs the U.S. government to disclose all information relevant to the forcible removal of individuals who were displaced from their homes and brought to the U.S. This includes disclosure of the fate of individuals for whom there is still no account. In addition, the U.S. government would be directed to work with other nations involved to facilitate the sharing of information.

6. Directs all involved agencies to release the names, addresses, telephone numbers, and all other relevant information for all persons who have claimed or will claim redress to the attorneys representing the claimant.

7. Allows an addition 6 years for Japanese Americans interned or relocated who failed to meet the application deadline of the original Civil Liberties Act to apply for redress.


10. Makes eligible for redress at $20,000 Japanese American workers, and their dependent children, employed by private railroad and mining companies and were terminated because of government action.

11. Makes eligible for redress at $20,000 persons of Japanese ancestry detained in the United States who would have been eligible for citizenship or permanent resident status had discriminatory immigration laws not been in effect.

12. Provides that other claimants may be made eligible for redress depending on the outcome of cases in litigation.

13. Reauthorizes $45 million to create an education fund to fulfill the mandate of the Civil Liberties Act of 1988. This amount would be invested in government obligations and earn interest at an annual rate of at least 5% to ensure that the education program continues in perpetuity.

14. Authorizes appropriations in the amount necessary to meet the obligations under this Act.
Summary of H.R. 619, the Wartime Parity and Justice Act of 2001
February 2001

Original Co-Sponsors of H.R. 619 (27 total)

Jose Baca (D-CA, 42)  George Miller (D-CA, 7)
Rod Blagojevich (D-IL, 5)  Jerrold Nadler, (D-NY, 8)
Anna Eshoo, (D-CA, 14)  Solomon Ortiz (D-TX, 27)
Eni Faleomavaega, (D-Samoa)  Nancy Pelosi, (D-CA, 8)
Bob Filner, (D-CA, 50)  Silvestre Reyes, (D-TX, 16)
Barney Frank (D-MA, 4)  Ciro Rodriguez (D-TX, 28)
Charles Gonzalez (D-TX, 20)  Lucille Roybal-Allard (D-CA, 33)
Luis Gutierrez, (D-IL, 4)  Janice Schakowsky (D-IL, 9)
Mike Honda (D-CA, 15)  Pete Stark, (D-CA, 13)
Steve Horn (R-CA, 38)  Robert Underwood, (D-Guam)
Jesse Jackson (D-IL, 2)  Maxine Waters (D-CA, 35)
Tom Lantos (D-CA, 12)  Henry Waxman (D-CA, 29)
Barbara Lee (D-CA, 9)  David Wu (D-OR, 1)
Robert Matsui (D-CA, 5)
Wartime Parity and Justice Act of 2001 (Introduced in the Senate)

S 1237 IS

107th CONGRESS
1st Session
S. 1237

To allow certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America during World War II and were interned in the United States to be provided restitution under the Civil Liberties Act of 1988, and for other purposes.

IN THE SENATE OF THE UNITED STATES

July 25, 2001

Mr. INOUYE introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To allow certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America during World War II and were interned in the United States to be provided restitution under the Civil Liberties Act of 1988, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Wartime Parity and Justice Act of 2001'.

SEC. 2. ELIGIBILITY OF CERTAIN INDIVIDUALS UNDER CIVIL LIBERTIES ACT OF 1988.

(a) ELIGIBILITY- For purposes of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b et seq.), the following individuals shall be deemed to be eligible individuals:

(1) An individual who--

(A) is of Japanese ancestry, or is the spouse or parent of an individual of Japanese
ancestry;

(B) was brought forcibly to the United States from a country in Central America or South America during the evacuation, relocation, and internment period;

(C) was living on August 10, 1988;

(D) otherwise meets the requirements of subparagraph (B)(i) of section 108(2) of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b-7(2)); and

(E) subject to section 4(f) of this Act, has not otherwise received payment under the Civil Liberties Act of 1988.

(2) An individual who was an eligible individual under the Civil Liberties Act of 1988 before the date of the enactment of this Act and who was eligible for, but did not receive, payment under that Act before the termination of the Civil Liberties Public Education Fund under section 104(d) of that Act.

(3) An individual who--

(A) was born to an eligible individual under the Civil Liberties Act of 1988 during the period beginning on January 20, 1945, and ending on February 29, 1948, at a place in which the eligible individual was confined, held in custody, relocated, or otherwise located during the evacuation, relocation, or internment period; and

(B) was living on August 10, 1988.

(4)(A) An individual of Japanese ancestry who, during the evacuation, relocation, or internment period--

(i) was a United States citizen or a permanent resident alien;

(ii) whose employment with a railroad or mining company was terminated on account of the individual's Japanese ancestry; and

(iii) was living on August 10, 1988.

(B) An individual who--

(i) during the evacuation, relocation, or internment period, was a dependent child of an individual described in subparagraph (A); and

(ii) was living on August 10, 1988.

(5) An individual of Japanese ancestry who--

(A) meets the requirements of paragraph (2) of section 108 of the Civil Liberties Act of 1988, other than subparagraph (A) of that paragraph; and

(B) was legally in the United States during the evacuation, relocation, or internment period but was made ineligible for United States citizenship or permanent residence status by law enacted prior thereto, on account of the individual's Japanese ancestry.

(b) PRISONER EXCHANGES- An individual shall not be precluded from being an eligible individual under subsection (a) if the individual was sent by the United States to Japan or territories occupied by Japan at any time during the period beginning on December 7, 1941, and ending on September 2, 1945, in exchange for prisoners held by Japan.
SEC. 3. APOLOGY OF THE UNITED STATES.

The United States apologizes to those individuals described in section 2(a) for the fundamental violations of their basic civil liberties and constitutional rights committed during the evacuation, relocation, or internment period. The President should transmit to each such individual a personal letter of apology on behalf of the United States.

SEC. 4. PROCEDURES.

(a) APPLICABILITY OF PROVISIONS OF THE CIVIL LIBERTIES ACT- Except as otherwise provided in this section, the provisions of section 105 of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b-4) shall apply with respect to eligible individuals under section 2 of this Act.

(b) RESPONSIBILITIES OF THE ATTORNEY GENERAL- The Attorney General shall have the responsibility to identify and locate, without requiring any application for payment and using records already in possession of the United States Government, eligible individuals under section 2, within 12 months after the date of the enactment of this Act. Failure to be identified and located within that 12-month period shall not preclude an eligible individual under section 2 from receiving payment under the Civil Liberties Act of 1988.

(c) NOTIFICATION BY ELIGIBLE INDIVIDUALS- Any eligible individual under section 2 may notify the Attorney General that the individual is an eligible individual, and may provide documentation therefor, within 6 years after the date of the enactment of this Act.

(d) DETERMINATION OF ELIGIBILITY- The Attorney General shall make a final determination of eligibility of individuals under section 2 not later than 1 year after locating the individual pursuant to subsection (b) or receiving notification from an individual pursuant to subsection (c), as the case may be.

(e) JUDICIAL REVIEW- An individual seeking payment of compensation under the Civil Liberties Act of 1988 as an eligible individual under section 2 may seek judicial review of a denial of compensation in an appropriate district court of the United States or the United States Court of Federal Claims within 6 years after the date of the denial.

(f) PAYMENTS FROM COURT CASES- Notwithstanding section 2(a)(1)(E) of this Act and paragraph (7) of section 105(a) of the Civil Liberties Act of 1988, an individual described in subparagraphs (A) through (D) of section 2(a)(1) of this Act, or any surviving spouse, child, or parent of such individual to whom section 105(a)(8) of the Civil Liberties Act of 1988 applies, who has accepted payment, before the date of the enactment of this Act, pursuant to an award of a final judgment or a settlement on a claim against the United States for acts described in section 108(2)(B) of the Civil Liberties Act of 1988 or section 2(a)(1)(B) of this Act, may receive payment under the Civil Liberties Act of 1988, except that any amount payable to such individual, spouse, child, or parent under section 105(a)(1) of that Act shall be reduced by the amount of any payment received pursuant to such final judgment or settlement.

SEC. 5. CORRECTION OF IMMIGRATION STATUS.

Those individuals described in paragraph (1) of section 2(a) shall not be considered to have been present in the United States unlawfully during the evacuation, relocation, or internment period. Each department or agency of the United States shall take the necessary steps to correct any records over which that department or agency has jurisdiction that indicate that such individuals were in the United States unlawfully during such period.

SEC. 6. FULL DISCLOSURE OF INFORMATION.
(a) PUBLIC DISCLOSURE OF INFORMATION- The appropriate departments and agencies of the United States shall disclose to the public all information (other than information which may not be disclosed under other provisions of law) relating to the forcible removal of individuals from Central and South America during the evacuation, relocation, or internment period and the internment of those individuals in the United States during that period, including information on individuals whose location is unknown.

(b) SHARING OF INFORMATION WITH OTHER COUNTRIES- The President shall take the necessary steps to share information described in subsection (a) with other countries and encourage those countries to make that information available to people in those countries.

SEC. 7. TRUST FUND.

(a) REESTABLISHMENT OF FUND- The Civil Liberties Public Education Fund (in this Act referred to as the ‘Fund’) is reestablished in the Treasury of the United States, and shall be administered by the Secretary of the Treasury.

(b) INVESTMENT OF AMOUNTS IN THE FUND- Amounts in the Fund shall be invested in accordance with section 9702 of title 31, United States Code.

(c) USES OF THE FUND- Amounts in the Fund shall be available only--

(1) for disbursement of payments by the Attorney General, under section 105 of the Civil Liberties Act of 1988 and this Act, to eligible individuals under section 2 of this Act; and

(2) for disbursement by the Board of Directors of the Fund under section 8 of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to the Fund--

(1) such sums as may be necessary to carry out paragraph (1) of subsection (b); and

(2) $45,000,000 for disbursements by the Board of Directors of the Fund under section 8.

SEC. 8. BOARD OF DIRECTORS OF THE FUND.

(a) ESTABLISHMENT- There is established the Civil Liberties Public Education Fund Board of Directors, which shall be responsible for making disbursements from the Fund in the manner provided in this section.

(b) USES OF THE FUND- The Board may make disbursements from the Fund only--

(1) to sponsor research and public education activities so that events surrounding the evacuation, relocation, and internment of individuals of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood; and

(2) for reasonable administrative expenses of the Board, including compensation and expenses of the members and staff of the Board and payment for administrative support services.

(c) MEMBERSHIP, STAFF, ETC- The provisions of subsections (c), (d), (e), (f), and (g) of section 106 of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b-5) shall apply to the Board of the Fund to the same extent as they applied to the Board established under that section.
SEC. 9. DEFINITIONS.

In this Act, the terms 'evacuation, relocation, or internment period' and 'permanent resident alien' have the meanings given those terms in section 108 of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b-7).
MEMORANDUM

TO: Senator
FROM: Marie
DATE: March 26, 2001
RE: Redress for Japanese Latin Americans

I met with representatives of the Campaign for Justice, regarding redress for Japanese Latin Americans (JLA), who were forcibly removed from certain Latin American countries interned in the United States during World War II. Under the Mochizuki v. United States settlement, each eligible JLA receives only a $5000 payment.

Last month, Congressman Bercerra introduced H.R. 619, that would provide, among other things, $20,000 to JLAs. The bill is identical to the measure introduced by the Congressman last Congress. You were asked then to introduce a Senate companion bill but you decided to wait and see what kind of support the Congressman received on his bill. Of course, the bill was never reported out of Committee.

The Campaign for Justice representatives wants to know whether you would be willing to introduce a Senate companion to H.R. 619, this session of Congress. I suggested that other Senate members take the lead in introducing the companion bill. The representatives responded by stating that your colleagues want to defer to you. Do you want to proceed with the introduction of a Senate companion bill?

[Signature]

OK
Bill Summary & Status for the 107th Congress

H.R.619
Sponsor: Rep Becerra, Xavier (introduced 2/14/2001)
Latest Major Action: 2/23/2001 Referred to House subcommittee
Title: To allow certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America during World War II and were interned in the United States to be provided restitution under the Civil Liberties Act of 1988, and for other purposes.

Jump to: Titles, Status, Committees, Related Bill Details, Amendments, Cosponsors, Summary, CRS Products

TITLE(S): (italics indicate a title for a portion of a bill)

- SHORT TITLE(S) AS INTRODUCED:
  Wartime Parity and Justice Act of 2001

- OFFICIAL TITLE AS INTRODUCED:
  To allow certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America during World War II and were interned in the United States to be provided restitution under the Civil Liberties Act of 1988, and for other purposes.

STATUS: (italics indicate Senate actions)

2/14/2001:
Referred to the House Committee on the Judiciary.

2/23/2001:
Referred to the Subcommittee on Immigration and Claims.

COMMITTEE(S):

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<th>Activity</th>
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<td>House Judiciary</td>
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<td>Subcommittee on Immigration</td>
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RELATED BILL DETAILS:

***NONE***

AMENDMENT(S):

***NONE***

COSPONSORS(33), ALPHABETICAL [followed by Cosponsors withdrawn]: (Sort: by date)
Rep Berman, Howard L. - 3/1/2001
Rep Conyers, John, Jr. - 4/3/2001
Rep Faleomavaega, Eni F. H. - 2/14/2001
Rep Frank, Barney - 2/14/2001
Rep Gonzalez, Charles A. - 2/14/2001
Rep Jackson, Jesse L., Jr. - 2/14/2001
Rep Lantos, Tom - 2/14/2001
Rep Matsui, Robert T. - 2/14/2001
Rep Nadler, Jerrold - 2/14/2001
Rep Pelosi, Nancy - 2/14/2001
Rep Reyes, Silvestre - 2/14/2001
Rep Roybal-Allard, Lucille - 2/14/2001
Rep Stark, Fortney Pete - 2/14/2001
Rep Waters, Maxine - 2/14/2001
Rep Wu, David - 2/14/2001

Rep Baca, Joe - 2/14/2001
Rep Blagojevich, Rod R. - 2/14/2001
Rep Eshoo, Anna G. - 2/14/2001
Rep Filner, Bob - 2/14/2001
Rep Frost, Martin - 3/1/2001
Rep Gutierrez, Luis V. - 2/14/2001
Rep Horne, Stephen - 2/14/2001
Rep Kennedy, Patrick J. - 3/1/2001
Rep Lee, Barbara - 2/14/2001
Rep Miller, George - 2/14/2001
Rep Ortiz, Solomon P. - 2/14/2001
Rep Rodriguez, Ciro - 2/14/2001
Rep Schakowsky, Janice D. - 2/14/2001
Rep Underwood, Robert A. - 2/14/2001
Rep Waxman, Henry A. - 2/14/2001

SUMMARY:

***NONE***

CRS PRODUCTS:

***NONE***
DATE: 08/13/00

TO: Marie Blanco

FAX#: ____________

FROM: John

NO. PAGES (Including cover sheet): 11

COMMENTS:

some people left their state located outside their dwelling. NAs terminated railroad

U.S. citizens migrated international child of u.s. citizen

some people left home state

A BILL

To allow certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America during World War II and were interned in the United States to be provided restitution under the Civil Liberties Act of 1988, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the "Wartime Parity and Justice Act of 2000".

SEC. 2. ELIGIBILITY OF CERTAIN INDIVIDUALS UNDER CIVIL LIBERTIES ACT OF 1988.

(a) ELIGIBILITY.—For purposes of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989 and following), the following individuals shall be deemed to be eligible individuals:

(1) An individual who—

(A) is of Japanese ancestry, or is the spouse or parent of an individual of Japanese ancestry;

(B) was brought forcibly to the United States from a country in Central America or South America during the evacuation, relocation, and internment period;

(C) was living on August 10, 1988;

(D) otherwise meets the requirements of subparagraph (B)(i) of section 108(2) of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b-7(2)(B)(i)); and

(E) subject to section 4(f) of this Act, has not otherwise received payment under the Civil Liberties Act of 1988.
(2) An individual who was an eligible individual under the Civil Liberties Act of 1988 before the enactment of this Act and who was eligible for, but did not receive, payment under that Act prior to the termination of the Civil Liberties Public Education Fund under section 104(d) of that Act.

