

Japanese American Redress: Correspondence, 1944-2003: 1989

Senator Daniel K. Inouye Papers

Japanese Latin American Internment, Box JL3, Folder 6

<http://hdl.handle.net/10524/59426>

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U.S. Department of Justice

Civil Rights Division

Office of Redress Administration

Office of the Administrator

P.O. Box 66260

Washington, D.C. 20035-6260

NOV 20 1989

Ms. Marie Blanco
Office of Senator Daniel K. Inouye
SH-722 Senate Hart Office Bldg.
Washington, D.C. 20510-1102

Dear Ms. Blanco:

Recently we printed an informational brochure explaining the verification process and the types of documents we will use to confirm a person's identity before a check can be issued. I realize that you may already be receiving questions on documentation, so I am enclosing a copy of the brochure for your use along with extras for any friends and acquaintances that you may wish to give copies to.

Primarily the pamphlet tells potential recipients what they can expect to happen during the verification process, from the time they receive a letter from us requesting documentation, to the time they receive a notice declaring their official eligibility. A chart is provided that outlines the types of documents requested and gives examples of various documents which can be used. We are also reminding people not to send documents until they are contacted by us to do so.

All of us are looking forward to distributing payments as soon as funds are available. In the meantime, we will continue our work on verification. If you have any questions or would like additional brochures, please feel free to contact my Special Assistant, Cheryl Watanabe at (202) 786-5582.

Sincerely,

Robert K. Bratt
Administrator for Redress

Enclosures

ITEM #: 1992 ()

wl; redress/Civil Liberties Act funding FY 90

TOP/SUBTOPIC (1): case, internment

TYPE OF DOC.: case

CREATE DATE: OCT-10-89

UPDATE DATE: OCT-25-89

AIDE: MBD

PL 101-162

Thank you for your recent correspondence regarding your support for my efforts to provide reparations for Japanese Americans who were interned in World War II. As you may be aware, the Senate and House Conferees on the FY 1990 Departments of Commerce, Justice and State Appropriations bill have agreed to my proposal to establish reparations payments as a permanent entitlement program starting in the 1991 fiscal year, which begins on October 1, 1990.

~~What this means, if the President~~ ^{The signed} signs the measure into law as expected, is that the long wait for justice will soon be over for former internees. Under this legislation, payments of \$20,000 to each surviving internee would begin next October. Up to \$500 million would be available annually for these payments, until all eligible internees are paid. The heirs of internees who died after August 10, 1988, will also be eligible for payments.

During World War II, I witnessed first-hand the bloody sacrifices of my comrades in the 442nd Infantry Regimental Combat Team who were fighting for, and in many instances dying for, the same nation that held their loved ones in virtual prison camps. I returned home from the war with the resolve to do all that I could to see that justice was afforded to the 120,000 Americans of Japanese ancestry who were unjustly treated by our nation.

We are now at the end of a long and most painful process. At long last, those who suffered terrible indignities at the hand of the United States will receive an acknowledgement by our country of its transgression. I know that such an apology and token payment will not fully recompense those who lost their liberty, property, freedom and equal protection without due process of law. Those interned Japanese Americans who were laid to rest and were not with us to witness the enactment of the Civil Liberties Act are resting, I believe, in a more serene and peaceful calm.

It has been said that the wheels of justice grind slowly--it may seem intolerably slowly, to the victims of injustice. However, I hope that it restores a measure of faith in our nation's system of government to see it do its best to redress a wrong that has been committed. While we, individually and as a nation, must put the pain and bitter memories behind us, we must not forget them. Rather, this chapter must remain in our collective conscience as a grave reminder of what we are capable of in a time of crisis, and what we must not allow to happen again to any group, regardless of race, religion or national origin.

I think that I am right in believing that my fallen comrades can now rest more comfortably in the knowledge that their sacrifices were not in vain.



Office of the Attorney General
Washington, D.C. 20530

October 13, 1989

FYI-
DOJ's position
on the entitlement
see pg 2
Marie

Honorable Neal Smith
Chairman
Subcommittee on the Departments of
Commerce, Justice, State, the
Judiciary, and Related Agencies
Committee on Appropriations
U. S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

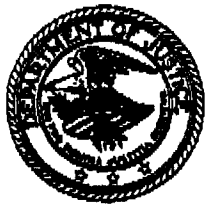
Before the conferees meet on H.R. 2991 providing appropriations for the Departments of Commerce, Justice, and State, the Department of Justice would like to take this opportunity to comment on the contents of the bill as passed in the Senate on September 29, 1989.

As you know, by bipartisan agreement, Title II of H.R. 2991 and Title IV of H.R. 3015, of the Department of Transportation Appropriations Act, fund essentially all of the Administration's 1990 drug enforcement and related law enforcement budget requests for the Department of Justice. In general, the Department supports these levels.

The views of the Administration on the House bill may be found in my September 8, 1989 letter to Senator Hollings and Director Darman's September 11, 1989 letter to the Senate Minority Leader.

I would like to call to your attention some of the most problematic issues in H.R. 2991. Appended are my comments on all sections of the bill requiring Conference Committee resolution. My comments are presented by bill section and do not indicate relative importance.

Section 208 relates to equitable sharing of the proceeds of seizure of assets with State and local law enforcement entities. The key to expanding drug forfeitures is to encourage law enforcement officials at all levels of government -- Federal, State, and local -- to seize and forfeit the property of drug barons. One of the most powerful incentives is the program approved in the Comprehensive Crime Control Act of 1984 authorizing the Department to share forfeited property. Unfortunately, a well intentioned provision of the Anti-Drug Abuse Act of 1988 (Section 6077) threatens our ability to



Office of the Attorney General
Washington, D.C. 20530

October 13, 1989

Honorable Neal Smith
Chairman
Subcommittee on the Departments of
Commerce, Justice, State, the
Judiciary, and Related Agencies
Committee on Appropriations
U. S. House of Representatives
Washington, D.C. 20515

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- 2 -

continue our cooperative efforts. Section 208, as proposed by the Senate, would reestablish the necessary equitable sharing provisions. We strongly urge adoption of this provision in this conference report.

Section 209 amends the Civil Liberties Act of 1988 by adding a new section establishing payments to persons of Japanese ancestry interned in camps during World War II. The Administration opposes the Senate's proposal to make this an entitlement program not subject to further action by the Committee on Appropriations. When the Civil Liberties Act was considered during the 100th Congress, assurances were given that the authorized payments were not entitlements and would be subject to appropriations. The Administration strongly opposes the ex post conversions to an entitlement program. As we understand the language, mandatory payments would commence in 1991. This would generate a major new outlay which will make more difficult the task of the two branches in meeting the Gramm-Rudman-Hollings maximum deficit targets for 1991, 1992 and 1993. We urge that members of the Appropriations Subcommittees who are also members of the Budget Committees consider and apprise your fellow Appropriations Subcommittees members of the serious out year outlay implications of the proposal to convert the Japanese-American Redress Payments to an entitlement program. This is budget gimmickry of the purest form. In addition, it delays making the first payment to the oldest eligible recipients until 1991.

Section 211 delays until 1991 the time whereby the Office of Justice Programs' Drug Control and System Improvement Grant Program matching requirements would change. Section 504(a)(1) of the Anti-Drug Abuse Act of 1988 specifies that for 1989 that only a 25 percent match is required, but Section 504(a)(2) specifies that in years subsequent to 1989 that there shall be a 50 percent matching requirement. The Senate language in Section 211 of H.R. 2991 would reduce the State matching requirement for grants from 50 percent to 25 percent. The Administration opposes Section 211 of H.R. 2991 and supports Section 504(a)(2) of the Anti-Drug Abuse Act because it will significantly increase the total program level. With enactment of Section 211, less resources will be available to wage the war on drugs. More specifically, with \$400 million in formula grant funds, Section 211 would have the States add \$133 million in matching dollars -- while Section 504(a)(2) of the Anti-Drug Abuse Act of 1988 would have the States add \$400 million in matching dollars.

Section 214 of H.R. 2991, as adopted by the Senate, would establish a Religious Issues Oversight Board within the Bureau of Prisons. The Board would review federal prisoners' grievances concerning religious issues. The Administration strongly opposes this initiative because the proposed legislation establishes an unnecessary, overly complex review and appeals process. The

- 3 -

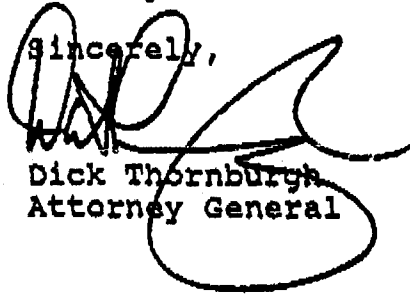
Department believes that the Bureau of Prisons has established adequate administrative procedures to protect the religious liberties of inmates and complies with decisions rendered by the courts relating to religious liberty. These provisions should be deleted.

Section 605 was added by the Senate to establish filing fees for premerger notification reports required by the Hart-Scott-Rodino Antitrust Improvements Act of 1976. The Antitrust Division testified before the Senate Judiciary Committee on various proposed changes to Antitrust legislation on July 25, 1989. In this testimony, the Department opposed making its appropriations subject to the uncertainties in the collection of any such filing fees that Congress decided to impose. In this regard, the Department opposes reducing the Division's appropriations by \$5 million below the requested amount with the expectation that the difference would be made up by Hart-Scott-Rodino filing the collections. Should Congress choose to disregard the Department's position against the fee. The attachment includes language the Department recommends in lieu of the current 605 language. It reduces the uncertainty of collecting the fee by strengthening its chances of withstanding a court challenge. This recommended language would establish a filing fee, the proceeds of which would be earmarked for antitrust enforcement with respect to mergers and acquisitions and would reduce uncertainties with respect to collection of the fees. If the fee is successfully challenged, the Department believes it should have transfer authority to cover any shortfall up to \$5 million.

Section 617 of the Senate passed bill prohibits funding for including illegal or deportable aliens in the decennial census count. It has been the longstanding position of the Department of Justice that section two of the Fourteenth Amendment requires that inhabitants of States be included in the census count even if such inhabitants are illegal aliens. Accordingly, we fully support the position of the Secretary of Commerce that the provision in the Senate bill excluding illegal aliens from the 1990 census must be deleted.