(3) An individual who—

(A) was born to an eligible individual under the Civil Liberties Act of 1988 during the period beginning on January 20, 1945, and ending on February 29, 1948, at a place in which the eligible individual was confined, held in custody, relocated, or otherwise located during the evacuation, relocation, or internment period; and

(B) was living on August 10, 1988.

(4)(A) An individual of Japanese ancestry who, during the evacuation, relocation, or internment period—

(i) was a United States citizen or a permanent resident alien;

(ii) whose employment with a railroad or mining company was terminated on account of the individual's Japanese ancestry; and

(iii) was living on August 10, 1988.
(B) An individual who—

(i) during the evacuation, relocation, or internment period, was a dependent child of an individual described in subparagraph (A); and

(ii) was living on August 10, 1988.

(5) An individual of Japanese ancestry who—

(A) meets the requirements of paragraph (2) of section 108(2) of the Civil Liberties Act of 1988, other than subparagraph (A) of that paragraph; and

(B) was legally in the United States during the evacuation, relocation, or internment period but was made ineligible for United States citizenship or permanent residence status by law enacted prior thereto, on account of the individual’s Japanese ancestry.

(b) PRISONER EXCHANGES.—An individual shall not be precluded from being an eligible individual under subsection (a) if that individual was sent by the United States to Japan or territories occupied by Japan at any time during the period beginning on December 7, 1941, and ending on September 2, 1945, in exchange for prisoners held by Japan.
SEC. 3. APOLOGY OF THE UNITED STATES.

The United States apologizes to those individuals described in section 2(a) for the fundamental violations of their basic civil liberties and constitutional rights committed during the evacuation, relocation, or internment period. The President should transmit to each such individual a personal letter of apology on behalf of the United States.

SEC. 4. PROCEDURES.

(a) APPLICABILITY OF PROVISIONS OF THE CIVIL LIBERTIES ACT.—Except as otherwise provided in this section, the provisions of section 105 of the Civil Liberties Act of 1988 shall apply with respect to eligible individuals under section 2 of this Act.

(b) RESPONSIBILITIES OF THE ATTORNEY GENERAL.—The Attorney General shall have the responsibility to identify and locate, without requiring any application for payment and using records already in possession of the United States Government, eligible individuals under section 2, within 12 months after the date of the enactment of this Act. Failure to be identified and located within that 12-month period shall not preclude an eligible individual under section 2 from receiving payment under the Civil Liberties Act of 1988.

(c) NOTIFICATION BY ELIGIBLE INDIVIDUALS.—Any eligible individual under section 2 may notify the Attorney
1 General that the individual is an eligible individual, and
2 may provide documentation therefor, within 6 years after
3 the date of the enactment of this Act.
4 (d) DETERMINATION OF ELIGIBILITY.—The Attorney
5 General shall make a final determination of eligibility
6 of individuals under section 2 not later than 1 year after
7 locating the individual pursuant to subsection (b) or re-
8 ceiving notification from an individual pursuant to sub-
9 
10 (e) JUDICIAL REVIEW.—An individual seeking pay-
11 
12 (f) PAYMENTS FROM COURT CASES.—Notwith-
13 
14 (g) PAYMENTS FROM COURT CASES.—Notwith-
15 
16 (h) PAYMENTS FROM COURT CASES.—Notwith-
17
against the United States for acts described in section 108(2)(B) of the Civil Liberties Act of 1988 or section 2(a)(1)(B) of this Act, may receive payment under the Civil Liberties Act of 1988, except that any amount payable to such individual, spouse, child, or parent under section 105(a)(1) of that Act shall be reduced by the amount of any payment received pursuant to such final judgment or settlement.

SEC. 5. CORRECTION OF IMMIGRATION STATUS.

Those individuals described in paragraph (1) of section 2(a) shall not be considered to have been present in the United States unlawfully during the evacuation, relocation, or internment period. Each department or agency of the United States shall take the necessary steps to correct any records over which that department or agency has jurisdiction that indicate that such individuals were in the United States unlawfully during such period.

SEC. 6. FULL DISCLOSURE OF INFORMATION.

(a) PUBLIC DISCLOSURE OF INFORMATION.—The appropriate departments and agencies of the United States shall disclose to the public all information (other than information which may not be disclosed under other provisions of law) relating to the forcible removal of individuals from Central and South America during the evacuation, relocation, or internment period and the internment
of those individuals in the United States during that period, including information on individuals whose location is unknown.

(b) SHARING OF INFORMATION WITH OTHER COUNTRIES.—The President shall take the necessary steps to share information described in subsection (a) with other countries and encourage those countries to make that information available to people in those countries.

SEC. 7. TRUST FUND.

(a) REESTABLISHMENT OF FUND.—The Civil Liberties Public Education Fund (in this Act referred to as the “Fund”) is reestablished in the Treasury of the United States, and shall be administered by the Secretary of the Treasury.

(b) INVESTMENT OF AMOUNTS IN THE FUND.—Amounts in the Fund shall be invested in accordance with section 9702 of title 31, United States Code.

(e) USES OF THE FUND.—Amounts in the Fund shall be available only—

(1) for disbursement of payments by the Attorney General, under section 105 of the Civil Liberties Act of 1988 and this Act, to eligible individuals under section 2 of this Act; and

(2) for disbursement by the Board of Directors of the Fund under section 8 of this Act.
(d) Authorization of Appropriations.—There are authorized to be appropriated to the Fund—

(1) such sums as may be necessary to carry out paragraph (1) of subsection (b); and

(2) $45,000,000 for disbursements by the Board of Directors of the Fund under section 8.

SEC. 8. BOARD OF DIRECTORS OF THE FUND.

(a) Establishment.—There is established the Civil Liberties Public Education Fund Board of Directors, which shall be responsible for making disbursements from the Fund in the manner provided in this section.

(b) Uses of the Fund.—The Board may make disbursements from the Fund only—

(1) to sponsor research and public education activities so that events surrounding the evacuation, relocation, and internment of individuals of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood; and

(2) for reasonable administrative expenses of the Board, including compensation and expenses of the members and staff of the Board and payment for administrative support services.

(c) Membership, Staff, etc.—The provisions of subsections (c), (d), (e), (f), and (g) of section 106 of the
Civil Liberties Act of 1988 (50 U.S.C. app. 1989b-5 (c), (d), (e), (f), and (g)) shall apply to the Board of the Fund to the same extent as they applied to the Board established under that section.

SEC. 9. DEFINITIONS.

In this Act, the terms “evacuation, relocation, or internment period” and “permanent resident alien” have the meanings given those terms in section 108 of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b-7).
Wartime Parity and Justice Act of 2001 - Allows certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America and interned in the United States during World War II to be provided restitution under the Civil Liberties Act of 1988.

Urges the President to transmit a letter of apology to each such individual.

Makes the Attorney General responsible for identifying and locating individuals eligible for restitution. Authorizes judicial review of a denial of compensation. Permits an individual covered by this Act who has accepted payment on a related claim before this Act's enactment to receive an appropriately reduced payment.

Directs: (1) individuals covered by this Act to not be considered to have been present in the United States unlawfully during the evacuation, relocation, or internment period; (2) each U.S. agency to correct any records indicating otherwise; (3) agencies to disclose all information relating to the removal and internment of such individuals; and (4) the President to share such information with other countries and encourage those countries to make that information available.

Reestablishes in the Treasury the Civil Liberties Public Education Fund and establishes a board of directors for the Fund.
HOUSE CONCURRENT RESOLUTION

REQUESTING EQUAL TREATMENT FOR JAPANESE LATIN AMERICANS INTERNED IN THE UNITED STATES DURING WORLD WAR II.

WHEREAS, during World War II, approximately 120,000 Japanese Americans and permanent resident aliens of Japanese ancestry were interned, relocated, or evacuated from their homes in the United States because of their race; and

WHEREAS, nearly fifty years later the country apologized for this grave injustice, and passed the Civil Liberties Act of 1988, authorizing payments of $20,000 to each such person who suffered as a result; and

WHEREAS, the Civil Liberties Act does not cover or even address the Japanese of Latin American ancestry who were interned in the United States during World War II; and

WHEREAS, during World War II, the United States put pressure on thirteen nations in Central and South America to deport to the United States and intern their citizens and legal residents of Japanese of Latin American ancestry; and

WHEREAS, 2,264 Japanese Latin Americans were so deported and interned: nearly nine hundred were involuntarily exchanged for prisoners of war and of the one thousand four hundred who remained in United States concentration camps, more than one thousand were deported to Japan after the war and the majority of the remainder forced to work for subminimum wages on farms, twelve hours a day, seven days a week; and

WHEREAS, a small token apology was made in 1998 resulting from settlement of the case of Mochizuki v. United States, in which the United States offered an apology and a token settlement of $5000, to be paid from the 1988 Civil Liberties Act fund as long as the moneys are available; and
WHEREAS, the monetary reparation is symbolic and the
discrepancy between the reparations given to the Japanese
Americans and the Japanese Latin Americans is insulting,
painful, and denies the very real fact that these people were
ripped from their homes, deported to another country, and
classified as "illegal enemy aliens" after the war; and

WHEREAS, section 23 of the 1999 Mochizuki v. United States
agreement, that gave nominal reparations to a limited number of
Japanese Latin Americans provides: "Nothing in this agreement
shall be deemed to override any subsequent legislative enactment
designed to compensate class members"; and

WHEREAS, the approximately one thousand five hundred
surviving interned Japanese Latin Americans are rapidly passing
away and the equalization of reparations should be done while
they can appreciate its symbolism; and

WHEREAS, justice dictates that the suffering of the
interned Japanese of Latin American ancestry be recognized and
that this wrong be righted; now, therefore,

BE IT RESOLVED by the House of Representatives of the
Twenty-first Legislature of the State of Hawaii, Regular Session
of 2001, the Senate concurring, that Hawaii's congressional
delegation is urged to support and co-sponsor legislation in
Congress to equalize reparations for Japanese of Latin American
ancestry interned during World War II; and

BE IT FURTHER RESOLVED that certified copies of this
Concurrent Resolution be transmitted to the President of the
United States, the Speaker of the United States House of
Representatives, the President of the United States Senate, and
the members of Hawaii's congressional delegation.

OFFERED BY: [Signature]

[Signature]

MAR 09 2001
JAPANESE LATIN AMERICANS' REDRESS

U.S. House Resolution 619 Wartime Parity and Justice Act 2001 introduced by California Representative Xavier Becerra is the renewed effort to obtain just redress for the Japanese from South and Central America who were interned in the United States during WWII. The Act will also redress Japanese Americans left out previously and re-fund the educational portion of the earlier act. The 1988 Civil Liberties Act that awarded $20,000 redress to Japanese Americans (JA) was oddly/largely silent on the grave injustices the U.S. government perpetrated on Japanese Latin Americans (JLA). Justice compels JLA be redressed equitably and justly.

The first wrong was to intern the Japanese anywhere. Then under U.S. pressure, 13 Latin American countries assisted the U.S. to abduct, deport and imprison 2,264 Latin American citizens and legal alien residents of Japanese ancestry in U.S. internment camps. Some were even abducted from the sidewalks. 78%, or 1,769, were Japanese Peruvians, who were especially vulnerable, as the U.S. had earlier given Peru economic aid. But it also served Peru's rising anti sentiment of its Japanese community that was rapidly developing economically. 68 JLA were born in camp, bringing the total to 2,332 JLA imprisoned. The U.S. planned to use the JLA as prisoner/hostage exchanges. 865 of the 2,950 internees exchanged for American prisoners/hostages were JLA; but in addition, 417 Japanese Brazilians were taken directly from Brazil for prisoner exchanges (the Swedish ship Gripsholm made two exchange voyages). Exchanges stopped when such negotiations broke off. At war's end, when their countries refused their return, the U.S. branded JLA "illegal enemy aliens" and coercibly deported 1,057 to a devastated and unfamiliar Japan where they barely survived in unspeakable destitution. Of the 410 remaining JLA, 365 fought deportation but faced harsh survival in the U.S. (the others were too sick to be deported). 209 Peruvians paroled to New Jersey's Seabrook Farms for 35/50 cents an hour, 12-hour day, 7-day week jobs were considered lucky. Churches sponsored others. A fortunate few had sponsoring relatives, one family, an aunt in Hawaii. In 1946, 77 Japanese Peruvians were allowed to return to Peru. The JLA's unjust imprisonment and punishment and struggles back to different degrees of recovery and dignity are recorded in many volumes.

This is a difficult and unpleasant story to tell about our country. While the U.S. imprisoned its own citizens and legal alien residents, it abducted the JLA from foreign countries and put them in U.S. concentration camps. The U.S. government subjected the JLA to forcible deportation that resulted in loss of country, property and livelihood, hostage exchange, forced entry into war zones, forced labor and indefinite internment. Any hint that any of these actions was entered into "voluntarily" by the JLA is pure error. And these are war crimes prosecuted at Nuremberg and Tokyo. That the JLA's treatment was more drastic than the JA's is not contested. A sincere apology and compensation, AT MINIMUM equal to that of the JA, are long overdue the JLA. Full disclosure and expungement of their illegal alien status from government files are also due them.

Only in 1999 were the JLA redressed with an apology and $5,000 from the Mochizuki v. U.S. case. The $5,000 is not even in the same ballpark with the $20,000 JA redress. Many JLA were not paid because the money ran out! Actually, the
agreement (sec. 15) did not guarantee compensation! The JLAs accepted the settlement as an agreement to end litigation in the courts and take up the redress struggle through legislation. Accepting the settlement did not preclude, in fact anticipated, an apology and compensation that Congress feels is more just. Precisely the reason for Section 23 of Mochizuki v. U.S. that clearly recognizes the inadequate relief: “Nothing in this agreement shall be deemed to override any subsequent legislative enactment designed to compensate class members.” Thus, JLAs can receive additional compensation under subsequent LEGISLATION.* This is eminently correct and fair. We cannot hold the JLAs to a prior litigated settlement that was inadequate. Here we must apply the priority criterion of justice.

The JLAs had no say when they were abducted and imprisoned. Do we now realize what they must do to stand up against the most powerful government in the world to obtain dignity and justice? We cannot allow our own government to stand outside international law, especially when it promotes itself as a beacon, even a guardian, of democracy. As such, the issue whether or not the JLAs “voluntarily” settled for only $5,000 pales under the considerations that the current redress is inadequate, lowers the international standard for redress, is a shameful example to the world and sets a dangerous precedent. The JLA redress struggle is a struggle to reaffirm the U.S. Constitution and its application to human rights in these United States. The JA community and all Americans and its elected officials need to defend the JLAs and stand with them to demand just redress. The Presidential Commission on Wartime Relocation and Internment reported that event as an injustice, caused by race prejudice, war hysteria and the failure of political leadership. Today’s political leadership must not fail us. They must seize this moment to right an acknowledged great wrong done to a people, or we stand to bear lasting dishonor and regret. We can say to the world we are a nation that is courageous enough to admit our mistakes and correct them, and correct them justly. Then, we will enhance our national and international leadership in human rights.

Time is running out for the approximately 1,500 scattered JLA survivors, as it did 43 years after WW II for 120,000 JAs, many of whom died before they could know redress was secured. It is unthinkable that our country would close this shameful chapter in our history without repairing it. It would remain an unfinished and confused chapter, punctuated with a broken bookmark. The U.S. can live up to its ideals of justice and recognize that the lives of the Japanese Latin Americans and the injustices they endured have at least as much meaning as the lives and injustices endured by the Japanese Americans. Then will hope shine brighter for all.

ACCORDINGLY, WE MUST CALL/WRITE OUR CONGRESSPERSONS TO SPONSOR HR 619 WITH CONGRESSMAN BECERRA AND DO ALL IN THEIR POWER TO REDRESS THE JAPANESE LATIN AMERICAN SURVIVORS OF U.S. WW II INTERNMENT AT LEAST EQUALLY AS THE JAPANESE AMERICANS.

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~ See reverse for references and notes ~
References cited by the originator of this letter:


MORE NOTES

*$20,000 redress went to 189 JLAs who earned "retroactive permanent residency," '88 Civil Liberties Act
*Camps where Peruvians were interned: Crystal City (TX), Kenedy (TX, near Crystal City), Seagoville (TX, near now Dallas), Missoula (MT), Santa Fe (NM), Bismark (ND), Kooskia, ID.
*Prisoner Exchange: Beg Jun 42, 35 Peru, 93 Mix JLA, 484 Peru, 253 Mix JLA=865; plus 417 directly from Brazil. US Grisholm made two Prisoner/Hostage Exchange voyages.
March 15, 2001

Dear

RE: HR 619 Wartime Parity & Justice Act--Japanese Latin Americans Redress, etc.
The obstacle: Previous (1999) $5,000 Litigation Settlement

The 1999 Mochizuki v. U.S settlement is an obstacle for some to consider further redress for the injured Japanese Latin Americans who were forcibly interned in WWII U.S. internment camps. We believe there are ample reasons and facts that diminish the force of that obstacle, while at once we acknowledge the litigants did accept payment. We hasten to thank you for your part in that effort. Non supporters of further redress say that the acceptance of the agreement closes the matter. That settlement's disparate monetary amount, the hopelessness of continuing the litigation with the U.S. claiming depleted funds for redress, and international justice and conscience—these are the considerations we believe would remove the obstacle and enable you to advocate the deserved increase in the JLA redress and support the resolution.

(1) The first consideration is there is general agreement that the Japanese Latin American (JLA) internees should receive $20,000. The $20,000 is symbolic and in no way meant to come even close to paying for the internees' losses. Then, $5,000, as a comparative redress amount, can only be incredibly disparate and unfair. As such, the $20,000 amount is the redress "standard" for the WW II internment set by the '88 CLA. And we presume their "illegal alien" status does not exclude the JLAs from this standard. This is a first point for correcting the $5,000 amount, purely as an amount. While the redress amount appears at first to be the only thing that matters, or on which the issue turns, the issue goes far deeper (further discussed) than money, which in the amounts we are talking, is, after all, entirely symbolic. But now, we have to turn to the argument, why then did the JLAs accept the $5,000 as settlement in the lawsuit?

The elements of the litigated case (Mochizuki v. U.S.) must be discussed in order to understand why the JLA plaintiffs agreed to the settlement. First, there is the impact of the class action feature of the settlement. The case did not reach a court decision whether or not to certify the class. If settlement agreement had not been approved, the government would have opposed the case being a class action suit. The government said it would agree to class certification contingent upon the settlement, and only for settlement purposes. So it became a class action settlement, meaning that all the internees are bound by the agreement except for those (17) who opted out. It is important to note an essential ramification of being "bound by the agreement"—acceptance of the payment is considered to be in full satisfaction of all claims against the US relating to their internment. That means they cannot again sue the government through court litigation, not even those who came in too late, because even if they did not get the compensation, they are bound/prevented, as members of the class, by the agreement's conditions. However, no one signed a waiver waiving further redress through other avenues. This leads to the second consideration, again referencing your letter, "they voluntarily chose to settle their lawsuit for only $5,000."

(2) Why, then, did they settle? They settled because (a) the litigation was limited and closed ended: take $5,000 or nothing. Note that a closer look at the settlement language, in Sec. 15, reveals that there was no guarantee of any compensation. In fact,
the money ran out for a second time and some folks have not been paid! So they settled knowing the offer was short, and that future litigation would be precluded. (b) They also felt the public acknowledgement and apology were important. (c) They would rely on the Congress and legislation for more equitable redress. (d) They would not have agreed to the settlement if legislative efforts would be prohibited. That is precisely the reason for including section 23 in the settlement agreement: "Nothing in this agreement shall be deemed to override any subsequent legislative enactment designed to compensate class members." Accepting the terms of the agreement was an agreement to not continue litigation in the courts; it was not an agreement to end the redress struggle. Accepting the apology and compensation under the settlement does not preclude/prohibit an apology and compensation that the Congress feels is more equitable and just. So, we affirm that the reason for closing the litigation was to take the matter to legislation.

(3) Public conscience dictates equitable redress is granted as soon as possible. The JLAs suffered war crimes and crimes against humanity at the hands of our government. Forced deportation, property and livelihood losses, forced labor, hostage exchange, forced entry into war zones and indefinite internment were violations prosecuted at the Nuremberg and Tokyo War Crimes Trials. Let's think about this. Rightly, shouldn't reparations to the JLAs be more than the amount Japanese Americans received? After all, these folks were kidnapped from their countries and forced into U.S. prisons, often with little more than the clothes on their backs! We cannot remain in denial about the severity of these violations perpetrated against these innocent people. After the government violated the JLAs in WW II, will it continue to violate their constitutional and human rights by denying them equitable redress? We cannot allow our own government to stand outside international law especially when it promotes itself as a beacon and guardian of democracy. Whether JLAs did or did not “voluntarily choose” to settle their lawsuit for only $5,000 becomes a weak point against the considerations that their current redress is inadequate, lowers the international standard for redress, is a shameful example to the world, and sets a dangerous precedent. Do we understand what it is taking the JLA internees to stand up against the most powerful government in the world? The JA community and all Americans and their elected officials need to defend the JLAs and stand with them to demand their equitable redress. The JLAs' redress struggle is a struggle to reaffirm the Constitution and human rights in these United States.

We believe these considerations should serve you in joining this fight to acknowledge the JLAs’ lives are worth just as much as the JAs’. We are in this together as Americans. This is our country. When it has done wrong, we are all responsible. And we are then all responsible for righting that wrong. We wish to join you in this worthy effort, with HR 619 Wartime Parity and Justice Act 2001, to bring long overdue reconciliation between the injured JLAs and our government, and at the same time restore our government’s democratic integrity. We wish to remind you that the Resolution has other important components that we believe are worthy of, and deserve, your active support—with redress for Japanese American internees who were technically left out of the ’88 CLA, and the funds for education in the internment and other WW II events.

Sincerely,

Campaign for Justice
Brothers Seeking ‘Full Restitution’ From U.S.

By J.K. YAMAMOTO
Hokubei Mainichi

A Santa Clara County resident and his two brothers, all Japanese Peruvians interned in the U.S. during World War II, filed a lawsuit for “full restitution” against the government on Feb. 18 in the U.S. District Court in San Jose.

Isamu Carlos (Art) Shibayama, 68, along with Kenichi Javier Shibayama, 62, and Take-shi Jorge Shibayama, 60, both of Illinois, are among those who declined to accept the settlement in the Mochizuki v. U.S. lawsuit.

The Shibayama family was among 2,264 Nikkei abducted from Latin American countries and imprisoned in the U.S. during the war, some 800 were exchanged for Americans being held by Japan; after the war, over 900 were deported to Japan. About 300 remained in the U.S., having been denied re-entry to their former homes in Latin America.

The Mochizuki suit was filed in 1996 on behalf of Japanese Latin Americans who were denied redress because they were classified as “illegal aliens” at the time. The settlement, reached last year and formally approved this year, provided an apology and $5,000 in individual compensation to the extent that funds were available.

Because Japanese Americans had received $20,000 payments, Japanese Latin Americans “didn’t feel it was equal treatment,” said Grace Shimizu of the Campaign for Justice during a news conference at the Japanese Cultural and Community Center of Northern California in San Francisco.

“While the majority of internees did decide to accept that settlement, in the agreement there was also a provision that anyone who didn’t want to accept it could opt out and pursue litigation or legislation as they saw fit. So that’s what brings us here today, because Art Shibayama and his two brothers have decided to carry on the struggle for more equitable redress.”

Karen Parker, the attorney for the plaintiffs, explained the legal basis for their lawsuit: “Kidnapping civilians from countries with which we were not at war was a grave breach of humanitarian law, or a war crime, at the time it occurred ... The Nuremberg Tribunal based its law and jurisdiction on what was viewed as then-existing international law, binding on all parties. One of the acts that was considered actionable under the Nuremberg Tribunal was illegal deportation ...”

“One of the problems with war crimes and grave breaches of human rights is that no country wants to actually say they did it, and no country ever wants to pay. So the struggle for the Latin American Japanese, which sets them somewhat apart from Americans of Japanese origin, is that the Latin Americans have this war-crime level to what happened to them ... and because they were viewed as non-citizens, the government tried to deny even the token redress that Japanese Americans received.”

Problems With Settlement

Parker was critical of many aspects of the settlement. “The apology never actually said that what the U.S. did violated international law ... It sounds like the U.S. had a moment of bad judgment with possible racial overtones, but never really acknowledges the level of gravity of this crime ...”

“Latin Americans of Japanese ancestry actually should receive a whole lot more than $20,000 because the violation against their rights was actually graver ...”

“During the negotiation of the agreement, [the government knew] there was not enough money in the fund appropriated from Congress to even pay the Americans of Japanese ancestry their backed-up claims, much less the Latin American Japanese.

“So what the U.S. government was asking people to do was sign an agreement [with] the vague possibility that there would be sufficient lobbying in Congress to provide more money to the fund, at which point they would still be in the back of the bus and only eligible for $5,000 ...”

“In other words, there’s nothing about the Mochizuki settlement that truly acknowledges that this is against the law, it’s a war crime, and it won’t happen again.”

Parker has been involved for many years in other claims related to the war — those filed by Asian victims of Japanese war crimes. Unlike reparations being paid by Germany to victims of Nazi atrocities, which have been supported by the U.S., the Asian cases remain unresolved and unacknowledged, she said.

“[It is] extremely frustrating,” Parker commented. “Most Americans, perhaps for racist reasons, are not willing to look at the victims of the Asian holocaust in the same way they’re willing to look at the victims of the European holocaust ...”

“This is a daily event, looking at more and more willingness to resolve World War II. Three days ago, the new prime minister of Germany said that Germany would go into the 21st century ‘clean.’ This has not happened in the Asian theater of World War II ... The Japanese government has
not compensated anybody ...

"The struggles for resolving the World War II compensation schemes are going on on both sides of the Pacific, and it is important for Americans to know the role our government has had in the failure of adequate compensation."

She stated that until all victims have been compensated, "we cannot say World War II is over."

Internee's Story

Art Shibayama was born in Lima, Peru. His grandparents owned a department store in Callao and his parents imported textiles and made dress shirts for wholesale. His grandparents were among the first to be rounded up, and the next time a U.S. Army transport arrived at the port, his father went into hiding.

Unable to find his father, the authorities jailed his mother, who was accompanied by his 11-year-old sister. His father then gave himself up, and the family was put on a ship bound for the U.S.

During the 21-day trip, visas and passports were confiscated, women and children were placed in a cabin on deck, and men were placed down below. "They had military personnel with machine guns, rifles, to keep us down there in the hold, I guess. We were escorted by a few destroyers and a couple submarines," he recalled.

Upon arrival in New Orleans, "the women and children were let off the ship first, and they were put in a warehouse and ordered to strip and stand in line naked. They were sprayed with insecticide ... Then the men had to go through the same procedure."

They spent the next two days on a train bound for the Justice Department camp at Crystal City, Texas, and were required to keep the shades down the entire time.

After two and a half years in camp, the family was "paroled" to Seabrook Farms, a New Jersey packing plant for frozen foods. Shibayama's father moved the family to Chicago in 1949.

In 1952, while his family was still fighting deportation to Japan, Shibayama was drafted into the Army and sent to Europe. After consulting with his section leader about becoming a citizen, he was granted an INS hearing in 1954 and was told to go to Canada and re-enter the U.S. in order to become a legal resident, which he did in 1956.

Told that it would take five years to become a citizen, "I said 'To heck with it. I don't need it because I have my permanent residency.' So I was in no hurry to get my citizenship." But in 1970, when he was planning to move to California from Chicago, he decided to become a citizen.

He was surprised when he and others were denied redress. "I was brought here on a U.S. Army transport, put in a Justice Department camp administered by INS, so how can we be illegal aliens?"

Shibayama also found out that the government had no fixed policy on naturalizing Japanese Latin Americans. In the mid-1950s, some, without leaving the country, were granted permanent resident status retroactive to the day they came to the U.S. In the 1990s, they were granted full redress payments of $20,000.

A friend who had also served in the Army had his five-year waiting period waived and became a citizen in 1955.

Parker charged that it was "the U.S. government's own misdeed" that resulted in Shibayama being labeled an illegal alien and then denied him retroactive legal status. She added that while working at Seabrook, he had 30 percent of his earnings confiscated by the IRS because of his status.

"We're also asking the judge to expunge from his record that he was ever an illegal alien. In so doing, Art can refile for those years of income tax withholding."

"He decided to become a citizen. ... We want to give President Clinton and Congress another opportunity to do the right thing, to reconsider how to finish this whole chapter of World War II redress on a better note."
Govt. Failed to Invest Redress Funds, Lawsuit Charges

In response to a federal class-action lawsuit filed by attorneys for McCutchen, Doyle, Brown & Enerson against the U.S. government, the Campaign for Justice criticized the government for allegedly failing to invest $1.65 billion of Civil Liberties Act of 1998 funds.

The fund was appropriated to pay reparations to persons of Japanese ancestry wrongfully imprisoned by the government during World War II. The complaint, filed Oct. 13 in U.S. District Court in San Francisco, alleges “that the fund will run out of money, that hundreds of eligible claimants will not receive reparations and that $45 million meant to sponsor research and education will not be distributed.”

Campaign for Justice, a coalition of civil and human rights groups advocating redress for Japanese Americans who were kidnapped by the U.S. government and forcibly detained in the U.S. during the war, said the lawsuit reveals “a grave negligence of the government’s fiduciary duty.”

“If the lawsuit’s allegations are true, the U.S. should bear the responsibility for rectifying the estimated $200 million loss to the fund,” said Julie Small, co-chair of the campaign. “After waiting for over 50 years, not only Japanese Latin Americans but also Japanese Americans eligible for payments from the fund are at risk of receiving nothing, due to apparent government negligence.”

Under a provisional settlement of the class-action suit Mochizuki v. U.S., reached last June, Japanese Latin Americans who were entitled to $5,000 each from the Civil Liberties Act fund. According to the U.S. Department of Justice, 740 Japanese Latin Americans have applied for the settlement payment. However, the funds are projected to fall short by as much as $3 million, depriving some or all of the former internees of redress, according to the campaign.

A federal court is slated to determine whether or not to approve the Mochizuki settlement on Nov. 17.

Joe Suzuki, a Japanese Latin American former internee, represented by attorney Robin Toma and ACLU Legal Director Emeritus Fred Okrand of Southern California, joined the National Coalition for Redress/Reparations in the latest lawsuit, citing the alleged breach of fiduciary duty as the reason why most Japanese Latin Americans may not get the redress promised under the settlement.

“If the government didn’t invest the money, they should fix their mistake,” stated Suzuki. “It's not right to deprive us of redress.”

During the war, the Peruvian-born Suzuki and his family were taken into custody, forcibly brought to the U.S., labeled “illegal aliens” and imprisoned in Crystal City, Texas to be used in a prisoner-of-war exchange with Japan.