The Administration believes that these and all the issues presented as attached are critical to not only the functioning of the Department of Justice but also inimical to the success of our law enforcement efforts, particularly the war on drugs.

Sincerely,


Dick Thornburgh
Attorney General



CONGRESSIONAL BUDGET OFFICE
U.S. CONGRESS
WASHINGTON, D.C. 20515

Robert D. Reischauer
Director

October 17, 1989

Honorable Daniel K. Akaka
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman:

As you requested in your letter of October 12, 1989, we have reviewed the proposed substitute for Senate Amendments 43 and 80 of the Commerce, Justice, State and the Judiciary Appropriations Bill, Fiscal Year 1990. The substitute would appropriate funds for the Civil Liberties Public Education Fund and would amend the Civil Liberties Act of 1988 beginning in fiscal year 1991 to make payments from the fund an entitlement. Unless otherwise directed by the Budget Committees, CBO would treat the Civil Liberties Public Education Fund as a mandatory spending program if the substitute were accepted.

Mandatory spending is not a legal concept but an accounting concept developed by the Budget and Appropriations Committees to assist the Congress in enforcing spending targets set forth in the Congressional Budget Resolution. The Budget Committees direct CBO to score spending programs as mandatory if they are not controllable through the annual appropriation process. The proposed language would avoid the annual appropriation process for spending from the fund, because it would provide spending authority on a permanent basis without further action on the part of the Appropriations Committees. Therefore, it is likely that CBO would score the program as mandatory.

If you have further questions on this issue, we will be pleased to provide them. The CBO staff contacts are Gail Del Balzo and Marta Morgan, who can be reached at 226-2886 and 226-2860, respectively.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Reischauer', followed by a small flourish.

Robert D. Reischauer



The Japanese American Citizens League - Legislative Education Committee

1730 Rhode Island Ave., NW, #204, Washington, D.C. 20036-3148 • (202) 223-1240 • Fax: (202) 296-8082

4 October 1989

The Honorable Daniel Inouye
United States Senate
722 Hart Senate Office Bldg.
Washington, D.C. 20510

National Board:

Jerry Enomoto
Chair
Sacramento, CA

Mollie Fujioka
Walnut Creek, CA

Cherry Kinoshita
Seattle, WA

Tom Komatani
Warren, NJ

Peggy Liggett
Fresno, CA

Meriko Mori
Los Angeles, CA

Arthur Morimitsu
Chicago, IL

Crossey Nakagawa
San Francisco, CA

Mae Takahashi
Fresno, CA

Henry Tanaka
Cleveland Heights, OH

Grant Ujifusa
Chappaqua, NY

Shig Wakamatsu
Chicago, IL

Denny Yasuhara
Spokane, WA

Dear Senator Inouye:

We are very grateful for your strong and effective leadership which persuaded fellow Senators to give their resounding support to your amendment making redress into an entitlement program beginning in 1991.

The fact that you were able to move the negotiations beyond the restrictive context of the Gramm-Rudman-Hollings ceilings is clear and convincing evidence of the respected role you command in the Senate. I believe that shift in point of reference was pivotal in bringing your colleagues back to the fundamental constitutional and moral issues at stake.

Your floor statement last Friday set the tone for the debate. It was reassuring to observe that there are still times when the Senate chooses to act because it is "the right thing to do."

Thank you for your bold and timely initiative in the long and often frustrating campaign for Redress. The leadership of the "distinguished Senators from Hawaii" has been critical in our Redress efforts over the years. Again, thank you.

Sincerely,

JoAnne H. Kagiwada
Executive Director

P.S. We have sent letters to all members of the Senate thanking them for their support of the entitlement, or regretting that they did not vote for the waiver. A sample of that correspondence is enclosed for your information.

enclosures



The Japanese American Citizens League - Legislative Education Committee

1730 Rhode Island Ave., NW, #204, Washington, D.C. 20036-3148 • (202) 223-1240 • Fax: (202) 296-8082

3 October 1989

The Honorable Lloyd Bentsen
United States Senate
703 Hart Senate Office Bldg.
Washington, D.C. 20510

National Board:

Jerry Enomoto
Chair
Sacramento, CA

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Walnut Creek, CA

Cherry Kinoshita
Seattle, WA

Tom Kometani
Warren, NJ

Peggy Liggett
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Fresno, CA

Henry Tanaka
Cleveland Heights, OH

Grant Ujifusa
Chappaqua, NY

Shig Wakamatsu
Chicago, IL

Denny Yasuhara
Spokane, WA

Dear Senator Bentsen:

Thank you for being one of the 74 Senators who voted to make redress payments to former Japanese American internees into an entitlement program.

Earlier this year, as people concerned about this issue saw little to make them hopeful that the promise of redress would be fulfilled any time soon, there were many expressions of fear, anger, and frustration. Many talked of what they saw as another broken promise. Enclosed is a letter written to President Bush expressing some of those feelings. The passage of the entitlement program by the Congress will give these people new hope.

We see this victory in the Senate as a victory for all Americans. It serves as a reassurance that government inflicted wounds can be healed, that the cynicism with which many people regard government is not always justified. Last Friday the Senate took action because, as Senator Rudman put it, it was "the right thing to do."

The passage of the Civil Liberties Act of 1988 was a promise to all Americans for healing and reconciliation. The Senate has taken an important step towards seeing that promise fulfilled. We're only sorry that for Mikio Nakano -- and too many others -- fiscal year 1991 is too late.

We applaud the Senate's forthright action on this matter for ourselves, and for those future generations of Americans whose Constitutional rights now seem more secure.

Sincerely,

JoAnne H. Kagiwada
Executive Director

enclosure

GATEWOOD PRESS

John G. Fox
President

RECEIVED OCT 1 1989

Saturday, September 16, 1989

President George Bush
The White House
Washington, DC

Dear Mr. President:

Two weeks ago a close friend of mine, Mikio Nakano, died suddenly at the young age of 58. Miki was a Japanese-American who spent four years of his youth in a resettlement camp in Gila, Arizona. This experience had a profound effect on his later years.

He never became bitter. One of his favorite stories was of how he and his buddies from camp beat a team from town in baseball, "and we were barefoot!" Miki never lost his pride.

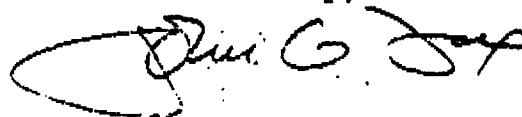
He could have been very angry. His father was a cook who owned and operated a restaurant in California. His business and his livelihood were seized by the US government. After the war Miki's father migrated to Chicago with his family, where he found work as a cook in a country club. But this meant he saw his wife and sons only on weekends. As a result, Miki was a close and loving father to his son Frank, who has just begun a promising career selling US products and services to Japan and other Asian nations.

His widow Grace was also in camp, but she too has remained steadfastly positive and optimistic. For decades she has worked patiently in the Japanese-American Citizen's League, to secure appropriate reparations for this wrongful imprisonment of US citizens. This year they seemed to have achieved their dream.

Yet for all Japanese-Americans, and for Miki in particular, this has turned out to be a pyrrhic victory. The government has appropriated only a small amount of the funds necessary to provide the modest repatriation of \$20,000 to each person held for years in what can fairly be called prison camps. And Miki is dead, and so never can receive the satisfaction of the formal, monetary apology for having had four of his 58 years taken from him.

Let's finally and clearly conclude this sorry chapter in recent American history. Please use the power and stature of your office to enable the full amount of reparations to be paid immediately. Every Japanese-American who dies without apology adds to the corrosive antagonism toward Washington among this otherwise strongly loyal ethnic group.

Yours truly,



THE WHITE HOUSE
WASHINGTON

August 30, 1989

Dear Mr. Hirasuna:

On behalf of President Bush, thank you for writing to express your views regarding the Administration's proposed appropriation for the Civil Liberties Public Education Fund in Fiscal Year 1990.

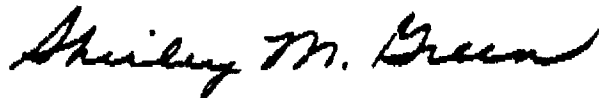
The Administration is moving to carry out the provisions of the Civil Liberties Act of 1988 as expeditiously and efficiently as possible. I might also add that the President understands your concerns regarding the law's implementation.

The Japanese American Redress Program is making significant progress. Within the Civil Rights Division of the Department of Justice, the Office of Redress Administration has been working diligently to identify, locate, and verify the eligibility of tens of thousands of Japanese Americans who will receive compensation under the new law. Supplemental appropriations have been enacted to support the Office of Redress Administration in its efforts.

Let me reassure you that President Bush's budget proposal for the 1990 Civil Liberties Public Education Fund has not altered former President Reagan's proposed appropriation of \$20 million for FY 1990. That sum would initiate the payment process, providing compensation to 1000 individuals at the mandated payment level of \$20,000 per individual. The proposal assumes an appropriation of \$171 million each year thereafter, starting in 1991, until the law's authorization of \$1.25 billion is exhausted. Under such an appropriation schedule, all payments would be made in ten years, which is consistent with statutory deadlines.

I hope you find this information useful. The President appreciates the time you have taken to express your concerns, and you have his best wishes.

Sincerely,



Shirley M. Green
Special Assistant to the President
for Presidential Messages
and Correspondence

Mr. Fred Y. Hirasuna
1416 West Stuart Avenue
Fresno, CA 93711



The

American Citizens League - Legislative Education Committee

1700 Ave., NW, #204, Washington, D.C. 20036-3148 • (202) 223-1240 • Fax: (202) 296-8082

TO:

Marie Blanco

FROM:

JoAnne Kagiwada

DATE:

6 October 1989

NUMBER OF PAGES TO FOLLOW:

4

RE:

- 1) Response from White House, signed by Shirley Green
- 2) Letter to Senator (Kousser)
- 3) Letter to Senators re: waiver vote
- 4) Letter to President Bush from John Fox

Please call (202) 223-1240 if there are any problems in transmission.

FINE
PARTICLE
CORPORATION

7665 Formula Place • San Diego, California 92121 • (619) 560-5600 • FAX (619) 549-4205

August 31, 1989

Senator Daniel K. Inouye
U.S. Senate
Washington, D.C. 20510

Dear Senator ^{Dan}~~Inouye~~:

I fought in two wars because of my belief and faith in our Country. We need to promptly correct the grievous wrong we did so many years ago to so many of our loyal fellow citizens.

Thank you for your key role in enacting into law the historic Civil Liberties Act of 1988 (the "Japanese American redress bill"). I was quite disturbed to learn that the entire \$250 million to carry out Public Law 100-383, was removed from 1989 appropriations, and that only \$50 million is being recommended for 1990 in the House of Representatives. These actions took place in disregard for the 1990 Budget Resolution adopted by Congress which calls for all eligible individuals aged 70 and over to be paid by the end of 1990, an action that would require at least \$320 million. This bill was hailed in Congress, by then-President Ronald Reagan, then-Vice President George Bush, and many others as an historic measure that reaffirmed the singular importance we in the U.S. place on Constitutional principles.

But is this historic law in danger of becoming an empty gesture? Unless Congress and the Administration provide full funding to carry out the law without delay, I believe that that may be the result. Therefore, I urge you to support full funding (\$500 million per year for the first two years, the rest in the third year), beginning in 1990, to implement PL 100-383.

As you know, not a single person has yet received compensation in accord with PL 100-383, even though it was enacted last year in August. Those who were, without charges or hearings, rounded up and incarcerated in 1942 waited 46 long years for PL 100-383 to be enacted. The average age of the former internees is now 65 years, and the U.S. Office of Redress Administration estimates that 200 are dying each month. That means that at least 2,000 have died since President Reagan signed the bill. How many more have to die before this law is carried out?

Facilities

Multimaterial Molding
Metal Injection Division

R & W Products, Inc.
Ceramic Division

Page Two
Senator Daniel K. Inouye
August 31, 1989

I am aware of the government's pressing budget problems, but I also believe that these funds, as symbolic compensation for the U.S. Government's unnecessary and unjustified actions, which led to great human suffering, huge property and income losses and gross violation of Constitutional and human rights - should be a top priority, not an after-thought. The funds, spread out over three or more years, amount to only a tiny fraction of the budget. Full funding would cost less than a single Stealth bomber.

Thank you again for your past support. We are counting on your support for full funding to carry out PL 100-383.

Thanks, Dan for leading this fight.

Sincerely,

Young
Colonel Young O. Kim
President

CYOK/ke



Senator
FYI - opposition
to Japanese Redress
France

American War Veterans Relief Assn., Inc.

1811 W. Katella, Ste. 121
Anaheim, California 92804

(714) 533-3900

A NATIONAL, NON-PROFIT TAX-EXEMPT VETERANS ASSO



Re: PL 100-383

Japanese-American reparations
(\$1.2 billion)



Dear Senator:

The Japanese-American redress applicants frequently complain that their elderly are dying at the rate of 200 a month and that they need the money now. Of course, when reparations are paid, beneficiaries will receive the money anyway, eliminating any real need for the money in 1990.

Our World War II veterans are dying--27,000 died during January, 1989.

From February 1, 1988 to February, 1989, 325,000 veterans died--some perhaps unnecessarily.

The current death rate for World War II veterans shows us that the ever-increasing annual shortfall of \$1.427 billion, including 8,000 jobs, for 1990 in VA medical care funds more than likely has affected the life span of thousands of veterans. Hundreds of veterans are turned away daily from VA hospitals all over the United States because of VA budget cuts.

Those still living will make increased demands on VA facilities for pension and disability compensation and for geriatric care; those dying will demand more of burial allowances and National Cemetery space, etc.

If any needs are to be met, certainly those of our veterans deserve immediate attention--surely before those of Japanese-Americans, who just do not need the money in FY 1990.

Sincerely,

John Kirby
John D. Kirby
Administrator



American War Veterans Relief Assn., Inc.

1811 W. Katella, Ste. 121

Anaheim, California 92804

(714) 533-3900

A NATIONAL, NON-PROFIT TAX-EXEMPT VETERANS ASSOCIATION



Re: PL 100-383

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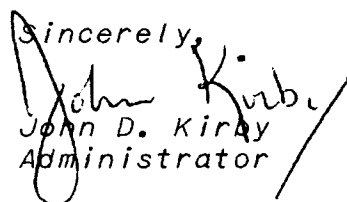
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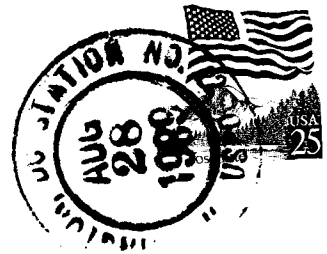
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Sincerely,

John D. Kirby
Administrator



American War Veterans Relief Assn., Inc.
1811 W. Katella, Ste. 121
Anaheim, California 92804
(714) 533-3900



Dear Member:

Again we ask you to carefully consider your vote on the Japanese-American redress law (PL 100-383) funding. We argue that vital military necessity required the evacuation of Germans, Japanese and Italians from the West Coast at the outbreak of war.

But strong misconceptions about the forced relocation now hold sway. At the time, military necessity and common sense dictated the evacuation because of the threat of Japanese invasion.

To illustrate, a House subcommittee on appropriations held a hearing on April 5 concerning funding for PL 100-383. As he left the hearing room, Rep. Robert Matsui (Calif.) was asked about wartime subversion. Re. Matsui replied, "There were no Japanese-American subversives--not one."

Here is an extract,
taken from the
annual report
shown at right,
from page 6
of this FBI
document:



REPORT OF THE DIRECTOR
OF THE
FEDERAL BUREAU OF INVESTIGATION
JOHN EDGAR HOOVER
FOR THE
FISCAL YEAR
1942

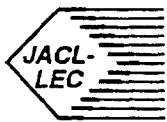
"Following the entry of the United States into the war, the President of the United States issued a proclamation prescribing regulations for aliens of enemy nations, and directed the apprehension of alien enemies deemed dangerous to the public peace and safety.

"From the outbreak of war on December 7, 1941 until the close of the fiscal year 1942, 9,405 alien enemies were apprehended by the FBI and cooperating law enforcement officers. Four thousand, seven hundred and sixty-four were Japanese, 3,120 were Germans and 1,521 were Italians."

Was Matsui kidding?

Sincerely,

John D. Kirby, Administrator



The Japanese American Citizens League - Legislative Education Committee

1730 Rhode Island Ave., NW, #204, Washington, D.C. 20036-3148 • (202) 223-1240 • Fax: (202) 296-8082

July 7, 1989

Ms. Valerie O'Brian
Office of Redress Administration
Civil Rights Division
U.S. Department of Justice
Washington, D.C. 20530

Re: Regulations for Redress Payments

Dear Ms. O'Brian:

Enclosed are the comments of the JACL-LEC on the Department of Justice's proposed regulations to implement the monetary compensation provisions of the Civil Liberties Act of 1988.

In reviewing these proposed regulations, the historical experience of the 1948 Evacuation Claims Act is instructive. While the Act expressed congressional intent, the language of the regulations and the manner of implementation caused administrative costs to escalate and recipients to become frustrated, confused, and despair of ever receiving fair treatment.

To avoid a reenactment of that most unfortunate experience, it is important that the regulations developed to implement the Civil Liberties Act of 1988 be clear, unambiguous and simply set forth an uncomplicated procedure that is fair and can be administered with a minimum of confusion and expense.

The following comments are submitted to urge the development of regulations that fulfill the letter and spirit of the law.

Major areas of concern include the following:

1. The Act makes eligible persons of Japanese ancestry who were held in custody, relocated or otherwise deprived of liberty or property during the period December 7, 1941, through June 30, 1946. In any instance that an individual is identified as being in that group, he/she should be deemed eligible. The regulations contain dates within that period that tend to confuse eligibility, i.e., February 19, 1942; March 2, 1942; March 29, 1942. To exclude persons who fall within that group will also cause confusion and require case by case reviews resulting in delay, frustration and added administrative expense.

2. The Act clearly states that the Attorney General shall identify and locate without requiring any application for pay-

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ment using records already in the possession of the United States. By requiring a sworn declaration and a minimum of three documents, and a maximum of ten, to be submitted by an eligible individual, the Act is being violated. A sworn declaration and documents constitutes an application, which is prohibited by the Act.

3. The regulations provide no time requirement for processing payments once an eligible individual has been identified and located by the Attorney General and funds for payment to that individual's age group have been appropriated. We have added deadlines.

4. The period for identification and location according to the Act should be within 12 months after the enactment of the Act from funds and resources available. There is no requirement that the identification and location process await funds appropriated for that purpose. Once funds are appropriated for that purpose, however, the identification and location shall be completed within 12 months. Therefore, it is clear that the Attorney General is charged with the responsibility of identifying and locating eligible individuals without having to wait for funds appropriated for that purpose. The Attorney General's information is incomplete in the published summary on this point.

5. The requirement of multiple pieces of original documents is overly burdensome, excessive and suggests an assumption that persons of Japanese ancestry are inherently dishonest and untrustworthy. More documentation is required of these eligible persons than of welfare recipients, social security applicants, passport applicants or prospective foreign immigrants. The need for a current photograph with name serves no reasonable legitimate purpose.

Over half of the identified 55,000 persons are over 62 or disabled and receiving social security benefits. They have already provided the United States Government with original documents. They should not be required to do so again.

6. The numerous levels of approval prior to payment, i.e., Administrator of ORA - two separate reviews and certification, then to the Assistant Attorney General of the Civil Rights Division, then to the Assistant Attorney General of the Justice Management Division, then to the Secretary of Treasury invites unnecessary delay.


7. The appeal process provides no guarantee that the notice of determination of ineligibility specifies the basis for such finding. No time limits for processing an appeal are con-

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tained in the regulations. The requirement of a properly marked and labeled envelope and written request for appeal can be satisfied by the Attorney General providing a short form entitled "Redress Appeal" along with notification of determination of ineligibility, with a properly marked envelope "Redress Appeal", postage free to expedite an appeal. A mislabeled document could be misrouted and result in the expiration of the time for appeal and loss of appeal rights.

We are continuing to review the proposed regulations and may be sending supplemental comments.

Very truly yours,



Jerry Enomoto, Chair
Legislative Education Committee



JoAnne H. Kagiwada
Executive Director
Legislative Education Committee



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GENERAL COMMENTS TO THE PROPOSED STANDARDS AND PROCEDURES TO IMPLEMENT THE CIVIL LIBERTIES ACT OF 1988

The Japanese American Citizen League/Legislative Education Committee believes that the proposed regulations provide a basis for the development of regulations that reflect the intent of the Civil Liberties Act of 1988 to provide a fair and efficient process to pay eligible individuals without unnecessary delay and protect their rights throughout that process.