Although two such exchanges did occur, Suzuki’s family and many other internees remained in the U.S. until the end of the war. Not allowed to return to Peru, the family eventually won release from the prison camp.

Even after the U.S. armed forces drafted Suzuki, he was still considered to be illegally in the U.S. It took years to resolve his status.

Suzuki was denied redress under the Civil Liberties Act but is eligible for the $5,000 under the settlement.

NCRR Statement

The Los Angeles chapter of NCRR issued the following statement regarding the lawsuit on Oct. 13:

“NCRR has been working steadfastly for the past 18 years to seek proper redress for all Japanese Americans and Japanese Latin Americans whose civil liberties were violated during World War II. NCRR has always pushed for the fullest implementation of the Civil Liberties Act of 1988, which mandated an apology and reparations to each individual affected as well as education of the general public.

“We are very concerned about the situation in which Japanese Latin Americans worry whether they will receive the $5,000 reparations provided in their settlement, let alone the same $20,000 measure of justice that each Japanese American received.

“At the same time, NCRR has expended great resources to educate the public about the internment experience. We are concerned that effective education about the internment reach all quarters of the nation. Too few Americans, young and old, know about this critical part of our history. And how can we learn from our past mistakes unless we are taught about them? Therefore, when we learned that the federal government had failed to fulfill the Civil Liberties Act’s provision that the act’s trust fund monies be invested at a minimum 5 percent interest, we felt a tremendous loss and disappointment. NCRR has worked so hard for the past two decades, putting our heart and soul into this work. And then this.

“We wondered: What if the government has properly invested the monies? Then there would have been no obstacle for the Civil Liberties Public Education Board to receive the $50 million that Congress had intended for it rather than the $5 million actually appropriated.

“Then we and other CLPEF grantees could have obtained the full amount of our requests and fully implemented our grants. Instead, most grantees received only a much-reduced portion of their request, thus forcing them to proceed at a greatly slowed pace and to search for other means of funding. This situation has created much anxiety and frustration.

“We in NCRR wondered also: If the government had properly invested the monies, would Japanese Latin Americans be in the position of being assured of their due reparations? This question resounds in our minds.

“NCRR seeks to do what our mission calls for: to secure proper redress for all Japanese Americans and Japanese Latin Americans deprived of liberty during World War II, and to maximize education about the internment to the public. We Americans cannot allow such an event to happen again.

“And the federal government has a moral and legal obligation to fulfill the mandate of the Civil Liberties Act.”
Processing of JLA Redress Claims Resume; DOJ Denies Attorneys’ Request for Names

By JULIE SMALL

Following congressional approval earlier this month of $4.3 million for payment of reparations to Japanese Latin Americans wrongfully abducted and interned in the U.S. during World War II, the Department of Justice announced June 10 that it has resumed processing the claims of the Japanese Latin American former internees.

During World War II, the U.S. rounded up 2,264 Japanese Latin Americans from 13 countries, forcibly relocated them to concentration camps in the U.S., and exchanged over 800 of them for U.S. citizens caught in war zones controlled by Japan.

When Congress passed the Civil Liberties Act of 1988, providing government reparations and apology to Japanese Americans for the violation of their civil rights during World War II, Japanese Latin Americans were denied the redress on the grounds that they were not legal residents of the U.S. at the time of their imprisonment.

Japanese Latin Americans achieved redress in June 1998 through the settlement of a class action lawsuit, Mochizuki v. U.S., but the majority of applicants have yet to be paid.

In addition, throughout the last year, attorneys representing the Japanese Latin Americans have repeatedly requested fundamental information on claimants in order to provide them with counsel and to ensure that their claims are correctly processed. Of particular concern are names and information on claimants who are being denied, or whom the government cannot locate.

On June 10, in a telephonic conference with Chief Judge John C. H. Higuchi of the U.S. Court of Federal Claims, Department of Justice attorneys said now that money will become available for reparations payments, they have resumed processing the claims and project that they will complete their assessment by the end of the month.

The $4.3 million in reparation money, however, has yet to be allocated to a fund for payment. A Department of Justice spokesperson said the process of establishing the fund and sending out the checks could take a few months.

Judge Smith also heard attorneys for the Japanese Latin Americans argue in favor of the release of information on claimants. The Department of Justice maintains that the Privacy Act prevents it from disclosing the information to the attorneys.

Robin Toma, lead attorney for the former internees, emphasized that the Privacy Act should not prevent class counsel from assisting members of the class, especially since several hundred have sent in letters to the U.S. government asking that their claim information be shared with the class lawyers.

Toma requested that at the very least the government provide the names of the individuals who cannot be located.

“It would be tragic to deny people who have waited so long for redress, when the simple act of sharing information, an act which involves minimum effort on the side of the government, could result in their achieving this small compensation,” he said.

Smith concurred with the fact that information on the claims of Japanese Latin American persons residing in Japan and Latin America could be disclosed without violating the Privacy Act, but he stopped short of ordering the government to release the information.

According to the Department of Justice, letters have already been sent out by overnight mail to pending applicants to request additional documents. Included in these packages is a form in English, Japanese and Spanish for former internees to sign, allowing the government to release information on their claim to the attorneys for Mochizuki v. U.S.

Toma urged that if the government would not release information on claimants who are being denied, it should at a minimum send the same form to them so that denied applicants could tell the government to share their information with the Mochizuki legal team, who could then review the basis of denial and ensure that no misunderstanding has occurred. The government refused.

Smith urged the parties to try to reach an agreement regarding these remaining issues and set another telephonic status conference for July 20 at 1 p.m. PST.

Status of Claims

Thus far, of the 731 Japanese Latin Americans who applied for the settlement, the Department of Justice paid 145 people $5,000 each and sent them a letter of apology signed by President Clinton.

An addition 396 were sent just the letter of apology along with a letter stating that the Civil Liberties Act fund was depleted, but in the event that additional money could be secured, they would be paid at a later date.

Another 123 applicants were informed that their claims had not been processed in time for the closure of the Office of Redress Administration (the Department of Justice office responsible for administering the redress under the Civil Liberties Act of 1988) on Feb. 5, 1999.

Seventeen Japanese Latin Americans opted out of the settlement.

The Department of Justice also denied 33 applicants, 17 of these because they did not learn of the settlement in time to apply by the Aug. 10, 1998 cut-off date.

Five claimants died since the settlement agreement and have no living heirs.

Small is a spokesperson for Campaign for Justice: Redress Now for Japanese Latin Americans. She writes from Los Angeles.
WHATS LEFT FOR REDRESS? A CALL TO ACTION TO SUPPORT REMAINING REDRESS EFFORTS.

PENDING CLAIMS UNDER the CIVIL LIBERTIES ACT OF 1988

Japanese Latin Americans and the Civil Liberties Act
On January 7, 1999, Judge Loren A. Smith of the US Court of Federal Claims approved a settlement of the class action lawsuit (Mochizuki v. US) filed by Japanese Latin Americans whom the US forcibly rounded up and imprisoned here during WWII for use in a prisoner exchange with Japan. The agreement was reached to provide survivors or their heirs each with a presidential letter of apology and a $5,000 reparation payment.

Japanese Latin Americans had sued the US government in 1996 for inclusion in the Civil Liberties Act of 1988, an Act passed by Congress to apologize and provide a token reparation payment to persons of Japanese ancestry whose rights the US violated during WWII. Although the US apprehended, relocated and imprisoned 2,264 Japanese Latin Americans from 13 Latin American countries, the government denied them redress because they were not US citizens or legal permanent residents at the time of their imprisonment.

While the majority of Japanese Latin American internees accepted the Mochizuki settlement, some internees opted to be excluded from the settlement to pursue litigation and legislative efforts.

On February 19, 1999 following the February 5th closure of Office of Redress Administration, the Department of Justice announced that the funds for reparations established under the Civil Liberties Act of 1988 were depleted and that only 145 out of 731 Japanese Latin Americans who filed claims would be paid.

586 Japanese Latin Americans who accepted a class action settlement (Mochizuki v. the US) and 79 Japanese Americans are still awaiting reparation payments under the Mochizuki settlement and under the Civil Liberties Act. In May of 1999 Congress authorized the reprogramming of 4.3 million in Department of Justice funds to cover the remaining claims. Department of Justice officials expect to receive the funding by the end of August 1999.

Despite these advances there are remaining issues:

DOJ REFUSES TO RELEASE INFORMATION ON JLA CLAIMS
The government has denied requests from attorneys for Japanese Latin Americans for the release of basic information on claims. Thus attorneys have no way to ensure proper processing of internee claims and to protect the legal interest of former internees and their heirs. The judge agreed with our attorneys that the government could release the information without violating the Privacy Act but did not order the government to do so. The DOJ did finally release these names of 11 people who applied for redress under the Civil Liberties Act in the 1990’s and are now missing but would not release information on other class members (including 33 people who have been denied and the 5 eligible former internees who are deceased and whom the government says have no living heirs).

DOJ DENIES JLA “LATE APPLICANTS”
The DOJ denied the claims of 17 Japanese Latin Americans who missed the August 10, 1998 deadline, despite the fact that most of these internees live in Asia and Latin America and, due to the inadequate notification efforts of the US government, did not learn of the settlement in time to apply within the six week application period. Attorneys for Japanese Latin Americans urged the Judge in the Mochizuki case to order the government to include them, but the Judge said he did not have the legal authority to do so. The Congressional AP Caucus has said it will send a letter to the Department of Justice regarding these issues.
LEGAL CHALLENGES TO DENIAL OF REDRESS AND GOVERNMENT
FAILURE TO FULLY IMPLEMENT THE CIVIL LIBERTIES ACT OF 1988

Rather than resolving the remaining issues for Japanese Americans and Japanese Latin Americans in the true
spirit of the redress program, the US government continues to fight internees in the courts:

17 Japanese Latin Americans who opted out of the Mochituki settlement are suing for the full redress payment.
There are currently four separate lawsuits represented by two different attorneys. The US government filed a motion to
dismiss Shibayama v. the US (filed by the Shibayama brothers in the United States) which was heard in US District Ct of
Northern California on July 30th, 1999. Judge Legge postponed his ruling which is now expected in September. No
court dates are yet scheduled for the other legal actions: 1.) Yano v. US- representing children born in Crystal City after
the CLA cut off date 2.) Shima v. US- Henry Shima, a Japanese Peruvian former internee sues for his imprisonment.

NCRR charges us government failed to invest redress fund
Only one tenth of the money intended by Congress for Educational grants under the Civil Liberties Act was
distributed. This greatly reduced the effectiveness of the act in preventing future violations by the teaching of
history of the internment. (NCRR v US), filed October 1998 in US District Court of Northern California charged
that the shortfall of redress and education funds results from the government's failure to follow a provision of the
Civil Liberties Act of 1988 which mandates the investment of the fund in interest bearing accounts of no less
than 5%. The suit seeks full recovery of an estimated $200 million in lost interest, enough to cover all reparations
payments, plus restoration of the CLPEF to distribute the rest of the $45 million in education money. A hearing
on the case is expected in October 1999.

Song v. US, Higashi v. US, and Hirato v. US - three cases among hundreds of children born outside
of camp after ORA's eligibility birth date cut-off of January 20, 1945. The District Court judge in
Song v. US decided in favor of the plaintiffs calling into question the use of what she deemed an arbitrary
deadline imposed by the ORA. The Department of Justice is appealing decision.

BROAD COMMUNITY SUPPORT URGED

In the years since its passage, groups and individuals have diligently lobbied, sued and urged our government to
properly fund and implement the Civil Liberties Act as it was intended to redress wrongdoing and educate the
public to prevent the reoccurrence of such gross human and civil rights violations. With the sunset of the Act,
support for the remaining redress claimants is absolutely vital to ensuring that our legislators, our President and
the Departments of Justice and Treasury resolve their claims and provide redress.

WHAT YOU CAN DO

BECOME A CAMPAIGN FOR JUSTICE VOLUNTEER - we need you!

SUPPORT CAMPAIGN ACTIVITIES - be a campus contact, sponsor an educational forum, help
with fundraising activities & outreach

MAKE A DONATION - lobbying, lawsuits and outreach takes $$$ all help is vital to continuing
efforts and is greatly appreciated!

FOR MORE INFORMATION CONTACT:
PHONE/FAX: KAY OCHI (213) 413-6537; E-MAIL: SMALLTA@EARTHLINK.NET
P.O. Box 214 / Gardena, California 90248

GRACE SHIMIZU (510) 528-3288, E-MAIL: jphph @prodigy.net
905 Elm Street, El Cerrito, CA 94530
WHEREAS, during World War II, the U.S. government orchestrated and financed the mass apprehension and forced deportation of 2,264 men, women and children of Japanese ancestry from 13 Latin American countries to U.S. internment camps;

WHEREAS, the U.S. government carried out this scheme for the purpose of using such civilians in prisoner-of-war exchanges for U.S. civilians held by Japan;

WHEREAS, the U.S. government refused to issue visas to the Japanese Latin Americans and stripped them of their passports en route to the U.S. so that they could be classified as “illegal aliens” and incarcerated in Department of Justice internment camps;

WHEREAS, in violation of the most basic concepts of due process, civil liberties and human rights, the U.S. abducted them without charges, hearings, or due process, and forcibly sent them into internment camps in a country and culture foreign to them, far, far away from the lands where they had built their lives;

WHEREAS, most of the Japanese Latin Americans were incarcerated in Crystal City internment camp in Texas, and over 860 Japanese Latin Americans were used in two prisoner-of-war exchanges;

WHEREAS, at the end of the War, the U.S. government forcibly deported over 900 Japanese Latin Americans to war devastated Japan, and 300 remained in the U.S. and fought deportation with the hopes of returning to their homes in Latin America;

WHEREAS, Congress passed the Civil Liberties Act of 1988 which formally apologized and provided compensation payments of $20,000 to former Japanese American internees;

WHEREAS, the U.S. government continues to uphold the improper “illegal alien” classification by denying former Japanese Latin American internees redress under the Civil Liberties Act of 1988;

WHEREAS, the Campaign for Justice: Redress Now for Japanese Latin Americans! was founded in 1996 by Japanese Latin American internees, families, and supporting individuals
and community organizations to educate the public and to secure just redress for Japanese Latin Americans;

WHEREAS, a settlement agreement was reached in 1998 in a class action lawsuit filed by former Japanese Latin American internees (Mochizuki v. U.S.), which provided an apology and redress payments of $5,000, one quarter of the amount provided Japanese Americans under the Civil Liberties Act of 1988;

WHEREAS, the Mochizuki settlement agreement contained an essential provision agreed to by the U.S. government and the internees that explicitly allowed for further action by Congress to secure redress equity for former Japanese Latin American internees;

WHEREAS, the Mochizuki settlement agreement also allowed former Japanese Latin American internees to reject the settlement and pursue other redress efforts;

WHEREAS, former Japanese Latin American internees and families continue to seek proper acknowledgement and just reparations by the U.S. government for having lost their home and belongings, their freedom, and their fundamental civil and human rights at the hands of the U.S. government during WWII;

WHEREAS, while most Japanese Americans received redress under the Civil Liberties Act of 1988, hundreds of Japanese Americans who were deprived of their civil liberties by the U.S. government during WWII continue to be denied redress due to legal technicalities and narrow interpretations of the law;

WHEREAS, the U.S. government has not yet fulfilled its commitment to educate the public about the wartime and redress experiences of Japanese Americans and Japanese Latin Americans to prevent recurrence of similar civil and human rights violations in the future;

NOW, THEREFORE, BE IT RESOLVED, that at a meeting of the board of directors on March 12, 2001, the Honolulu chapter of the Japanese American Citizens League recommitted its support of the redress efforts of the Campaign for Justice and,

BE IT FURTHER RESOLVED, supports comprehensive redress legislation to resolve the remaining redress issues for Japanese Americans and Japanese Latin Americans and,

BE IT FURTHER RESOLVED, endorses HR 619 Wartime Parity and Justice Act.