There are numerous changes that need to be made to insure prompt payment to eligible individuals and minimal administrative expense.

These comments contain two parts. Part I contains comments about the approach chosen by the Office of the Attorney General. Part II contains specific comments on the regulations themselves.

PART I

The Civil Liberties Act of 1988, signed by President Ronald Reagan on August 10, 1988, provides that persons of Japanese ancestry who were held in custody, relocated or otherwise deprived of liberty or property during the period of December 7, 1941, through June 30, 1946, are eligible for Redress payments if they were alive when the law was enacted.

Categories of eligible persons are confusing where different dates are used and references to those serving in the military having to establish loss of property or liberty are overly burdensome.

By limiting those eligible only to certain categories of persons, the need for case by case review arises. Delays and increased administrative time and costs are inevitable as the regulations are presently drafted.

The Act requires the Attorney General to identify and locate eligible persons, without requiring an application.

In a recent report, the Administrator of the Office of Redress Administration stated that 99 percent of those eligible have been identified and over 90 percent have been located by using information already available and maintained in official United States records, and informational forms voluntarily submitted by eligible individuals.

Having identified and located almost all eligible persons, the only remaining task is to process payments and to provide a mechanism for promptly deciding case by case review or appeals where questions of eligibility occur.

By requiring a sworn declaration and a minimum of three and a maximum of ten mostly original documents, the section of the Act prohibiting applications is violated.

The requirement of a current photograph with name does not serve any legitimate governmental interest in identifying, locating and paying eligible individuals.

Persons of Japanese ancestry in the United States are the most documented people in the history of the Country.

Almost one-half of the identified 55,000 persons are 62 years of age or over, or disabled, and have already provided the

Government with original identifying documents to obtain social security benefits. Those who have obtained a passport have also proven their identity by submitting original documents. To again require these people to submit those same documents for their redress payments is overly burdensome, oppressive and invites indefinite delay.

The requirement for multiple levels of review and approval for certification is clearly duplicative and also will result in unnecessary delay.

Time limits for processing payments, completing case by case reviews and appeals are totally lacking. Such time limits are absolutely necessary to insure the protection of these rights that have been so long sought and finally secured after the efforts and sacrifices of thousands of people.

PART II

§74.1 (Purpose)

Change to: "The purpose of this part is to implement sections 101, 103, 104, 105 and 108 of the Civil Liberties Act of 1988, which makes restitution to certain individuals of Japanese ancestry who suffered from race discrimination and fundamental violations of their basic civil liberties and constitutional rights between December 7, 1941, and June 30, 1946."

Comment: This more accurately embodies the purpose of the Act as reflected in Section 2 of Public Law No. 100-383, 50 U.S.C. app. §1989a, and reflects the fact that Congress enacted

the Civil Liberties Act of 1988 to provide compensatory remedy to identified victims of past race discrimination.

§74.2(d) [definition of "child of an eligible individual"]

Change to: "means a natural child whose paternity has been recognized by the parent or by a court, a step-child who lived with the eligible person in a parent-child relationship, and an adopted child."

Comment: This change to the definition of natural child clarifies the use of the word "recognized" to be consistent with the Conference Report. This provision has also been restructured to parallel the language in §105(a)(7)(C)(ii) which is clearer than the proposed regulation. In addition, it drops the use of the word "regular" in describing the parent-child relationship, which is ambiguous and unnecessary. The Conference Report indicates that Congress intended to include any step-child who "lived in the household" of the eligible individual.

Clarification needed: An additional clarification is needed as to whether the use of "natural child" or "adopted child" in this definition includes natural and adopted children of an eligible person in cases where the eligible person's parental rights were terminated through adoption proceedings.

§74.2(i) (definition of "parent of an eligible individual")

Change: This definition should be modified to parallel the definition of a "child" of an eligible individual.

Clarification needed: Clarification is also needed here as to whether a parent of an eligible person whose parental rights

were terminated through adoption is eligible for compensation as a survivor.

§74.2(k) [definition of "spouse of an eligible individual"]

Clarification needed: As drafted, this definition is ambiguous. It should be clarified to make clear whether or not it includes a "former spouse" or just a present spouse.

§74.2(1) [new] -- "'Japanese ancestry' means having a direct Japanese ancestor, regardless of degree."

Comment: This parallels the use of this term by the U.S. Army. See DeWitt, Final Report -- Japanese Evacuation from the West Coast 514 (1943).

§74.3(a)(3)

Change to: "Between December 7, 1941 and June 30 1946, was --"

Comment: This is simpler and less confusing than referring to the "evacuation, relocation and internment period."

§74.3(b)(2)

Delete: All language after the word "zone".

Comment: The proposed language is inconsistent with section 108(2)(b)(ii) of the Act, which makes eligible all individuals of Japanese ancestry who were enrolled on government records as being in a prohibited military zone between December 7, 1941, and June 30, 1946. Congress' power under Section 5 of the Fourteenth Amendment allows it to remedy past private, as well as governmental, discrimination. See Fullilove v. Klutznick, 448 U.S. 448 (1980).

§74.3(b)(4)

Change to: "Individuals who between December 7, 1941, and June 30, 1946, had a domicile in a prohibited zone."

Comment: This makes clear that any persons domiciled in the prohibited zone, but who was outside the zone at the time restrictions were imposed, is eligible for redress. All these people were forced to "relocate," i.e., to give up their permanent homes for the duration of the wartime restrictions. There is simply no logical reason grounded in the statute for distinguishing between persons in the U.S. military who were domiciled in the exclusion zone, and non-military personnel such as migrant workers or students who also might be temporarily away from their place of domicile. The reference to "lost property" is unnecessary since the Act makes any person who lost property as a result of one of the enumerated acts eligible for compensation regardless of whether they were confined, held in custody, or relocated.

§73.4(b)(5)

Delete: "Were members of the Armed Forces of the United States at the time of the evacuation and internment period and"

Comment: Again, there is no basis in the statute for distinguishing between individuals in the military and others. The statute makes eligible for compensation any person who was deprived of liberty or property by a governmental act solely on the basis of Japanese ancestry. It would be improper to convert

this remedy for past discrimination into a reward for military service.

§74.3(b)(7)

Change: "Individuals born to persons confined, held in custody, relocated, or otherwise deprived of liberty under the conditions enumerated in subsection (a)(4)(i)(a)(4)(ii) of this section, while their mother was so confined, held in custody, relocated or otherwise deprived of liberty."

Comment: As proposed by the Department, this subsection would exclude, without reason, children born in Department of Justice internment camps.

§74.5(a)

Add: "(9) Department of Defense
 (10) Department of the Treasury
 (11) Department of State
 (12) U.S. Postal Service or United States
 Postal Commission"

§74.6

Add: "(4) resided or was domiciled in a prohibited zone during the period December 7, 1941, to June 30, 1946."

Change: "(4) Other" to "(5) Other."

§74.7

Delete: (a) through (c)

Change: (d) to (a) and (e) to (b).

Add: "(c) After the first appropriation of funds to the Civil Liberties Public Education Fund, the Administrator will publish in the Federal Register on March 31, June 30, September 30 and December 31, of each year, the birthdate of the claimant for whom the Assistant Attorney General for Civil Rights most recently had certified payment."

Comment: This will allow claimants and their representatives to determine if a particular claim had been overlooked by the Administrator. This is essential to ensure that individuals are not overlooked by mistake.

§74.8

Change: "when funds are appropriated for payment" to "when sufficient funds are appropriated to the Civil Liberties Public Education Fund to allow additional payments to eligible individuals".

Comment: This simply adds clarity.

§74.11(a)

Delete: "to the Assistant Attorney General of the Justice Management Division"

Comment: Excessive layers of review will increase delay, without adding significant protections to the government.

§ 74.12

Delete (a) and (b) and combine into one sentence.

Comments: This change will make it clear that the oldest persons are to be paid first with survivors if applicable. That section contained in (b) is unintelligible.

§ 74.13 [Payments to Survivors]

Change "is deceased" to "dies on or after August 10, 1988."

Delete the word "only".

Comments: This change makes it clear that survivors are those of the persons who died on or after August 10, 1988. The word "only" is unnecessary.

§ 74.14

Delete entire section.

Comments: This section lists documentation. This information is contained in the appendix where other documents are listed. Documents are not mandated by the Act which also forbids applications be required.

§ 74.15 [Notice of Right to Appeal]

Add after "writing of the determination:"

"specifying the basis of the finding of ineligibility"

Comments: The need for specific bases of ineligibility is critical to the individual's right to know what deficiencies have been found to correct or change the determination.

§ 74.16

Delete all language after "5808" to the end of the section.

Add "The Attorney General shall include with the notice of finding of ineligibility a short simple Redress Appeal Form to be completed by the individual and a self-addressed properly marked envelope, postage free, which can be used to initiate an appeal."

Comments: The requirement that the individual properly mark

both the envelope and the letter is overly burdensome. If both documents are not properly labeled the request for appeal could be misrouted and the time for filing an appeal expire causing the individual to lose the right of appeal but for an improperly labeled envelope or written request for appeal.

§ 74.17

Add after "on his behalf shall" the words "within 15 days of receipt".

Add (c) "Advise the individual of the decision on appeal."

Change (c) to (d). Delete the word "or" after the word "informed".

Add after the word "informed" "and payment shall be made within five days of the determination."

(e) After the word "appeal": "and will constitute the required exhaustion of administrative remedies as a condition precedent to pursuing a court action."

Comments: This addition will allow an individual to proceed without delay to pursue a court remedy.

Comments on documents required.

The Acts specifically prohibits the Attorney General from requiring applications. A sworn declaration constitutes the prohibited application.

The documents required are duplicative, cumulative and overly burdensome. Their requirement will cause innumerable delays, confusion, frustration and represent a presumption of

dishonesty or untrustworthiness on the part of Japanese Americans or persons of Japanese ancestry.

The requirement of a current photograph with name cannot satisfy any legitimate Governmental purpose in identifying, locating and paying eligible individuals.

The Act requires the Attorney General to use records already possessed by the United States Government, the obvious purpose of such a clear, unequivocal provision is to place the burden of identification and location upon the Government not on the eligible persons.