BE IT FURTHER RESOLVED, includes the Japanese Latin Americans in all materials that concern redress education materials.

Allison Tanaka
JACL-Honolulu
President

3/12/01
Unfinished Redress Issues of Japanese Americans and Japanese Latin Americans

The Campaign For Justice (CFJ) continues to seek equitable resolution of remaining redress issues for Japanese Americans (JAs) and Japanese Latin Americans (JLAs) and supports efforts by others (e.g., Italian Americans) who seek acknowledgment and accountability for violations of civil and human rights perpetrated by the US government during WWII. We are encouraged by our meetings with members of Congress and hope that an administrative and/or legislative solution can be achieved.

To push forward the process of crafting redress legislation for JAs and JLAs, enclosed is a summary of remaining redress issues and an estimate of cost for resolution. There are three categories of unresolved redress issues: education, redress equity for JLAs and redress equity for JAs. The estimated cost for resolution is approximately $85 million. This figure could change depending on the number of JA and JLA applicants.
UNRESOLVED REDRESS ISSUES
FOR PERSONS OF JAPANESE ANCESTRY WHOSE RIGHTS WERE
VIOLATED BY THE US GOVERNMENT DURING WWII

While recognizing the passage of the Civil Liberties Act of 1988 (CLA) as a historic achievement, and despite the completion of a commendable ten-year redress program and the approval of the controversial Mochizuki settlement agreement, there are still hundreds of Japanese Americans (JAs) and Japanese Latin Americans (JLAs) who are being denied redress. And only one-tenth ($5 million) of what was expected for educational programming ($50 million) was actually appropriated.

Both the compensation and education mandates of the CLA remain unfulfilled. Taxpayers' money is being spent to fight internees in court over redress eligibility and charges of government malfeasance. With millions of Americans--including government officials--still unaware that these civil and human rights violations even occurred, there is no confidence that similar events will be prevented in the future. The credibility and sincerity of any declaration of concern by the US over violations of human rights committed by other nations will not stand close scrutiny.

Despite the conclusion of the redress program, eligibility disputes still remain. For those categories of internees who were declared eligible late in the program, there has been inadequate notification and insufficient time for application. JLAs were given less than two months (using the timeframe of 6/12/98 to the 8/10/98 deadline for applications under the CLA as set by the DOJ). Proper completion of the US redress program must be accomplished while the survivors of these civil and human rights violations are still alive. If the executive and legislative branches of the US government will act now, then the legacy of the US redress program can affirm constitutional and human rights, both domestically and internationally.
UNRESOLVED REDRESS ISSUES

Education

Resolution: Funds for research and educational programs to fulfill the educational mandate of the Civil Liberties Act of 1988. Increased efforts should be made to sponsor research and public educational activities and to include an accurate record in educational curricula and materials of the human rights violations experienced by the Japanese Latin Americans.

Only one-tenth ($5 million), out of an expected $50 million, was spent on research and educational programs, beginning in the eighth year of the ten-year redress program. Due to the significant underestimation of the number of eligible claimants, the compensation and education purposes of the CLA were pitted against each other. The US redress program was underfunded, despite two additional appropriations, resulting in the failure to fulfill both the education and compensation mandates. The shortfall in compensation payments was partially covered by monies which had been expected to be used for educational programming. This unfortunate situation would not have occurred had the redress funds been invested as explicitly required under the CLA; the estimated $200 million of missing interest should have been used for compensation and education purposes.
Redress Equity for JLA's

Resolution: Compliance with existing principles and norms concerning reparation to victims of gross violations of human rights

Between December 1941 and February 1948, 2264 men, women and children of Japanese ancestry from 13 Latin American countries (with 68 children born in US internment camps) were subjected to gross violations of human rights by the US government. These violations include forced deportation, taking of hostages, causing the disappearance of individuals, prolonged arbitrary internment and forced labor. These victims suffered harm, including physical or mental injury, emotional suffering, economic loss and substantial impairment of their fundamental rights as well as lost educational opportunities and harm to reputation and dignity. It is estimated that there may be 1400 survivors dispersed around the world, but mostly in the US, Japan, Okinawa and Latin America. There is no statute of limitations for gross violations of human rights and such violations are considered to be continuing until properly redressed. Proper redress would include:

- Apology which includes public acknowledgement of the facts and acceptance of government responsibility
- Compensation (commensurate with the severity of the violations and, at minimum, no less than the $20,000 redress payments granted to JAs). The JLA's who received $5,000 compensation payments under the Mochizuki settlement should, therefore, receive at minimum $15,000 in additional compensation.
- Expanded notification for a reasonable period of time, with a review and appeals process, which will include the right of appeal in either Federal District Court or the US Court of Federal Claims at the option of the person challenging the Department of Justice's finding of ineligibility for a period of six years from the date of last denial of eligibility. The federal courts shall review the Department of Justice's finding of ineligibility on a de novo basis.
- Acknowledgment of the impropriety of the "illegal alien" classification for all former JLA internees;
- Reclassification of the initial status of all former JLA internees (so they will not be denied any benefits due legal entrants or permanent residents under color of law); and
- Expungement of the "illegal alien" classification from all government records for all former JLA internees
- Full disclosure of the facts, including the fate of the disappeared individuals
- Release of the names, addresses, telephone numbers, and status of applications for all persons who have claimed or will claim redress to the attorneys representing JLA claimants to ensure proper processing of their claims and representation of their interests.
Redress Equity for JAs Excluded from Redress

Resolution:  
(I) Determination of redress eligibility for the following JAs who have been denied redress:

27 late JA applicants

7 "Crystal City babies" or "cut-off kids"  
(US citizens born in an internment camp between 6/30/46 and 3/1/48. Two were born to Japanese Peruvian parents.)

approx. 600 Song-type cases  
(US citizens born outside of camp between 1/20/45 and 3/1/48 [closing date of the last internment camp] whose civil liberties were violated (even with the official lifting of the exclusion orders) because federal government still maintained effective barriers for return and failed to provide adequate notice, and given the incongruity of the previous 1/20/45 cut-off date.)

approx. 200 railroad & mine workers  
With expanded notification of the change in government policy granting redress eligibility, it is estimated that more claimants may apply.

unk. # Persons of Japanese ancestry who were forced, coerced, used as part of the prisoner of war exchange, or otherwise involuntarily relocated to a country while the US was at war with that country, during the period beginning on 12/7/41 and ending on 9/2/45.  
(The US government should disclose how many persons were used in the prisoner of war exchange [at least 1540 non-JLAs] and how many have received redress (e.g., minor-aged US citizens).

unk. # Persons of Japanese ancestry who could have become US citizens or permanent residents had it not been for discriminatory immigration laws which prevented persons of Japanese ancestry from becoming citizens or permanent residents.

unk. # Other persons of Japanese ancestry may also become eligible depending on the outcome of cases in litigation

(II) Expanded notification for the above-categories of JAs now eligible for a reasonable period of time.
(III) Establishment of a review and appeals process which will include the right of appeal in either Federal District Court or the US Court of Federal Claims at the option of the person challenging the Department of Justice's finding of ineligibility for a period of six years from the date of last denial of eligibility. The federal courts shall review the Department of Justice's finding of ineligibility on a de novo basis.

(IV) Adequate notice (including by direct mail and publication) of the review and appeals process given to all JAs who have been denied redress.

(V) Review of files of all JAs denied redress to ensure consistent processing of claims and accordance with subsequent legal decisions or policy changes (e.g., railroad worker cases which may have had limited review or appeals process).

(V) Funds to provide redress payments to all persons of Japanese ancestry (including non-Japanese spouses) who were "confined, held in custody, relocated, or otherwise deprived of liberty or property" (whether found eligible by the Department of Justice or the courts).
An Overview of Current Redress Litigation:
(includes the following cases)

Redress Funds
* NCRR & Suzuki v. USA lawsuit filed in 10/98, charging
government with malfeasance for failure to invest the $1.65
billion redress fund as required under the CLA and seeking
recovery of an estimated $200 million lost interest for
purposes of redress compensation and educational
programming. On appeal.

Redress Equity for JLAs
* Lawsuits have been filed by 8 of the 17 JLAs who rejected
the Mochizuki settlement, seeking equitable redress under
the US Constitution and international law.

Shima v. Reno (USA) filed in 8/98
Shibayama v. Reno (USA) filed in 2/99
Yano, Kato & Ogura v. Reno (USA) filed in 12/99 (see below)

Redress Equity for JAs
* Yano, Kato & Ogura v. Reno (USA) filed 12/99
  * Yano, one of the 7 "Crystal City babies" or "cut-off kids"
born between 6/30/46 and 3/1/48, is being denied redress due
to a technical error in the CLA.
  (US citizens born in an internment camp after the CLA's
erroneous 6/30/46 date for the closing of the last camp
"cut-off date". Two were born to Japanese Peruvian
parents.)
* Kato, a Japanese national lawfully admitted on a merchant
visa and continuously residing in the US since 1937 with his
American-born wife and children, is denied redress because
he is technically not considered a permanent resident.
* Ogura family are Japanese Peruvian internees who are
denied redress because they opted out of the Mochizuki
settlement.

* Song-type cases: There are at least 200 known JAs who are
similarly situated to the plaintiff in SONG V. USA. The
government did not appeal the favorable decision for Song,
who was born after 1/20/45 when the government supposedly
rescinded all legal barriers to the return of most JAs to
the Military Exclusion Zone. Judge ruled that the federal
government still maintained effective barriers for the
return, failed to provide adequate notice of lifting of
order, and imposed the incongruous date of 1/20/45. With
expanded notification, more claimants may apply.

Hirota v. USA
Higashi v. USA
Murakami v. USA, filed 2/99
Statistical Information About JLAs: (as of 10/99):

TOTAL # of JLAs interned:
- # of JLA forcibly brought to and interned in the US: 2,264
- # of babies born to JLA parents while interned: 68

TOTAL # of JLA applications received:
- # of JLAs who got redress under the CLA @ $20k
  (retroactive permanent residents or born in camp): 189
- # of JLAs who applied under Mochizuki @ $5k: 729
- # of JLAs who submitted late applications under Mochizuki: 17

# of JLAs who may be alive but not yet "located": ~600

[NOTE:
2/3 of 120,000 (# of JAs interned) = 80,000 (JAs eligible for redress)
2/3 of 2,264 (# of JLAs interned) = 1,510 (JLAs potentially eligible)
1510 minus 935 (# of JLA applications) = 575 (JLAs who may be alive but not yet located)

TOTAL # of JLAs who received redress under the CLA/
Mochizuki settlement (DOJ figures): <852>
- # under the CLA due to retroactive permanent residency or US citizenship status @ $20K: 189
- # under the Mochizuki settlement @ $5K: <663>
  with CLA funds: 145
  with supplemental appropriations:
    eligible: 468
    still pending: 50
    <663>

# of JLAs who are denied redress under the
Mochizuki settlement (DOJ figures): ~66
- late JLA applicants: 17
- deemed ineligible: 35
- deemed eligible but deceased without heirs: 5
- deemed ineligible due to unknown address/undeliverable mail: 9

# of JLAs who opted out of Mochizuki settlement: 17
As of actual payments made in 12/99, DOJ reported:

- # under the Mochizuki settlement @ $5K 611
  - with CLA funds (paid 2/99) 145
  - with supplemental appropriations (paid 12/99) 466
  - to be paid Spring/Summer 2000 4
  - still pending 4

- # of JLAs who are denied redress under the Mochizuki settlement (DOJ figures as of 12/99) <32>
  - late JLA applicants 17
  - deemed ineligible 4
  - deemed eligible but deceased without heirs 1
  - deemed ineligible due to unknown address/undeliverable mail 9
  - withdrawn claim 1

- # of JLAs who opted out of Mochizuki settlement 17

TOTAL: 708

NOTE: Only 708 applications are accounted for. There were 730 applications submitted (excluding the late applicants). CFJ is awaiting clarification from DOJ about the discrepancy regarding 22 applicants.
REDRESS FUNDS EXPENDED
FOR PERSONS OF JAPANESE ANCESTRY WHOSE RIGHTS WERE VIOLATED BY THE US GOVERNMENT DURING WWII

At the close of 10-year redress program (2/5/99), established by the Civil Liberties Act of 1988 (CLA):

$1.65 billion spent for:

5 million for educational programming (out of expected $50 million)

over 1.600 billion for compensation:

82,030 JA @ $20K 1,640,600,000
189 JLA @ $20K 3,780,000
145 JLA @ $ 5K 725,000

1,645,105,000


Up to $4.3 million authorized to be reprogrammed for individuals including the following:

$1,580,000 79 JA @ $20K
2,645,000 529 JLA @ $ 5K
396 JLA ready for payment $1,980,000
133 JLA pending $ 665,000

$4,225,000 appropriated

[$ 75,000 could be further appropriated].

Status of payments made in 12/99: (DOJ figures)

JAs: DOJ has not yet clarified the payments made to JAs, but in 10/99, DOJ projected:

30-74 JAs @ $20K: 8 eligible & ready for payment
22 potentially eligible
44 pending documents
5 ineligible

JLAs: 466 JLAs paid @ $5K (396 + 70)
4 deemed eligible & will be paid in Spring/Summer 00
44 could become eligible pending approval of documents
ESTIMATED FUNDS NEEDED
TO RESOLVE OUTSTANDING REDRESS ISSUES
FOR PERSONS OF JAPANESE ANCESTRY WHOSE RIGHTS WERE
VIOLATED BY THE US GOVERNMENT DURING WWII

I. EDUCATION FUND

$ 45,000,000 for research & educational programs

II. REDRESS EQUITY FOR JAPANESE LATIN AMERICANS

(using figures as of 10/99)

<table>
<thead>
<tr>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>$340,000</td>
<td>17 opting outers @ $20K</td>
</tr>
<tr>
<td>$340,000</td>
<td>17 Mochizuki applicants deemed ineligible @ $20K</td>
</tr>
<tr>
<td>$700,000</td>
<td>35 deemed ineligible under Mochizuki @ $20K (pending verification)</td>
</tr>
<tr>
<td>$100,000</td>
<td>5 deemed eligible but deceased without heirs @ $20K (pending verification)</td>
</tr>
<tr>
<td>$180,000</td>
<td>9 undeliverables under Mochizuki @ $20K (pending verification)</td>
</tr>
<tr>
<td>$2,175,000</td>
<td>145 paid with CLA funds @ $15K</td>
</tr>
<tr>
<td>$7,020,000</td>
<td>468 paid with supplemental funds @ $15K</td>
</tr>
<tr>
<td>$750,000</td>
<td>50 pending under Mochizuki @ $15K</td>
</tr>
</tbody>
</table>

11,605,000

$12,000,000 ~600 JLA's @ $20K (potentially with extended notification)

23,605,000

III. REDRESS EQUITY FOR JAPANESE AMERICANS

~16,680,000

<table>
<thead>
<tr>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>$140,000</td>
<td>7 cut-off kids (Yano v. US)</td>
</tr>
<tr>
<td>~$12,000,000</td>
<td>~600 Song-type cases</td>
</tr>
<tr>
<td>$540,000</td>
<td>27 late applicants (could increase)</td>
</tr>
<tr>
<td>$4,000,000</td>
<td>~200 railroad/mine workers</td>
</tr>
<tr>
<td>unk</td>
<td>prisoner of war exchange</td>
</tr>
<tr>
<td>unk</td>
<td>Issei residents (e.g. Kato v. US)</td>
</tr>
<tr>
<td>unk</td>
<td>other litigation</td>
</tr>
</tbody>
</table>

16,680,000

TOTAL ~85,285,000

cfj/cong002.mem
Urgent Call To Support Remaining Redress Issues

The passage of the Civil Liberties Act of 1988 (CLA) was a historic achievement that set an example to the rest of the world that a nation could acknowledge its wrongdoing and strive to offer a measure of justice to those who suffered by the hands of its own government. With the implementation of the commendable redress program, it has become evident that additional efforts are needed to fulfill its original commitment to education and compensation. Over a thousand Japanese Americans and Japanese Latin Americans whose civil liberties were violated by the U.S. government are still being denied redress due to legal technicalities and narrow interpretations of the CLA. In addition, the underfunding of the redress program resulted in only $5 million of the expected $50 million to be spent for educational programming. We urge Congress to support Representative Xavier Becerra’s efforts to resolve the unfinished redress business and to ensure that comprehensive “wrap up” legislation is passed and funded. The legacy of redress the U.S. leaves behind should reflect our nation’s ability and strength to hold our government accountable for its actions to ensure that such grave injustices will not be repeated.