Respectfully submitted,



Jerry Enomoto
Chair
JACL-Legislative Education Committee



JoAnne H. Kagiwada
Executive Director
JACL-Legislative Education Committee

July 7, 1989



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July 4, 1989

Miss Valerie O'Brien
Office of Redress Administration
Civil Rights Division
U. S. Department of Justice
Washington, D.C. 20530

RE: REDRESS PAYMENTS REGULATIONS

Dear Miss O'Brien:

Pursuant to the invitation in the Federal Register for June 14, 1989, for comments from interested parties regarding the Proposed Rules for redress payments for eligible persons of Japanese ancestry (The Civil Liberties Act of 1988), Public Law 100-383, 102 STAT. 903, on behalf of the Go For Broke National Veterans Association (GFB NVA), an umbrella national organization of honorably discharged American veterans, most of whom are of Japanese ancestry who served in World War II, I am respectfully submitting our views and thoughts on the statute and proposed rulemaking. As no doubt you are aware, we are, and have been, among the most ardent advocates of this long-over-due legislation.

As the Washington Representative for these war veterans, I was involved in every phase of both the advocacy and the enactment of the laws establishing the Commission on Wartime Relocation and Internment of Civilians and the resultant Civil Liberties Act. Previously, as the Washington Representative of the Japanese American Citizens League (JACL), I lobbied for the passage of the so-called Japanese American Evacuation Claims Act of 1948 and its amendments and was deeply involved in its full implementation. Prior to that period of my Washington responsibilities to the JACL, and prior to my volunteering and service in the 442nd Regimental Combat Team, I served as the National Secretary of the JACL in those unhappy times that included participation in those activities variously described as the evacuation, exclusion, relocation, and resettlement.

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As you may also be aware, on April 14, 1989, at the Buena Park Hotel in Buena Park, California, Administrator Robert Bratt of your Office of Redress Administration (ORA) spoke at our luncheon and outlined how effectively and expeditiously your agency was seeking out and locating evacuees who were eligible for the individual payments authorized by that corrective and remedial statute, a record which we praised and lauded. Thereafter, we proposed to Mr. Bratt three additional groups of now surviving veterans whom we believed were entitled to the individual payments and one general proposal that would apply to all evacuees.

During the past few weeks, my wife and I returned from more than six weeks overseas, visiting Japan and the several islands of Hawaii, visiting with many Americans, including veterans of our Armed Forces in World War II who were legitimately concerned as to their eligibility for individual payments. Within the last few days I came across the Federal Register explanations and proposed rulemaking, including those which were being prepared by the Legislative Education Committee of the Japanese American Citizens League for its submission to your Office.

While our general concerns reflect theirs, our submission will try to limit themselves to those which more specifically and directly relate to those of American veterans of Japanese origin who also were the innocent victims of the racist actions of our own military in the hope that they will be resolved and corrected within the spirit of the redress solatium formula which we believe the Congress and the President intended. Of course, being among the surviving citizens ourselves, we hope and trust that all of the suggestions advanced not only by us but also the JACL will be reviewed "with liberality, giving full consideration to the findings of the Commission (On Wartime Relocation and Internment of Civilians) and the statement of the Congress set forth in section 2(a) ... because of any discriminatory act of the United States Government against such individual which was based solely on the individual's Japanese ancestry and which occurred during the evacuation, relocation, and internment period."

For the purposes of these comments, they will be divided into two general sections, one dealing with the questions of eligibility and the other with the issues of procedural proposals. Though probably unfair, however, having personally experienced the legalities, technicalities, and unnecessarily prolonged administrative implementation of the 1948 Evacuation Claims Act by many insensitive, uncompromising, and legalistic bureaucrats, I am fearful of any unwarranted repetition. Those melancholy memories, unfortunately, continue to haunt me and may cause me to perceive and analyze these subject matters in their most extreme forms. Though such reactions on my part may not be useful in every sense, nevertheless, they should serve to warn us about the possibilities of repeating such errors in these more opportune and enlightened times insofar as congressional redress is concerned.

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Eligibility of Certain Nisei Veterans for Individual Payments.

At our Buena Park Hotel meeting this past April, without prejudicing and/or prejudging any other potential payees, the GFB NVA unanimously endorsed and verbally requested Administrator Bratt to favorably consider and approve for individual redress payments three categories of deserving honorably discharged Nisei veterans of World War II. He apparently approved the requests.

According to the I. Standards of Eligibility section of the Proposed Rules published in the Federal Register, Vol. 54, NO. 113, page 25293, June 14, 1989, these categories would seem to be included as prospective payees, as "...some individuals who were members of the U. S. Armed Forces on or before mandatory evacuation on March 31, 1942, and not discharged from duty by that date, and whose domiciles were in excluded areas, would be determined to be eligible under section 108(2)(B)(i) as persons 'otherwise deprived of liberty or property' as a result of the acts enumerated in subsections (I), (II), and (III). The Western Defense Command Public Proclamation No 11, dated August 18, 1942, excluded all Japanese citizens and aliens from Military Area No. 1 and the California portion of Military Area No. 2 without first securing written permission of the Western Defense Command. As a result, there were some soldiers who were unable to reenter unauthorized zones and safeguard their property. Such persons, as well as those whose property was confiscated by the government, were 'deprived of property' as a result of the exclusion policy.

"This issue was raised in the Attorney General Adjudication for the Japanese American Evacuation Act of 1948. In Hitoshi Oda, 1 Adjudications of the Attorney General 361 (No. 146-35-16597, November 5, 1954), it was held that persons of Japanese ancestry who were members of the Armed Forces and sustained property losses as a result of the exclusionary policy were as much entitled to compensation under the Act as if they had been evacuated to assembly centers and relocation centers with the other members of their families. Therefore, in the statutory language of the Act and the given purpose of the Act, such persons are deemed eligible for redress.

"Furthermore, some Japanese American soldiers were 'deprived of liberty' by virtue of the fact that regulations prohibited them from entering relocation centers to visit their family members or forced Japanese American soldiers to submit to undue restrictions amounting to a deprivation of liberty prior to visiting their families. (This group could also include a small percentage of members of the Armed Forces of Japanese ancestry from Hawaii whose families were interned.)"

Since it is clear from the proposed rulemaking that members of the Armed Forces on or before the mandatory evacuation date whose domiciles were in the excluded areas and were unable to reenter unauthorized zones to safeguard their property were "deprived of liberty or property" and, therefore, qualified as "eligible individuals," we believe that it follows

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reasonably and logically, as well as legally, that those members of the 100th Infantry Battalion and of the Military Intelligence Service, many being from the then Territories of Hawaii and Alaska, are also "eligible individuals" for the token \$20,000 solatium authorized by the Civil Liberties Act even though they themselves and/or members of their families were not interned.

These surviving members of the 100th Infantry Battalion and the Military Intelligence Service (MIS), as well as their many more comrades from excluded West Coast military zones, were sent to train in Camp McCoy, Wisconsin, and Camp Savage and Fort Snelling, Minnesota, respectively. If they needed to return to their incarcerated families for any reason, including taking care of medical needs or properties, they were forbidden to do so because of the constraints of the Western Defense Command. Indeed, we have been told of wounded GIs who could not receive hospitalization in the Territories of Hawaii and Alaska, or even in the excluded areas of the West Coast, because all persons of Japanese ancestry, alien and nonalien alike, were barred from certain Pacific Coast military zones and could not even pass through such areas for compassionate and/or convalescent purposes.

Since there is little doubt that the heroics of the Japanese American soldier, from the mainland prison camps and the excluded military zones, as well as from Hawaii and Alaska, proved the innate Americanism and loyalty of those of Japanese ethnicity and provided the main arguments for corrective and remedial legislation and litigation after the war, there can be no question of their qualifications for this token redress. After all, the 442nd and the 100th proved at the cost of some 309% casualties that they were the most decorated military unit in American military history for their size and length of service, while those in MIS, serving as the eyes and ears of the American Army and Navy in the Pacific, are credited by Chief of Intelligence for General of the Armies MacArthur as saving millions of casualties, billions of dollars, and shortening the Pacific War by more than a year. As many lawmakers and even the Chief Executive told us, without the unprecedented gallantry of these Japanese American soldiers, there could have been no redress legislation.

Presidential Statement of Congressional Intent.

At an informal discussion last fall with the family of one of the principal sponsors of this legislation, it was proposed that the Congress and/or the President should send to every evacuee family some statement attesting to their loyalty to the United States during World War II and expressing the apology of the Nation for their mistreatment during that period. The proposer thought that such a statement should be sent to every family whose members were the victims of evacuation, whether they received any redress payment or not, as a matter of right and of official record.

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The April 15 meeting of the GFB NVA unanimously endorsed that resolution and proposed it to Administrator Bratt. A recent news story reported that Administrator Bratt was also considering an idea to include with the redress check an apology on White House stationery signed by the President.

In order that there may be no mistake that the congressional statement of redress applied to all Japanese Americans who were the victims of the 1942 tragedy, and not just those more fortunate few who survived until August 10, 1988, we Nisei war veterans renew our suggestion that the President issue to every family who suffered the World War II evacuation and its aftermath an appropriate citation, certificate, or letter to the effect that he has officially signed into law the official statement of the Congress apologizing on behalf of the Nation for that unwarranted and unjustified act of 1942. Indeed, such a presidential statement might well include the official congressional explanation for their redress actions, as "The Congress recognizes that, as described by the Commission on Wartime Relocation and Internment of Civilians, a grave injustice was done to both citizens and permanent resident aliens of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II. As the Commission documents, these actions were carried out without adequate security reasons and without any acts of espionage or sabotage documented by the Commission, and were motivated largely by racial prejudice, wartime hysteria, and failure of political leadership. The excluded individuals of Japanese ancestry suffered enormous damages, both material and intangible, and there were incalculable losses in education and job training, all of which resulted in significant human suffering for which appropriate compensation has not been made. For these fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry, the Congress apologizes on behalf of the Nation."

Public Law 100-383, 100th Congress
The (Mineta-Matsunaga) Civil Rights Act of 1988
Bill H.R. 442 Passed House September 17, 1987
Bill S. 1009 Amended, Passed Senate April 20, 1988
H.R. 442 Conference Report, Agreed to by Senate, July 27, 1988
H.R. 442 Conference Report, Agreed to by House, August 4, 1988
H.R. 442 Conference Report, Signed by President, White House,
August 10, 1988

Some Seemingly Excessively Onerous and Burdensome Regulations.