Education

Education continues to be a central component of redress. However, due to insufficient funds for compensation payments, only one-tenth of what was originally intended was spent for research and educational programming for one year of the redress program. During that year, important strides were made to inform the public about the fundamental injustices suffered by persons of Japanese ancestry during WWII. Unfortunately, millions of Americans are still unaware that civil and human rights violations even occurred. In order to ensure that the American people know their history and to prevent the reoccurrence of similar violations, additional funds are needed to fulfill the educational mandate. Because compensation was received only by those who were alive at the time the CLA passed, the Education Fund remains the legacy of compensation to those who did not live to see redress. Without an ongoing fund, the educational curricula will soon become technologically obsolete, and the truth will be forgotten.

Redress Equity for Japanese Americans

While the majority of Japanese Americans have received redress, hundreds of Japanese Americans whose civil liberties were violated are still being denied redress based on technical shortcomings or narrow interpretations of the CLA. Such individuals include:

❖ U.S. Citizens born in camp after June 30, 1946 (a.k.a. Crystal City babies) (Yano, Kato & Ogura v. U.S.A.): The CLA’s time limitation was based on an erroneous internment camp closing date. The ending date of the internment period should be corrected to February 28, 1948.
❖ Residents who were improperly denied redress (Yano, Kato & Ogura v. U.S.A.): The CLA’s eligibility requirement should be broadened to include those who were interned but were prevented from becoming citizens or permanent residents due to discriminatory immigration laws.
❖ U.S. citizens born outside of camp after January 20, 1945 whose civil liberties were violated (Song v. U.S.A.): The court ruled in favor of Song that the federal government still maintained effective barriers for the return to the Military Exclusion Zone after 01/20/45. Redress should be extended to other Song-type cases.
❖ Internees used in prisoners of war exchange: At least 1540 JAs were used in prisoner of war exchanges with Japan. Adult JAs who were forced, coerced or otherwise involuntary relocated should be given redress.
❖ Dependent children of railroad and mine workers: In 1997 the government acknowledged their responsibility in the firing of JAs from private railroad and mine companies during WWII. Eligibility should include dependent children.
❖ Late applicants: Expanded notification should be given so that JAs whose civil rights were violated can apply due to changes in government policy granting redress eligibility and a right to appeals process should be implemented to ensure proper processing of cases.

Redress Equity for Japanese Latin Americans

Although the Japanese Latin Americans were forcibly brought from their home countries to the U.S. for use as hostage exchange during WWII, they were declared “illegal aliens” and were later found ineligible to receive redress under CLA. A class action lawsuit filed against the U.S. (Mochizuki v. U.S.A.) resulted in a settlement agreement in 1998 which provided for a letter of apology and a lesser amount of $5,000 in compensation payments so long as monies were available. Supplemental appropriations passed by Congress in 1999 allowed for the remainder of Japanese Latin Americans who applied under Mochizuki to receive reparations.

To date 8 of the 17 who rejected the settlement agreement have filed suit against the U.S. to seek redress. Although class members are barred from suing the U.S., the settlement agreement explicitly allows for further action by Congress to fund Japanese Latin American redress, in light of the fact that Japanese Americans were allowed $20,000 under the CLA. Japanese Latin Americans are still being denied proper redress despite the gross severity of their human rights violations and are seeking redress equity, which include:

❖ Proper apology which includes the government’s acknowledgment of the facts and responsibility for its actions
❖ Equitable redress compensation for JLAs of no less than $20,000
❖ Expungement of “illegal alien” classification from government records
❖ Release of information on JLA claims to their attorneys to ensure proper processing of their cases
❖ Expanded notification for JLAs and a right to appeal process
❖ Full disclosure of the facts including those of disappeared individuals
ESTIMATED FUNDS NEEDED TO RESOLVE OUTSTANDING REDRESS ISSUES FOR PERSONS OF JAPANESE ANCESTRY WHOSE RIGHTS WERE VIOLATED BY THE US GOVERNMENT DURING WWII

I. EDUCATION FUND
   Research and Educational Programming
   $45,000,000

II. REDRESS EQUITY FOR JAPANESE LATIN AMERICANS
    Which includes:
    Mochizuki Claimants
    Opt-outers
    Pending Cases
    Late Applicants
    $23,605,000

III. REDRESS EQUITY FOR JAPANESE AMERICANS
     Which includes:
     "Cut-off Kids" (eg. Yano, Kato & Ogura v. U.S.A.)
     Song-Type Cases
     Dependent Children of Railroad/Mine Workers
     Internees Used In Prisoners of War Exchange
     Late Applicants
     $16,680,000

TOTAL
$85,285,000
To allow certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America during World War II and were interned in the United States to be provided restitution under the Civil Liberties Act of 1988, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2001

Mr. Becerra (for himself, Mr. Matsui, Mr. Wu, Ms. Schakowsky, Mr. Frank, Mr. Stark, Ms. Pelosi, Mr. Jackson of Illinois, Mr. Underwood, Mr. Filner, Mr. Lantos, Mr. George Miller of California, Ms. Lee, Ms. Roybal-Allard, Mr. Horn, Mr. Rodriguez, Mr. Baca, Mr. Waxman, Mr. Gonzalez, Mr. Reyes, Ms. Eshoo, Mr. Nadler, Mr. Blagojevich, Mr. Paleologou, Mr. Ortiz, Mr. Gutiérrez, Ms. Waters, and Mr. Honda) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To allow certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America during World War II and were interned in the United States to be provided restitution under the Civil Liberties Act of 1988, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.
This Act may be cited as the "Wartime Parity and Justice Act of 2001".

SEC. 2. ELIGIBILITY OF CERTAIN INDIVIDUALS UNDER CIVIL LIBERTIES ACT OF 1988.

(a) ELIGIBILITY.—For purposes of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989 and following), the following individuals shall be deemed to be eligible individuals:

(1) An individual who—

(A) is of Japanese ancestry, or is the spouse or parent of an individual of Japanese ancestry;

(B) was brought forcibly to the United States from a country in Central America or South America during the evacuation, relocation, and internment period;

(C) was living on August 10, 1988;

(D) otherwise meets the requirements of subparagraph (B)(i) of section 108(2) of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b–7(2)(B)(i)); and

(E) subject to section 4(f) of this Act, has not otherwise received payment under the Civil Liberties Act of 1988.
(2) An individual who was an eligible individual under the Civil Liberties Act of 1988 before the enactment of this Act and who was eligible for, but did not receive, payment under that Act prior to the termination of the Civil Liberties Public Education Fund under section 104(d) of that Act.

(3) An individual who—

(A) was born to an eligible individual under the Civil Liberties Act of 1988 during the period beginning on January 20, 1945, and ending on February 29, 1948, at a place in which the eligible individual was confined, held in custody, relocated, or otherwise located during the evacuation, relocation, or internment period; and

(B) was living on August 10, 1988.

(4)(A) An individual of Japanese ancestry who, during the evacuation, relocation, or internment period—

(i) was a United States citizen or a permanent resident alien;

(ii) whose employment with a railroad or mining company was terminated on account of the individual’s Japanese ancestry; and

(iii) was living on August 10, 1988.
(B) An individual who—

(i) during the evacuation, relocation, or internment period, was a dependent child of an individual described in subparagraph (A); and

(ii) was living on August 10, 1988.

(5) An individual of Japanese ancestry who—

(A) meets the requirements of paragraph (2) of section 108(2) of the Civil Liberties Act of 1988, other than subparagraph (A) of that paragraph; and

(B) was legally in the United States during the evacuation, relocation, or internment period but was made ineligible for United States citizenship or permanent residence status by law enacted prior thereto, on account of the individual's Japanese ancestry.

(b) PRISONER EXCHANGES.—An individual shall not be precluded from being an eligible individual under subsection (a) if that individual was sent by the United States to Japan or territories occupied by Japan at any time during the period beginning on December 7, 1941, and ending on September 2, 1945, in exchange for prisoners held by Japan.
SEC. 3. APOLOGY OF THE UNITED STATES.

The United States apologizes to those individuals described in section 2(a) for the fundamental violations of their basic civil liberties and constitutional rights committed during the evacuation, relocation, or internment period. The President should transmit to each such individual a personal letter of apology on behalf of the United States.

SEC. 4. PROCEDURES.

(a) Applicability of Provisions of the Civil Liberties Act.—Except as otherwise provided in this section, the provisions of section 105 of the Civil Liberties Act of 1988 shall apply with respect to eligible individuals under section 2 of this Act.

(b) Responsibilities of the Attorney General.—The Attorney General shall have the responsibility to identify and locate, without requiring any application for payment and using records already in possession of the United States Government, eligible individuals under section 2, within 12 months after the date of the enactment of this Act. Failure to be identified and located within that 12-month period shall not preclude an eligible individual under section 2 from receiving payment under the Civil Liberties Act of 1988.

(c) Notification by Eligible Individuals.—Any eligible individual under section 2 may notify the Attorney
General that the individual is an eligible individual, and may provide documentation therefor, within 6 years after the date of the enactment of this Act.

(d) Determination of Eligibility.—The Attorney General shall make a final determination of eligibility of individuals under section 2 not later than 1 year after locating the individual pursuant to subsection (b) or receiving notification from an individual pursuant to subsection (e), as the case may be.

(e) Judicial Review.—An individual seeking payment of compensation under the Civil Liberties Act of 1988 as an eligible individual under section 2 may seek judicial review of a denial of compensation in an appropriate district court of the United States or the United States Court of Federal Claims within 6 years after the date of the denial.

(f) Payments From Court Cases.—Notwithstanding section 2(a)(1)(E) of this Act and paragraph (7) of section 105(a) of the Civil Liberties Act of 1988, an individual described in subparagraphs (A) through (D) of section 2(a)(1) of this Act, or any surviving spouse, child, or parent of such individual to whom section 105(a)(8) of the Civil Liberties Act of 1988 applies, who has accepted payment, before the enactment of this Act, pursuant to an award of a final judgment or a settlement on a claim
against the United States for acts described in section 108(2)(B) of the Civil Liberties Act of 1988 or section 2(a)(1)(B) of this Act, may receive payment under the Civil Liberties Act of 1988, except that any amount payable to such individual, spouse, child, or parent under section 105(a)(1) of that Act shall be reduced by the amount of any payment received pursuant to such final judgment or settlement.

SEC. 5. CORRECTION OF IMMIGRATION STATUS.

Those individuals described in paragraph (1) of section 2(a) shall not be considered to have been present in the United States unlawfully during the evacuation, relocation, or internment period. Each department or agency of the United States shall take the necessary steps to correct any records over which that department or agency has jurisdiction that indicate that such individuals were in the United States unlawfully during such period.

SEC. 6. FULL DISCLOSURE OF INFORMATION.

(a) Public Disclosure of Information.—The appropriate departments and agencies of the United States shall disclose to the public all information (other than information which may not be disclosed under other provisions of law) relating to the forcible removal of individuals from Central and South America during the evacuation, relocation, or internment period and the internment
of those individuals in the United States during that period, including information on individuals whose location is unknown.

(b) **SHARING OF INFORMATION WITH OTHER COUNTRIES.**—The President shall take the necessary steps to share information described in subsection (a) with other countries and encourage those countries to make that information available to people in those countries.

**SEC. 7. TRUST FUND.**

(a) **REESTABLISHMENT OF FUND.**—The Civil Liberties Public Education Fund (in this Act referred to as the “Fund”) is reestablished in the Treasury of the United States, and shall be administered by the Secretary of the Treasury.

(b) **INVESTMENT OF AMOUNTS IN THE FUND.**—Amounts in the Fund shall be invested in accordance with section 9702 of title 31, United States Code.

(c) **USES OF THE FUND.**—Amounts in the Fund shall be available only—

(1) for disbursement of payments by the Attorney General, under section 105 of the Civil Liberties Act of 1988 and this Act, to eligible individuals under section 2 of this Act; and

(2) for disbursement by the Board of Directors of the Fund under section 8 of this Act.
(d) Authorization of Appropriations.—There are authorized to be appropriated to the Fund—

(1) such sums as may be necessary to carry out paragraph (1) of subsection (b); and

(2) $45,000,000 for disbursements by the Board of Directors of the Fund under section 8.

SEC. 8. BOARD OF DIRECTORS OF THE FUND.

(a) Establishment.—There is established the Civil Liberties Public Education Fund Board of Directors, which shall be responsible for making disbursements from the Fund in the manner provided in this section.

(b) Uses of the Fund.—The Board may make disbursements from the Fund only—

(1) to sponsor research and public education activities so that events surrounding the evacuation, relocation, and internment of individuals of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood; and

(2) for reasonable administrative expenses of the Board, including compensation and expenses of the members and staff of the Board and payment for administrative support services.

(e) Membership, Staff, Etc.—The provisions of subsections (e), (d), (e), (f), and (g) of section 106 of the
Civil Liberties Act of 1988 (50 U.S.C. App. 1989b–5 (c), (d), (e), (f), and (g)) shall apply to the Board of the Fund to the same extent as they applied to the Board established under that section.

SEC. 9. DEFINITIONS.

In this Act, the terms "evacuation, relocation, or internment period" and "permanent resident alien" have the meanings given those terms in section 108 of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b–7).
To allow certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America during World War II and were interned in the United States to be provided restitution under the Civil Liberties Act of 1988, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

February 14, 2001

Mr. Baca (for himself, Mr. Matsui, Mr. Wu, Ms. Schakowsky, Mr. Frank, Mr. Stark, Ms. Pelosi, Mr. Jackson of Illinois, Mr. Underwood, Mr. Filner, Mr. Lantos, Mr. George Miller of California, Ms. Lee, Ms. Roybal-Allard, Mr. HORN, Mr. Rodriguez, Mr. BACA, Mr. Waxman, Mr. Gonzalez, Mr. Reyes, Ms. Eshoo, Mr. Nadler, Mr. Blagojevich, Mr. Faleomavaega, Mr. Ortiz, Mr. GUTIERREZ, Ms. Waters, and Mr. Honda) introduced the following bill; which was referred to the Committee on the Judiciary

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(C) was living on August 10, 1988;

(D) otherwise meets the requirements of subparagraph (B)(i) of section 108(2) of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b–7(2)(B)(i)); and

(E) subject to section 4(f) of this Act, has not otherwise received payment under the Civil Liberties Act of 1988.
(2) An individual who was an eligible individual under the Civil Liberties Act of 1988 before the enactment of this Act and who was eligible for, but did not receive, payment under that Act prior to the termination of the Civil Liberties Public Education Fund under section 104(d) of that Act.