As noted earlier in this statement, because of my earlier close relationship with the workings of the 1948 Japanese American Evacuation Claims legislation, I am constantly reminded in reading the proposed regulations for the instant statute of our rather sorry experience with the earlier effort, though I recognize that that program had to do with

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actual monetary claims, while the current measure has to do with an effort to redress some wartime grievances. At the same time, I must acknowledge that the JACL as an organization and I as its Washington Representative oftentimes praised the Department of Justice and its officers for the manner in which they handled that endeavor.

Our confession, if this is what they are, is that the public plaudits were deliberately and desperately publicized as a means to try to speed up the completion of the program at a critical time when the majority of the evacuees had just recently left their wartime incarceration and with often less than they owned then they emigrated to our western shores with great dreams and hopes, they were struggling to locate funds or loans with which they might start anew to restore and repair their interrupted lives in their old hometowns which had "chased them out as unwanted" when the Pacific War began or in new surroundings and circumstances that were as strange and alien to them as when they arrived in America half a century earlier.

Most of the resident aliens were then in their late fifties and early sixties, with their Nisei sons and daughters averaging a little more than 20 years of age. Too many had spent their twilight and most productive years in prison-like camps earning maximum wages of \$12, \$16, and \$19 a month, while attempting to stretch their lifetime savings, if any were left, to have their near adult children leave the camps for educations at friendly yet inexpensive high schools and colleges and universities. Others had to expand what they had, or could borrow, to prevent often unscrupulous caretakers from stealing or cheating them out of their homes, farms, machinery, equipment, stores, shops, etc.

When we suggested as early as 1947 that a claims program was in order, the President's Committee on Civil Rights quickly agreed with us and President Truman requested as early as that year that the Congress consider such corrective legislation. When we questioned the language of the proposals, we were told that we had "nothing to worry about" because those in the Federal bureaucracy were personally friendly to the concept and were not sympathetic to the spirit and objectives of such remedial measure. Even though the words might sound adversarial and legalistic, we were assured that an understanding and informal administration would "interpret" and "implement" the statute in such a way as to satisfy our supporters and us. Naively and confidently we accepted in good faith that which we were told.

The awful truth was that the technicalities, the legalities, the formalities, the discretions, and the "timelessness" were all decided as if we were engaged in a complicated, legal battle with hard-headed, hair-splitting attorneys who acted as if they were defending the National Treasury against raids by enemy armies.

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Even in the early stages, when the evacuee-claimants believed that a more or less benevolent government was to administer the program, only 23,689 claims were filed with the Attorney General's Office, for an aggregate amount of only \$131,949,176. Illustrating the care with which the evacuees filed their claims is that 2,413 were for less than \$500, 3,385 for between \$501 and \$1,000, and 8,409 for between \$1001 and \$2,500, or fewer than 60% were for less than \$2,500. By the time the final claim was paid in 1965, more than 17 years after the claims legislation had been passed, more than 23,000 claims amounting to almost \$38 million were paid, or an estimated less than ten cents per dollar lost. Initially, administrative expenses were so high that it was costing the government some \$62,500 to pay a claim for \$450.

We are mindful that the 1948 claims act and the 1988 redress effort are not identical or comparable statutes. Individual property or other losses are not an item to be considered in the instant legislation. Nor are the replacement or other costs. There is little, if any adversarial issues to be resolved, for the 1988 statute seeks to provide a modicum of redress for certain wrongs that were committed in World War II, rights that cannot be evaluated in monetary terms or replaced summarily. The measure of the grievance to be redressed cannot be measured and/or even determined on an individual basis. Moreover, the spirit and intent of the Congress, as well as of the President, is clearly evident. And Congress and the people, as well as governments, now consider civil rights and liberties an inalienable human privilege to be honored by all.

Thus, in considering Public Law 100-383, we are somewhat appalled when we contrast the relatively generous liberality in determining the eligibility of those who may be entitled to the individual redress payments contrasted to the obviously more cumbersome distressing regulations regarding the processing procedures to be adhered to before actual payments can be made.

This redress law is not a criminal statute devised to find suspects, or to separate the worthy from the unworthy. Its beneficiaries are not among those who seek to defraud or steal from the National Treasury, or to take unlawful advantage of their fellow citizens. This unprecedented legislation, authorized by the Constitution itself, was designed and calculated by the Congress to provide symbolic redress to the extent possible for some of the real grievances endured by those of Japanese origin in this country during a period of hate, hysteria, and warmongering, when our normal constitutional guarantees and safeguards suffered wartime aberrations. Americans of Japanese ancestry do not look upon these payments as a means of embarrassing the country, or causing it ill, or plundering its wealth, or wrecking its economy. Japanese Americans simply view redress as the constitutional means to express a national apology for a grave violation of civil and human rights.

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Miss Valerie O'Brien
Office of Redress Administration
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The law specifically mandates the Attorney General, using available resources and funds, to identify and locate "eligible individuals" who meet the qualifications to receive redress payments. No eligible person is required to apply for such eligibility, even though such individuals may notify the Attorney General and volunteer any documentation if they so desire. But the statute does not require any sworn declaration or documentation to be submitted by a prospective payee. If the Attorney General follows his orders, he should locate the vast majority of eligible persons. In fact, the ORA rightfully boasts of its success in identifying and locating the overwhelming majority of eligibles.

Of those who have been found thus far, it follows that most, if not all, are eligible and qualified for the authorized payments. No documentation is necessary or proper, including original birth certificates, for it must be concluded that the Attorney General in first identifying and locating these individuals at least determined pro forma eligibility; otherwise, he would not have decided their qualifications.

To require additional documentation implies distrust and disloyalty, which the Congress did not imply or require. Indeed, such demands smack of the automatic presumption of disloyalty and distrust which the military in World War II resorted to as the principal justification for our evacuation, exclusion, and relocation. We veterans resent such presumptions. If any assumptions are justified, it is one of absolute integrity and honor and the onus of proving that distrust should be on the Attorney General, and not on the evacuees. After all, more than 33,300 of us provided that presumption completely invalid on the battlefields of World War II, as did many thousands more in the evacuee camps where they lived disciplined and devoted lives in spite of the machinations of a few malcontents and the misgivings of many in government.

If my memory serves me correctly, of the more than 33,000 who claimed monetary losses of property under the 1948 Evacuation Claims Act, the Department of Justice, try as it did, could not in more than a decade and a half find more than one minor "pots and pans" claimant to charge with fraud, even though there were thousands of claims in the tens of thousands and even million dollar cases. And in that single instance, involving as I remember it an elderly Issei in Denver, the jury promptly found him "not guilty." Japanese Americans, were, and will remain basically an honest and trustworthy part of our citizenry unless forced to be otherwise by the vicious suspicions of others.

Additional documentation, extra forms, duplicate copies, original certificates, photographs, etc., should not be necessary when these relatively elderly individuals send for their checks. Already, most of them have many forms of positive identification, such as drivers' licenses, social security cards, passports, credit cards, etc. And if they are valid for business and credit purposes, certainly the government can give them credence.

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Miss Valerie O'Brien
Office of Redress Administration
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And what is more, these additional information forms add not only to the costs to the individuals but even more to that of the government, not only in money but also in administrative time. When our national budget is so far in debt, and governmental costs continue to increase at astronomical speeds, we are confident that the Federal Government and the Congress would appreciate any reductions however minute through the elimination of unnecessary activities and waste of time, energy, and money.

It may be instructive that Edward J. Ennis, one of the leading Justice Department attorneys involved throughout in these wartime matters, when informed of the enactment of this corrective and remedial statute, declared that in his judgment once the Attorney General notified an individual that he was considered eligible for a redress payment, that evacuee should be able to respond, under the penalty of perjury, that he is the party so identified and that he is prepared to receive his check immediately. Treasury should then forward that redress payment forthwith.

It was his contention that such a simple procedure would satisfy the Congress and would quickly and inexpensively complete a program already more than 40 years tardy. Fraud and duplication of payments would not become problems in his judgment unless they are created or invited by the stipulated procedures or regulations, for the amount involved is so trivial as to discourage any efforts to deceive or defraud.

Although we agree with an appeals procedure, we do not believe that the ultimate or final authority should be with the Attorney General; we strongly believe that a recourse to the judicial system is justified since constitutional redress is at stake and such action should not be trivialized merely for the sake of expedience.

Moreover, we urge that the regulations set time limitations for notification and payment, as well as for the appeal procedure. We also recognize the necessity for editing and re-editing the regulations for the sake of uniformity and consistency not only with the spirit and intent of the law but also with the modifications and alterations proposed in these and other legitimate "comments."

Finally, we need to keep in mind at all times that Congress itself established a timetable for the completion of this entire program when it approved an appropriations schedule for not more than \$500 million for any fiscal year. Therefore, we cannot afford to squander any more time than absolutely essential to complete the rulemaking procedures and regulations and begin the payment of the individual token redress as promptly as feasible. Already, more months than was contemplated as recently as last fall have passed and the final regulations are not yet in order.

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Miss Valerie O'Brien
Office of Redress Administration
Page 10

Only last year Congress and the President approved a straight-forward, simple, uncomplicated redress program which can, and should, be completed within the next few years. With the prospective beneficiaries of this token yet symbolic effort rapidly dying, and with the budgetary and fiscal deficits mounting, there is neither the time nor the funds to create a formal, on-going bureaucracy to redress the wrongs of almost half a century ago. And the President and the Congress should not be offered an opportunity to sidetrack or delay their solemn pledge.

We must insist that the congressional challenge of \$500 million a year in appropriations for the individual payments, plus the additional few millions for finding, identifying, and paying the surviving victims their redress solatiums as a matter of constitutional right and governmental grace and goodwill, be met on a timely and emergency basis by the American people and government. To accomplish less would be to violate the legislative and executive intent and would embarrass America's promise to the world that our democracy can -- and truly does -- correct its mistakes and aberrations in law enforcement by redressing as best we can our victims of injustice, prejudice, and warmongering.

Remember, redress delayed is justice denied. And justice denied makes a mockery of the redress that Congress so proudly enacted and the President so universally proclaimed less than a year ago.

Before the 50th anniversary, in 1995, of the end of that wartime tragedy which caused our Nation to enact special legislation for the surviving victims of that shameful episode in our history, let us pledge ourselves anew to the successful conclusion of this painful experience with our redress travail and assure that never again will there be a repetition of those awful times when constitutional due process and civil and human rights are ignored and violated. The price of even token redress is so high and difficult to attain that neither we nor any other people or nation can afford the cost of redressing such inhuman and illegal acts, regardless of the circumstances or conditions threatened.

Respectfully submitted,

Mike M. Masaoka
Suite 520, 900 17th Street, Northwest
Washington, D.C. 20006

for the

GO FOR BROKE NATIONAL VETERANS ASSOCIATION

COPY

Speaker
DANIEL J. KIHANO
Vice Speaker
EMILIO S. ALCON
Majority Leader
TOM OKAMURA
Majority Floor Leader
PETER K. APO

HOUSE OF REPRESENTATIVES THE FIFTEENTH LEGISLATURE

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813



DISTRICT REPRESENTATIVES

1st — JERRY L. CHANG
2nd — HARVEY S. TAJIRI
3rd — WAYNE METCALF
4th — DWIGHT Y. TAKAMINE
5th — VIRGINIA ISBELL
6th — MIKE O'KIEFFE
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10th — ROZ BAKER
11th — DANIEL J. KIHANO
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23rd — BARBARA MARUMOTO
24th — FRED HEMMINGS, JR.††
25th — CALVIN K.Y. SAY
26th — LES IHARA, JR.
27th — BRIAN T. TANIGUCHI
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48th — HENRY HAALILIO PETERS
49th — PETER K. APO
50th — EZRA R. KANOHO
51st — BERTHA C. KAWAKAMI

May 17, 1989

The Honorable Daniel K. Inouye
Senator, US Congress
722 Hart Senate Office Bldg.
Washington, D.C. 20510

Dear Senator Inouye:

I transmit herewith a copy of House
Resolution No.64, which was adopted
by the House of Representatives of the
Fifteenth Legislature of the State of Hawaii,
Regular Session of 1989.

Very respectfully,

Gerald I. Miyoshi
Clerk, House of Representatives

†Minority Leader

††Minority Floor Leader

HOUSE RESOLUTION

RECOGNIZING FEBRUARY 19 AS A "DAY OF REMEMBRANCE" OF THE SIGNING OF EXECUTIVE ORDER 9066 AND THE SUBSEQUENT INTERNMENT OF AMERICANS AND RESIDENT ALIENS OF JAPANESE ANCESTRY DURING WORLD WAR II.

WHEREAS, on February 19, 1942, Executive Order 9066 was passed authorizing the relocation and internment of Americans and resident aliens of Japanese ancestry by the United States government; and

WHEREAS, as a result of this action more than 120,000 Americans and resident aliens of Japanese ancestry were taken from their homes and shipped to internment centers to live out the rest of the war behind barbed wire fences; and

WHEREAS, in June 1983 the United States Congressional Commission on Wartime Relocation and Internment of Civilians reported that a grave injustice was done to both citizens and permanent resident aliens of Japanese ancestry by the evacuation, relocation, and internment these individuals; and

WHEREAS, the Commission concluded that these actions were not justified by reasonable security needs, but were motivated in part by racial prejudice and wartime hysteria; and

WHEREAS, the Commission recognized that those who were subjected to relocation and resettlement were forced to undergo tremendous suffering, including deplorable living conditions, inadequate medical care, lack of educational opportunities, and irretrievable loss of precious religious artifacts; and

WHEREAS, for these fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry we must, as Americans, feel both apologetic and aggrieved; and

WHEREAS, in acknowledgement of this injustice, in 1988 the President signed into law the Civil Liberties Act, which provides for an official apology by Congress on behalf of the American people to those individuals of Japanese ancestry who were unjustly deprived of their civil liberties by the government, as well as a small monetary compensation; and

H.R. NO. 64

WHEREAS, since it is often said that remembrance of the mistakes of the past is the only way to prevent their reoccurrence, it is important not only that Americans acknowledge the injustice that was done, without cause, to those of Japanese ancestry during World War II but also that Americans never forget what was done; and

WHEREAS, to ensure that we do not forget, the Honolulu Chapter of the Japanese American Citizens League is sponsoring a "Day of Remembrance" gathering at Sand Island Park on Sunday, February 19, 1989, the anniversary of the signing of Executive Order 9066; now, therefore,

BE IT RESOLVED by the House of Representatives of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, that the Legislature recognizes February 19, 1989 as a "Day of Remembrance" to remind the residents of Hawaii that such injustices must never happen again, and to encourage residents to celebrate their civil rights and to be vigilant against diminution of these rights; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, to each member of Hawaii's Congressional delegation, to the Governor, and to the president of the Honolulu Chapter of the Japanese American Citizens League.

OFFERED BY:

Roland M. Kotani

Kenneth K. Kishi

Mike Ima

Dan K. H. H.

James M. H.

David Y. H.

Carol J. H.

Seamus A. H.

Calvin K. H.

FEB 09 1989

RICHARD S. H. WONG
PRESIDENT

JAMES AKI
VICE-PRESIDENT

GERALD T. HAGINO
MAJORITY LEADER

ANTHONY CHANG
DONNA IKEDA
ELOISE YAMASHITA TUNGPALAN
ASSISTANT MAJORITY LEADERS

RUSSELL BLAIR
MAJORITY FLOOR LEADER

LEHUA FERNANDES SALLING
DENNIS NAKASATO
ASSISTANT MAJORITY FLOOR LEADERS

ANN KOBAYASHI
MAJORITY POLICY LEADER

BERTRAND KOBAYASHI
MIKE MCCARTNEY
MALAMA SOLOMON
ASSISTANT MAJORITY POLICY LEADERS

MARY GEORGE
MINORITY LEADER

RICK REED
MINORITY FLOOR LEADER

FIRST DISTRICT
ANDREW LEVIN

SECOND DISTRICT
RICHARD M. MATSUURA

THIRD DISTRICT
MALAMA SOLOMON

FOURTH DISTRICT
MAMORU YAMASAKI

FIFTH DISTRICT
RICK REED

SIXTH DISTRICT
RON MENOR

SEVENTH DISTRICT
GERALD T. HAGINO

EIGHTH DISTRICT
MIKE MCCARTNEY

NINTH DISTRICT
STANLEY T. KOKI

TENTH DISTRICT
MARY GEORGE

ELEVENTH DISTRICT
DONNA R. IKEDA

TWELFTH DISTRICT
STEVE COBB

THIRTEENTH DISTRICT
BERTRAND KOBAYASHI

FOURTEENTH DISTRICT
ANN KOBAYASHI

FIFTEENTH DISTRICT
MARY-JANE McMURDO

SIXTEENTH DISTRICT
RUSSELL BLAIR

SEVENTEENTH DISTRICT
ANTHONY K. U. CHANG

EIGHTEENTH DISTRICT
MILTON HOLT

NINETEENTH DISTRICT
DENNIS M. NAKASATO

TWENTIETH DISTRICT
RICHARD S. H. WONG

TWENTY-FIRST DISTRICT
NORMAN MIZUGUCHI

TWENTY-SECOND DISTRICT
ELOISE YAMASHITA TUNGPALAN

TWENTY-THIRD DISTRICT
MIKE CROZIER

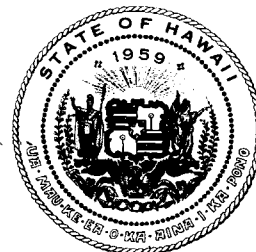
TWENTY-FOURTH DISTRICT
JAMES AKI

TWENTY-FIFTH DISTRICT
LEHUA FERNANDES SALLING

CHIEF CLERK
T. DAVID WOO, JR.

The Senate
The Fifteenth Legislature
of the
State of Hawaii

STATE CAPITOL
HONOLULU, HAWAII 96813



May 15, 1989

Daniel K. Inouye
United States Senator
722 Hart Senate Office Bldg.
Washington, D.C. 20510

Dear Senator Inouye:

I transmit herewith a copy of Senate Concurrent
Resolution No. 5 which was adopted by the Senate of
the State Hawaii Regular Session of 1989.

Respectfully,

T. David Woo, Jr.
Clerk of the Senate

Enclosure

FEB 16 1989

SENATE CONCURRENT RESOLUTION

URGING PROMPT PAYMENT OF REPARATIONS TO JAPANESE-AMERICAN
INTERNEES.

WHEREAS, the internment of 60,000 Japanese-American citizens during World War II due solely to unfounded fears of disloyalty has been acknowledged as an hysterical and unjust action by the United States government; and

WHEREAS, these internees lost property and businesses, in addition to suffering the unjustified stigma of disloyalty to their country; and

WHEREAS, the financial and emotional toll on these American citizens can never be fully recompensed; and

WHEREAS, Congress has authorized a payment, forty-four years later, of \$20,000 to each internee, as reparations for this unfair treatment of this group of loyal American citizens; and

WHEREAS, Congress has allocated \$1.25 billion for these reparations, with no more than \$500 million to be spent in one fiscal year; and

WHEREAS, former President Reagan drastically decreased the allocation for 1990 to \$20 million, which would stretch out the payment schedule for decades; and

WHEREAS, all the internees lost possessions and property during their internment, and many never recovered financially from their losses and need the modest reparation amount to aid in the reconstruction of their lives; and

WHEREAS, many of these internees are in their eighties and nineties who have waited for over forty-four years to receive reparations for the losses and the shame imposed on them by their internment, who cannot wait decades longer, and who should be permitted to receive the government's official recompense for their internment while they are still alive; now, therefore,

BE IT RESOLVED by the Senate of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, the House of

I, hereby certify that the foregoing is a true and correct copy of Senate Resolution No. 5, which was duly adopted by the Senate of the State of Hawaii on April 5, 1989.
Dated: May 15, 1989

S.C.R. NO. 5

Assistant Clerk of the Senate.

Representatives concurring, that President George Bush is respectfully requested to approve the expenditure of the \$500 million per year allocated by Congress for reparations to the loyal citizens of Japanese ancestry interned by their own government 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 and the members of Hawaii's congressional delegation.

OFFERED BY:

Concurrent Resolution be transmitted to the President of the United States and the members of Hawaii's congressional delegation.