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(A) was born to an eligible individual under the Civil Liberties Act of 1988 during the period beginning on January 20, 1945, and ending on February 29, 1948, at a place in which the eligible individual was confined, held in custody, relocated, or otherwise located during the evacuation, relocation, or internment period; and

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(i) during the evacuation, relocation, or internment period, was a dependent child of an individual described in subparagraph (A); and

(ii) was living on August 10, 1988.

(5) An individual of Japanese ancestry who—

(A) meets the requirements of paragraph (2) of section 108(2) of the Civil Liberties Act of 1988, other than subparagraph (A) of that paragraph; and

(B) was legally in the United States during the evacuation, relocation, or internment period but was made ineligible for United States citizenship or permanent residence status by law enacted prior thereto, on account of the individual's Japanese ancestry.

(b) PRISONER EXCHANGES.—An individual shall not be precluded from being an eligible individual under subsection (a) if that individual was sent by the United States to Japan or territories occupied by Japan at any time during the period beginning on December 7, 1941, and ending on September 2, 1945, in exchange for prisoners held by Japan.
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The United States apologizes to those individuals described in section 2(a) for the fundamental violations of their basic civil liberties and constitutional rights committed during the evacuation, relocation, or internment period. The President should transmit to each such individual a personal letter of apology on behalf of the United States.

SEC. 4. PROCEDURES.

(a) APPLICABILITY OF PROVISIONS OF THE CIVIL LIBERTIES ACT.—Except as otherwise provided in this section, the provisions of section 105 of the Civil Liberties Act of 1988 shall apply with respect to eligible individuals under section 2 of this Act.

(b) RESPONSIBILITIES OF THE ATTORNEY GENERAL.—The Attorney General shall have the responsibility to identify and locate, without requiring any application for payment and using records already in possession of the United States Government, eligible individuals under section 2, within 12 months after the date of the enactment of this Act. Failure to be identified and located within that 12-month period shall not preclude an eligible individual under section 2 from receiving payment under the Civil Liberties Act of 1988.

(c) NOTIFICATION BY ELIGIBLE INDIVIDUALS.—Any eligible individual under section 2 may notify the Attorney
General that the individual is an eligible individual, and
may provide documentation therefor, within 6 years after
the date of the enactment of this Act.

(d) **DETERMINATION OF ELIGIBILITY.**—The Attorney
General shall make a final determination of eligibility
of individuals under section 2 not later than 1 year after
locating the individual pursuant to subsection (b) or re-
ceiving notification from an individual pursuant to sub-
section (c), as the case may be.

(e) **JUDICIAL REVIEW.**—An individual seeking pay-
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1988 as an eligible individual under section 2 may seek
judicial review of a denial of compensation in an appro-
priate district court of the United States or the United
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date of the denial.

(f) **PAYMENTS FROM COURT CASES.**—Notwith-
standing section 2(a)(1)(E) of this Act and paragraph (7)
of section 105(a) of the Civil Liberties Act of 1988, an
individual described in subparagraphs (A) through (D) of
section 2(a)(1) of this Act, or any surviving spouse, child,
or parent of such individual to whom section 105(a)(8)
of the Civil Liberties Act of 1988 applies, who has accept-
ed payment, before the enactment of this Act, pursuant
to an award of a final judgment or a settlement on a claim
against the United States for acts described in section
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of any payment received pursuant to such final judgment
or settlement.

SEC. 5. CORRECTION OF IMMIGRATION STATUS.

Those individuals described in paragraph (1) of sec-
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of the United States shall take the necessary steps to cor-
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has jurisdiction that indicate that such individuals were
in the United States unlawfully during such period.

SEC. 6. FULL DISCLOSURE OF INFORMATION.

(a) PUBLIC DISCLOSURE OF INFORMATION.—The
appropriate departments and agencies of the United
States shall disclose to the public all information (other
than information which may not be disclosed under other
provisions of law) relating to the forcible removal of indi-
viduals from Central and South America during the evacu-
atation, relocation, or internment period and the internment
of those individuals in the United States during that period, including information on individuals whose location is unknown.

(b) Sharing of Information With Other Countries.—The President shall take the necessary steps to share information described in subsection (a) with other countries and encourage those countries to make that information available to people in those countries.

SEC. 7. TRUST FUND.

(a) Reestablishment of Fund.—The Civil Liberties Public Education Fund (in this Act referred to as the “Fund”) is reestablished in the Treasury of the United States, and shall be administered by the Secretary of the Treasury.

(b) Investment of Amounts in the Fund.—Amounts in the Fund shall be invested in accordance with section 9702 of title 31, United States Code.

(c) Uses of the Fund.—Amounts in the Fund shall be available only—

(1) for disbursement of payments by the Attorney General, under section 105 of the Civil Liberties Act of 1988 and this Act, to eligible individuals under section 2 of this Act; and

(2) for disbursement by the Board of Directors of the Fund under section 8 of this Act.
(d) Authorization of Appropriations.—There are authorized to be appropriated to the Fund—

(1) such sums as may be necessary to carry out paragraph (1) of subsection (b); and

(2) $45,000,000 for disbursements by the Board of Directors of the Fund under section 8.

SEC. 8. BOARD OF DIRECTORS OF THE FUND.

(a) Establishment.—There is established the Civil Liberties Public Education Fund Board of Directors, which shall be responsible for making disbursements from the Fund in the manner provided in this section.

(b) Uses of the Fund.—The Board may make disbursements from the Fund only—

(1) to sponsor research and public education activities so that events surrounding the evacuation, relocation, and internment of individuals of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood; and

(2) for reasonable administrative expenses of the Board, including compensation and expenses of the members and staff of the Board and payment for administrative support services.

(c) Membership, Staff, Etc.—The provisions of subsections (c), (d), (e), (f), and (g) of section 106 of the
2 (d), (e), (f), and (g)) shall apply to the Board of the Fund
3 to the same extent as they applied to the Board estab-
4 lished under that section.

5 SEC. 9. DEFINITIONS.
6 In this Act, the terms "evacuation, relocation, or in-
7 ternment period" and "permanent resident alien" have the
8 meanings given those terms in section 108 of the Civil Lib-
MEMORANDUM

TO: Senator
FROM: Marie
DATE: February 6, 2000
RE: Proposed amendment to the Civil Liberties Act of 1988

As I indicated to you last week, Congressman Xavier Becerra is considering introducing legislation that would provide Japanese Latin Americans (JLA), who were interned during World War II, full restitution under the Civil Liberties Act of 1988. The Congressman is also looking to expand his legislation to include other individuals who are not eligible to receive redress. Attached is a copy of the Congressman's "discussion draft" legislation.

The California lobbying group, Campaign for Justice, is behind the proposed measure. I understand through staff that the Congressman would like to speak with you about his legislation. You indicated to me that you would not dissuade him or anyone from introducing a measure. It may be good for you to speak with the Congressman as he is interested in knowing your thoughts about the difficulties of enacting such legislation. Should you decide to call Congressman Becerra, he can be reached at 5-6235.

At your request, the Congress included an amendment in the Fiscal Year 1999 Emergency Supplemental Appropriations Bill that allowed the Attorney General to reprogram up to $4.3 million in asset forfeiture funds to pay restitution to eligible individuals under the Civil Liberties Act of 1988. The amendment was necessary because the funds previously appropriated for this purpose did not fully fund payments to all eligible individuals. In the fall of 1998, the Office of Redress Administration (ORA) projected a combined shortfall for eligible Japanese American (JA) cases and for the JLA cases under the Mochizuki v. United States settlement. The settlement provides for a $5000 payment from the Civil Liberties Public Education Fund to the extent that monies were available in that fund, and a letter of apology, to each eligible class member. Ultimately, payments were made from the Justice Department's General Legal Activities Account because the Public Education Fund had expired.

According to the Justice Department, 466 JLA cases and 13 JA cases were paid in December 1999. The Department is ready to pay 14 JLA cases and 3
JA cases in Spring 2000. There are 44 JLA cases and 63 JA cases that are still pending and in process.

You indicated that you were looking to restore education funds under the Civil Liberties Public Education Fund. Reauthorization would be needed as both the 1988 Act and the Public Education Fund expired in August 1998. How do you wish to proceed?

1) Do you want staff to include this funding request in your Fiscal Year 2001 wish list for the Appropriations Subcommittee on Commerce, Justice, State?

2) If so, what dollar amount would you like to be included? The initial amount authorized was $50 million?
IN THE HOUSE OF REPRESENTATIVES

Mr. BECERRA introduced the following bill, which was referred to the
Committee on ____________________

A BILL

To allow certain individuals of Japanese ancestry who were
brought forcibly to the United States from countries
in Latin America during World War II and were interned
in the United States to be provided restitution under
the Civil Liberties Act of 1988.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE.
4 This Act may be cited as the “[Civil Liberties Act
5 of 2000]”.

SEC. 2. ELIGIBILITY OF CERTAIN INDIVIDUALS UNDER CIVIL LIBERTIES ACT OF 1988.

(a) ELIGIBILITY.—For purposes of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989 and following), an individual shall be deemed to be an eligible individual if—

(1) that individual is of Japanese ancestry, or is the spouse or parent of an individual of Japanese ancestry, who is living on the date of the enactment of this Act;

(2) that individual was brought forcibly to the United States from a country in Central America or South America during the evacuation, relocation, and internment period; and

(3) that individual otherwise meets the requirements of subparagraph (B) of section 108(2) of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b-7(2)(B)).

An individual shall not be precluded from being an eligible individual under this subsection if that individual was sent by the United States to Japan or territories occupied by Japan at any time during the period beginning on December 7, 1941, and ending on September 2, 1945, in exchange for prisoners held by Japan.

(b) APPLICATIONS TO ATTORNEY GENERAL.—The Attorney General shall not have the responsibility under section 105(a)(2) of the Civil Liberties Act of 1988 (50
1 U.S.C. App. 1989b-4(a)(2)) to locate eligible individuals
2 under subsection (a), but shall determine an individual’s
3 status as an eligible individual under subsection (a) within
4 [____ days] [1 year] after receiving that individual’s ap-
5 plication under this section.
6 (c) SUBMISSION OF APPLICATIONS.—Any individual
7 may file an application with the Attorney General for pur-
8 poses of determining that individual’s status as an eligible
9 individual under subsection (a), in such form as may be
10 required under regulations issued under the Civil Liberties
11 Act of 1988. Any such application shall be filed by not
12 later than [2 years] after the date of the enactment of
13 this Act.
14 (d) EXTENSION OF EVACUATION, RELOCATION, AND
15 INTERNMENT PERIOD.—Section 108 of the Civil Liberties
16 Act of 1988 (50 U.S.C. 1989b-7) is amended in para-
17 graphs (1) and (2)(B)(ii) by striking “June 30, 1946” and
18 inserting “February 28, 1948”.
19 (e) TERMINATION AND APPROPRIATIONS TO THE
20 CIVIL LIBERTIES PUBLIC EDUCATION FUND.—
21 (1) TERMINATION.—Section 104 of the Civil
22 Liberties Act of 1988 (50 U.S.C. App. 1989b-3) is
23 amended in subsection (d)—
24 (A) by striking “not later than the earlier
25 of’’ and all that follows in the first sentence and
inserting "[3 years] after the date of the enactment of the Civil Liberties Act of 2000, except that payments may be made from the Fund during that 3-year period only to individuals who are eligible individuals on the basis of section 2(a) of the Civil Liberties Act of 2000"; and

(B) in the second sentence by striking "10-year" and inserting "3-year".

(2) APPROPRIATIONS.—Section 104 of that Act is amended in subsection (e) by inserting after the first sentence the following: "In addition to amounts authorized to be appropriated by the preceding sentence, there are authorized to be appropriated to the Fund such sums as may be necessary to make payments to individuals who are eligible individuals on the basis of section 2(a) of the Civil Liberties Act of 2000.".

(3) PRIOR TERMINATION OF FUND.—The Civil Liberties Public Education Fund established under subsection (a) of section 104 of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b-3) shall be deemed not to have terminated under that section.
DATE: 2/3/00

TO: Marie

FAX#: 

FROM: John

NO. PAGES (including cover sheet): 5

COMMENTS:

Fund - lapse - expired Aug '99

General Legal Activities Act
H.R. ______

IN THE HOUSE OF REPRESENTATIVES

Mr. BECERRA introduced the following bill; which was referred to the Committee on __________________________

A BILL

To allow certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America during World War II and were interned in the United States to be provided restitution under the Civil Liberties Act of 1988.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE.
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5 of 2000]”.

[Discussion Draft]
SEC. 2. ELIGIBILITY OF CERTAIN INDIVIDUALS UNDER CIVIL LIBERTIES ACT OF 1988.

(a) Eligibility.—For purposes of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989 and following), an individual shall be deemed to be an eligible individual if—

(1) that individual is of Japanese ancestry, or is the spouse or parent of an individual of Japanese ancestry, who is living on the date of the enactment of this Act;

(2) that individual was brought forcibly to the United States from a country in Central America or South America during the evacuation, relocation, and internment period; and

(3) that individual otherwise meets the requirements of subparagraph (B) of section 108(2) of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b-7(2)(B)).

An individual shall not be precluded from being an eligible individual under this subsection if that individual was sent by the United States to Japan or territories occupied by Japan at any time during the period beginning on December 7, 1941, and ending on September 2, 1945, in exchange for prisoners held by Japan.

(b) Applications to Attorney General.—The Attorney General shall not have the responsibility under section 105(a)(2) of the Civil Liberties Act of 1988 (50...
U.S.C. App. 1989b-4(a)(2)) to locate eligible individuals under subsection (a), but shall determine an individual's status as an eligible individual under subsection (a) within [____ days] [1 year] after receiving that individual's application under this section.

(e) Submission of Applications.—Any individual may file an application with the Attorney General for purposes of determining that individual's status as an eligible individual under subsection (a), in such form as may be required under regulations issued under the Civil Liberties Act of 1988. Any such application shall be filed by not later than [2 years] after the date of the enactment of this Act.


(e) Termination and Appropriations to the Civil Liberties Public Education Fund.—

(1) Termination.—Section 104 of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b-3) is amended in subsection (d)—

(A) by striking “not later than the earlier of” and all that follows in the first sentence and
inserting "[3 years] after the date of the enactment of the Civil Liberties Act of 2000, except that payments may be made from the Fund during that 3-year period only to individuals who are eligible individuals on the basis of section 2(a) of the Civil Liberties Act of 2000"; and

(B) in the second sentence by striking "10-year" and inserting "3-year".

(2) APPROPRIATIONS.—Section 104 of that Act is amended in subsection (e) by inserting after the first sentence the following: "In addition to amounts authorized to be appropriated by the preceding sentence, there are authorized to be appropriated to the Fund such sums as may be necessary to make payments to individuals who are eligible individuals on the basis of section 2(a) of the Civil Liberties Act of 2000."

(3) PRIOR TERMINATION OF FUND.—The Civil Liberties Public Education Fund established under subsection (a) of section 104 of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b-3) shall be deemed not to have terminated under that section.
DATE: June 12, 1998

TO:        attn: Mark Fax

Wake Forest

PHONE NO.  

FAX NO.    324-6747

FROM:      Nancy Scott-Finan

PHONE NO.  514-3752

FAX NO.    305-2643

NO. OF PAGES: 4 (EXCLUDING COVER)

COMMENTS: Settlement in the Japanese Latin American
Redress case
FOR IMMEDIATE RELEASE
FRIDAY, JUNE 12, 1998

JAPANESE LATIN AMERICANS TO RECEIVE COMPENSATION FOR INTERNMENT DURING WORLD WAR II

WASHINGTON, D.C. -- More than 600 Japanese Latin Americans who were interned during World War II will each be able to receive $5,000 and an apology under an agreement announced today by the Justice Department.

The agreement resolves a 1996 civil suit filed by five Japanese Latin Americans who were deported from their homes in Latin America during World War II and held in internment camps in the United States. The five, who had been denied redress under the Civil Liberties Act of 1988, claimed that they deserved to be compensated along with Japanese American internees during the war.

“This was a tragic chapter in the history of our nation,” said Attorney General Janet Reno. “It’s time to right this wrong and close the book.”

The Civil Liberties Act, which was signed into law on August 10, 1988, acknowledges, apologizes, and makes restitution for the

(MORE)
fundamental injustice of the evacuation, relocation and internment of Japanese Americans during World War II.

Under the law, claimants can receive compensation if they were alive at the time of the signing of the law, were a U.S. citizen or permanent resident alien during internment, and are a person of Japanese ancestry or the spouse or parent of a person of Japanese ancestry.

The Justice Department's Office of Redress Administration (ORA) is charged with administering the 10 year program which ends on August 10, 1998.

During the war, Latin American nations deported more than 2,000 of their citizens or residents of Japanese ancestry to the United States to be held in internment camps. Over the past eight years, ORA denied the claims of many of these internees because they were not U.S. citizens or permanent resident aliens during their internment. After ORA's rulings, the five individuals filed suit on behalf of all Japanese Latin Americans who were interned under similar circumstances.

Under the settlement, these internees will each receive $5,000, to the extent funds are available, as well as an apology. The settlement received preliminary approval last night from the United States Court of Federal Claims in Washington, D.C. A fairness hearing has been scheduled for November 17.

To date, ORA has received approximately 600 claims from Japanese Latin Americans who have been denied redress under the
Act. The plaintiffs estimated that more than 2,000 Japanese Latin Americans were interned during the war, but that only 1,300 may still be living.

The program has paid out nearly $1.65 billion in reparations to 81,828 eligible claimants. More than $8.4 million now remains in the redress fund.

"Time is running out," said Acting Assistant Attorney General for Civil Rights Bill Lann Lee. "I urge anyone who may be eligible to come forward soon."

In February, Reno announced that six months remained in the redress program and urged any potential claimant to come forward. Since her announcement more than 400 claimants have been compensated.

"We will work hard to reach any Japanese Latin American who may be eligible under this settlement," said DeDe Greene, ORA Administrator. "As long as there's time, we will keep searching for claimants."

Persons who may be eligible for payments under this settlement but who have not yet come forward will need to postmark their claims by August 10, 1998. Claims must be received by September 4."

To contact ORA for information, please leave a message on the 24 hour, toll-free Help line at 1-888-219-6900, or internationally call 1-202-219-6900; or write the Office of Redress Administration at P.O. Box 66260, Washington, D.C.

(MORE)
ORA requests that individuals provide the following information, if known: full name, name used during the internment period, date of birth and place of birth, place of internment, current address and telephone number.

# # #

98-276
FACSIMILE FROM JOHN TATEISHI

Date: 6/11/98

To: Marie Blanco

Company: Sen. Inouye

Fax Number: 224-6747

Total # of Pages (including cover): 3

Marie -

My fax machine is telling me you didn't get the entire transmission (page 2 didn't go) so am faxing the entire thing to you again.

John

PLEASE CALL (415) 543-6332 IF YOU DO NOT RECEIVE THE TOTAL NUMBER OF PAGES NOTED. THANK YOU.
June 11, 1998

TO: Marie Blanco, Office of Senator Inouye  
    Tom Keaney, Office of Rep. Matsui  
Fax: 202-224-6747  
    Fax: 202-225-0566

FR: John Tateishi

RE: JLA Settlement

I'm pleased to let you know that the JLAs have settled the case with DOJ. Papers were filed with the court this morning, stating that the plaintiffs have agreed to accept the government's offer of $5,000 plus a letter of apology from the President.

We're going to hold press conferences tomorrow (Friday) in Los Angeles and San Francisco to announce the settlement. Bill Lann Lee, and possibly Stewart Ishimaru, will be coming to the coast for the conference. DOJ would like to have Lee at both press conferences but we're not sure the logistics will work out if we want to get the story on the evening news. Lee will hopefully have a statement from the President indicating his commitment for additional funds should it become necessary (see attached letter regarding this).

As you know, I've written to Doris Matsui and Scott Busby asking that a request for an extension of the CLA be initiated by the Administration and that the cut-off kids be included as part of the legislative initiative. The JACL will probably pursue this effort in the remaining months of this congressional calendar and, if necessary, in the next session of Congress.

I'll keep you informed of any new developments but wanted to let you know about the settlement before it was made public. Please call (415-543-6332) if you have any questions.

Regards across the miles.
By Fax

Robin S. Toma, Esq.
320 W. Temple St.
Suite 1184
Los Angeles, CA 90012

Re: Carmen Mochizuki, et al. v. United States, et al., CV 96-5986-JSL (Ex)

Dear Mr. Toma:

Attached is a revised Settlement Agreement. Proposed additions are redlined; proposed deletions are stricken out. We are anxious to finalize any settlement agreement in the near future, to allow the agency enough time to take the necessary steps to implement the settlement agreement. We are concerned that additional delays may make it difficult or impossible for the agency to take these steps within statutory timeframes that the agency has no authority to alter.

With respect to any future legislation, the President is willing to make a statement at the time any settlement is reached that would include a commitment to support legislation appropriating additional funds to the Civil Liberties Public Education Fund if funds in that account are insufficient to accommodate all class members who file timely applications for payment.

I hope to hear from you at your earliest convenience regarding whether the Settlement Agreement is acceptable.

Very truly yours,

Kathryn D. Ray

Attachment
FACSIMILE FROM JOHN TATEISHI

Date: 6/8/98

To: Marie Palacio

Fax Number: 224-6747

Total # of Pages (including cover): 3

Marie -

FYI, the following fax requests the extension of the CEA and the inclusion of the cut-off kids.

I'm also sending you a bee if my letter to

Doris Matsumi FYI.

John

PLEASE CALL (415) 543-6332 IF YOU DO NOT RECEIVE THE TOTAL NUMBER OF PAGES NOTED. THANK YOU.
June 8, 1998

Mr. Scott W. Busby  
Director  
Office of Democracy, Human Rights & Humanitarian Affairs  
National Security Council  
The White House  
Washington DC 20504

Dear Mr. Busby:

I’d like to thank you for meeting with me and my colleague, Bob Sakaniwa, on Tuesday, June 2nd, to discuss matters relative to the current effort to gain redress for Japanese Latin Americans (JLA). We appreciate your taking the time to meet with us.

As I had mentioned in our meeting, two of our primary concerns have been insuring that adequate funds are available at the Office of Redress Administration (ORA) to guarantee payments of $5,000 to each JLA who applies for redress, and extending the Civil Liberties Act (CLA) in order that JLAs will have time to apply and ORA have adequate time to process all JLA applications. I had also mentioned the unresolved issue of the kids born at Crystal City to JLA parents, but who were excluded from the CLA because of the cut off date of the statute.

I’m pleased to report to you that the plaintiffs in *Mochizuki v. U.S.* have agreed to accept the government’s settlement offer based on your expression of support on behalf of the Administration for the two major issues: efforts to seek additional funds to insure payments to all JLAs who apply and the extension of the CLA to the end of this year. We thank you for helping us to assure the concerns of the JLAs that they receive some measure of consideration for their treatment during WWII, and that the Administration will make an effort to insure that both funds and time will be available to provide redress to JLAs.

After discussing the matter with colleagues, I believe an extension of the Civil Liberties Act will be necessary in order to allow enough time for JLAs to apply and for ORA to process. We therefore request that the Administration initiate efforts to seek an extension of the termination date of the CLA from its current August 10, 1998 date to December 31, 1998.
Mr. Scott W. Busby  
June 8, 1998  
Page Two  

In the process of seeking the extension, we also request an amendment to the closing date of eligibility to include the kids born at Crystal City who are, after all, American citizens by virtue of having been born within the borders of the United States. To assist you in expediting the matter, we can draft language for an amendment to insure that extending the ending date of eligibility is limited to kids born to JLA parents at Crystal City. We believe there are seven individuals who would fall within the category of the cut-off kids.

Because of the urgency of this matter, we would appreciate your response to our request at your earliest convenience. Please be assured that we will work with your office and relevant Members of Congress to put forth every effort for the passage of our requested legislative amendment.

I look forward to hearing from you.

Yours truly,

John Tateishi  
Legislative Consultant  
Japanese American Citizens League

cc: Ms. Doris Matsui  
    Hon. Daniel K. Inouye  
    Hon. Robert T. Matsui

Via Facsimile and First Class Mail
June 8, 1998

Ms. Doris O. Matsui  
Deputy Assistant to the President  
The White House  
Washington DC 20504  

Dear Doris:

Thank you for meeting with Bob Sakaniwa and me on Tuesday, June 2nd. In view of the short notice of my request for the meeting, I sincerely appreciate your taking the time from your busy schedule. Also, our thanks for arranging with Scott Busby to have him also meet with us.

I'm pleased to inform you that the JLAs have agreed to accept the DOJ's offer, predicated on the Administration's support of efforts to seek additional funds should ORA run short and an extension of the CLA to provide adequate time for ORA to process applications. Both measures will assure that all JLAs will be given an opportunity to get redress from the government. These were major obstacles in getting a consensus from the plaintiffs in Mochizuki, and being able to report to the attorneys that we had received the Administration's support of these efforts should they become necessary did much to convince the JLAs that they should accept the government's offer.

I want to thank you for your support of these requests and for assisting us in helping the JLAs resolve these issues. As we had mentioned to you and Scott, it would be truly regrettable if these two points were to have brought the settlement discussions to an end without resolution. For your assistance in avoiding this, we are most grateful.

I also want to inform you that we are going to request the Administration's support in initiating legislation for an extension of the Civil Liberties Act to the end of 1998. Because of the monumental challenge in notifying the JLAs and assisting them in getting their applications to ORA in a timely manner, we believe it is necessary that ORA be extended to accommodate this effort. I've written a letter to Scott with this request and will be working closely with the JACL's Washington office on this initiative.

I should also tell you that we are requesting the ending date for eligibility on the Civil Liberties Act be amended to include the kids (the so-called "cut-off kids") born at Crystal City after the existing cut-off date of the statute. Since these individuals were born on American soil and are therefore American citizens, they rightfully deserve redress. While this may make the effort to get an extension of time on the CLA more difficult, the JACL and other community groups involved in the current effort believe this is something that
needs to be done as a matter of equity. I'm fully aware of the risks in amending the CLA for the cut-off kids and will make a decision as we get involved in discussions with the Nikkei members on the Hill and with you and Scott on this matter. I don't wish to jeopardize the overall goals of our current effort and will base any decision I make or recommend to the JACL on what I believe will be the most prudent course of action.

Again, thank you for your assistance in these matters. I'll keep your office informed of our effort and, I'm sure, will be calling on you again for your guidance and support. In the meantime, if I can provide you with information or be of assistance, please don't hesitate to call on me.

Sincerely,

[Signature]

John Tateishi
Legislative Consultant
Japanese American Citizens League

cc: Bob Sakaniwa, JACL Washington Representative

Via Facsimile and First Class Mail
MEMORANDUM

TO: Senator
FROM: Marie
DATE: June 4, 1998
RE: Status of the Japanese Latin Americans

On Tuesday, John Tateishi met with Doris Matsui, Scott Busby, National Security Council, and Rob Weiner, White House Counsel, to discuss the Japanese Latin Americans (JLA), and the pending lawsuit before the U.S. Court of Federal Claims (Carmen Mochizuki, et al. vs. U.S., case No. 97-294C).

At the meeting, it was conveyed that the President is anxious for a resolution to the JLA matter. The offer, which was recently agreed to by the plaintiffs, remains at $5000 per JLA, plus an apology letter.

According to John, the White House will take the appropriate steps to request from the Congress an extension of the CLA, and additional funds to ensure all JLAs will get paid, if needed. As you are aware, John was interested in seeking an increase in the redress payment to $10,000. However, the White House made it clear that it will not augment any funds.

John also said that there are two outstanding issues: 1) to get the Department of Justice (DOJ) to continue processing claims until the expiration of the CLA (August 10, 1998); and 2) to get the DOJ to remove their requirement that JLAs submit notarized documents. I understand for the JLAs in Japan the requirement poses a problem because they would have to go to court.
AMENDMENT TO THE H.R.  
(SUPPLEMENTAL APPROPRIATIONS)  
OFFERED BY M. __________

Insert in the appropriate place the following:

SEC. _____. (a) ELIGIBILITY OF CERTAIN INDIVIDUALS UNDER CIVIL LIBERTIES ACT OF 1988.—For purposes of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989 and following), an individual shall be deemed to be an eligible individual if—

(1) that individual is of Japanese ancestry, or is the spouse or parent of an individual of Japanese ancestry, who is living on the date of the enactment of this Act;

(2) that individual was brought to the United States from a country in Latin America or the Caribbean and was interned by the United States during the evacuation, relocation, and internment period; and

(3) that individual otherwise meets the requirements of subparagraph (B) of section 108(2) of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b-7(2)(B)).

An individual shall not be precluded from being an eligible individual under this subsection if that individual was sent by the United States to Japan or territories occupied by
Japan at any time during the period beginning on December 7, 1941, and ending on September 2, 1945, in exchange for prisoners held by Japan.

(b) APPLICATIONS TO ATTORNEY GENERAL.—The Attorney General shall not have the responsibility under section 105(a)(2) of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b-4(a)(2)) to locate eligible individuals under subsection (a), but shall determine an individual's status as an eligible individual under subsection (a) within 30 days after receiving that individual's application under this section.

(c) SUBMISSION OF APPLICATIONS.—Any individual may file an application with the Attorney General for purposes of determining that individual's status as an eligible individual under subsection (a), in such form as may be required under existing regulations issued under the Civil Liberties Act of 1988. Any such application shall be filed by not later than July 10, 1998.

(d) EXTENSION OF EVACUATION, RELOCATION, AND INTERNMENT PERIOD.—Section 108 of the Civil Liberties Act of 1988 (50 U.S.C. 1989b-7) is amended in paragraphs (1) and (2)(B)(ii) by striking "June 30, 1946" and inserting "February 28, 1948".

(e) PAYMENTS FROM DISCRETIONARY APPROPRIATIONS.—
(1) IN GENERAL.—Notwithstanding section 2110(a) of the Civil Liberties Act of 1988 (50 U.S.C. 1989b-9(a)), any payment made to an individual under the Civil Liberties Act of 1988 pursuant to this section or the amendments made by this section shall not be an entitlement and shall be made from discretionary appropriations.

(2) DEFINITIONS.—As used in this subsection—

(A) the term "discretionary appropriations has the meaning given that term in section 250(c)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(7)); and

(B) the term "entitlement" means "spending authority" as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2)(C)).
Memorandum

To: Steve Golob - Office of Representative Howard L. Berman

From: John Righter - Congressional Budget Office

Date: March 23, 1998

Subject: Preliminary estimate of the budgetary effect of proposed amendment to supplemental appropriations bill to expand eligibility of certain individuals under the Civil Liberties Act of 1988

As we agreed, I am providing you with a written verification that the language you submitted to CBO on March 20, 1998, regarding the expansion of eligibility of certain individuals under the Civil Liberties Act of 1988 would not affect direct spending, and thus, would not count under pay-as-you-go procedures. Obviously, the language would increase costs to make reparation payments to certain individuals. For instance, we have previously estimated that including Japanese Latin-Americans under the Civil Liberties Act would increase costs by approximately $30 million. By extending the period of applicable evacuation, relocation, and internment by two years, the language would appear to extend eligibility to additional persons, as well. However, I have not had time to estimate the amount of the additional costs. In any event, such costs would be discretionary and subject to the appropriation of necessary funds.

Please do not hesitate to contact me if you have any questions. You may reach me at 226-2860.