OFFERED BY: Norm M. ...

Anthony L. H. Chang
Mary Genevieve Pils Reed
Linda T. ...
Mary-Jane M. ...
Elsie Y. Tungpalan
Dennis M. Nakamoto
Melanie John ...
Russell Blair
Ann Kobayashi
Mike ...

Norm M. ...
Mamoru ...
Stanley H. ...
James ...
Mike McCutcheon
Richard ...
Bruce Kopp
Walter ...
Herald T. Higgins
Richard S. ...
Donna R. ...
B. ...

SCR LRB F1833(a)

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WASHINGTON, D.C.
OFFICE MANAGER
CHERYL HAMLETT

^oA PROFESSIONAL CORPORATION
*MEMBER OF CALIFORNIA BAR
†MEMBER OF DISTRICT OF COLUMBIA BAR
‡MEMBER OF HAWAII BAR
§MEMBER OF MARYLAND BAR
††MEMBER OF PENNSYLVANIA BAR

PLEASE REPLY TO:

☒ LOS ANGELES OFFICE
☐ WASHINGTON, D.C. OFFICE

May 6, 1989

Member
United States Senate
Washington, DC 20510

Re: "The Civil Liberties Act of 1988" (P.L. 100-383)

Dear Legislator:

Please be advised that the constitutionality of Public Law 100-383 is being challenged in federal court because it violates Equal Protection. The Act benefits only individuals of Japanese descent, even though persons of German and Italian descent were similarly situated.

Case #89-00607 was filed on March 9, 1989 in the United States District Court for the District of Columbia on behalf of Arthur D. Jacobs, an American citizen of German descent. Mr. Jacobs was interned during World War II with Americans of Japanese descent at Crystal City Internment Camp in Texas. He was then a minor child of German nationals. Along with other German, Italian and Japanese families that were interned at Crystal City, Mr. Jacobs voluntarily joined his parents as they awaited deportation following the end of hostilities. American Japanese minors—children of interned Japanese nationals—also voluntarily joined their alien enemy parents at Crystal City, Texas.

Under P.L. 100-383, only Americans of Japanese descent are considered eligible for the \$20,000.00 payment awarded to each. Also eligible are Japanese alien enemies deported to Japan after the end of World War II, as well as American Japanese who

LAW OFFICES
COALE, KANANACK & MURGATROYD
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

Member, United States Senate
May 6, 1989
Page 2

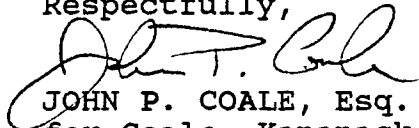
renounced allegiance to the United States during the war and requested expatriation to Japan.

The \$20,000.00 award for "human suffering" is payable only to those of Japanese descent. German and Italian families who were at Crystal City are not eligible, despite the fact that they were similarly interned.

We respectfully request that Congress refrain from appropriating any funds for any part of P.L. 100-383 until the final resolution of Mr. Jacobs's class-action suit. The Attorney General of the United States has until June 9, 1989 to respond to the Complaint.

Funding for this historic court-testing of P.L. 100-383 comes from the American War Veterans, Inc. of Anaheim, California, while the lawsuit also enjoys the support of a coalition of concerned, tax-paying American citizens comprising various civic and veterans organizations, including: Citizens for Truth, Inc.; American Ex-Prisoners of War, Inc.; the Allied Airborne Association; Pro-America; Americans for Historical Accuracy; the Pearl Harbor Commission; and the Survivors of Bataan and Corregidor, Inc.

Respectfully,



JOHN P. COALE, Esq.
for Coale, Kananack & Murgatroyd

JPC:bqs



U.S. Department of Justice

Office of Legislative Affairs

1989 MAY -5 PM 6:31

Office of the Assistant Attorney General

Washington, D.C. 20530

05 MAY 1989

The Honorable Daniel K. Inouye
United States Senate
Washington, D.C. 20510

Dear Senator Inouye:

This is in further response to your letter of April 18, 1989, to Attorney General Thornburgh, cosigned by ten of your colleagues. Your correspondence has been referred to the Office of Legislative Affairs for reply.

You expressed concern for expediency, efficiency, and fairness in implementation of the Japanese American Redress Program. Specifically, you cited two perceived hindrances to the prompt implementation of P.L. 100-383: 1.) the interpretation of the words "shall endeavor," in Section 105(b) of the Civil Liberties Act; and 2.) the absence of implementing regulations.

We share your concern for the elderly, and agree that they should receive restitution in as timely a manner as possible. We also fully understand that the intention of the legislation is to provide restitution directly to those who suffered the wrongs we now attempt to redress. Our actions, thus far, substantiate that we are making every attempt to achieve that statutory goal.

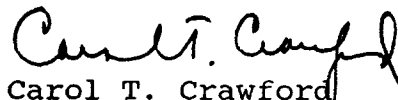
As you acknowledged, our Office of Redress Administration (ORA) has made great progress in locating and identifying those eligible to receive redress payments under this Act. From the beginning, ORA has interpreted the statutory language of "shall endeavor" as a charge to reach 100% comprehensiveness in the identification and location of eligibles; and ORA will continue on that course. However, it is not the intention of the Department to withhold payments, until a pre-determined, and impossible to know, completion point has been reached.

With regard to the publication of implementing regulations, please be assured that all reasonable measures have been taken to expedite the Departmental review of regulations drafted by the Office of Redress Administration. The pace at which the review is proceeding has not been slowed by a lack of diligence, but by this Department's obligation to interpret the Act properly, considering thoroughly the eligibility issues surrounding many

various groups. I trust you will agree that fairness and attention to detail cannot be sacrificed in the interest of speed. The proposed regulation has now reached the final stages of review, and will be published at the earliest possible date.

In closing, I want to assure you that the Department of Justice, and the Office of Redress Administration in particular, will continue to pursue implementation of Title I of the Civil Liberties Act with utmost expediency, efficiency, and fairness. Thank you for taking the time to bring these considerations to our attention. I hope that this information has sufficiently addressed your concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carol T. Crawford".

Carol T. Crawford
Acting Assistant Attorney General



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

APR 19 1969

ASSOCIATE DIRECTOR
FOR LEGISLATIVE AFFAIRS

Honorable Daniel K. Akaka
U. S. House of Representatives
Washington, D.C. 20515

Dear Mr. Akaka:

As we discussed after the Director's hearing before the Treasury, Postal Service and General Government Appropriations Subcommittee, your interpretation of the provision involving Japanese internment funding was entirely correct. The language of the Act states that the Justice Department "shall endeavor" to identify qualified beneficiaries, and does not "require" classification as a prerequisite to funding.

The Department of Justice has assured us that the identification process is proceeding swiftly and will not unduly delay payment to beneficiaries. We look forward to working with you to assure that this program continues to operate effectively.

Sincerely,

A handwritten signature in cursive script, reading "Tom Scully".

Thomas A. Scully
Associate Director for
Legislative Affairs

Congress of the United States

Washington, D.C. 20515

Here's the
final letter
to A.G.

April 18, 1989

Attorney General Richard Thornburgh
Office of the Attorney General
Room 5111
Department of Justice
Washington, DC 20530

Dear Mr. Thornburgh:

Public Law 100-383 assigns the responsibility for implementing the compensation portion of the Civil Liberties Act of 1988 to you, as Attorney General. The Department of Justice in general, and the Office of Redress Administration specifically, has done a commendable job of meeting its obligations under the law. The ORA, created shortly after the enactment of P.L. 100-383, has made great progress in identifying and locating those who may be eligible for compensation under this landmark civil rights legislation. The staff of ORA, ably led by Mr. Robert Bratt, has been aggressive, efficient and dedicated in seeking out the thousands of Americans eligible for the redress provided in P.L. 100-383. We appreciate your commitment to the proper and expeditious implementation of this law and the great success which you have achieved to date.

Congress recently reinforced its commitment to this legislation in several hearings regarding the implementation of this program, and by the recent action of the House Appropriation Committee's Subcommittee on Commerce, Justice, State, and the Judiciary to support \$250 million in compensation funds for Fiscal Year 1989 for this program.

These activities also reflect the intent of this legislation as passed by Congress and signed by President Reagan: that the compensation be distributed, as much as possible, to those who directly suffered the abrogation of rights which P.L. 100-383 seeks to redress. This means that the program be completed as quickly, efficiently and fairly as possible.

However, we are concerned about two barriers which threaten the realization of the goals of this law.

First, in our efforts to assure that those who directly suffered the evacuation and internment receive compensation before they die, the law requires that the Attorney General "shall endeavor" to pay the eldest first.

Congress of the United States

Washington, D.C. 20515

April 18, 1989

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Office of the Attorney General
Room 5111
Department of Justice
Washington, DC 20530

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Attorney General Thornburgh
April 18, 1989
Page 2

Thus, though differing interpretations of this language are circulating, it is obvious that "shall endeavor" is different than "shall," and that Congress did not intend that the program be delayed until every single eligible individual be located and identified for the purpose of a definitive ranking by age.


During the hearings this spring, those involved in writing H.R. 442 strongly rejected any interpretation which required delaying the issuance of compensation, including for the purpose of a lengthy and final identification and age ranking.

Second, we are concerned that the absence of regulations will delay the program. Proposed regulations, drafted early this year, have yet to appear in the Federal Register and are currently sitting in the Office of Legal Counsel. Since some compensation funds may be available in Fiscal Year 1989, the recipients should not have their checks delayed because of delay in the regulatory process at the Department of Justice.

We urge that these regulations be given priority so that the Civil Liberties Public Education Fund be administered in the timely and efficient manner which Congress envisioned.

We ask that you outline for us your interpretation of how the Department will meet Congress' charge to endeavor to pay the eldest first, and please give us your timetable for adopting regulations, including the date the proposed regulations will be available for public comment. Thank you.


Sincerely yours,


DON EDWARDS


DANIEL K. INOUE


HOWARD L. BERMAN


SPARK M. MATSUNAGA

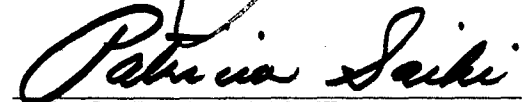

JULIAN C. DIXON



NEWT GINGRICH


DANIEL K. AKAKA


ROBERT T. MATSUI


NORMAN Y. MINETA


PATRICIA F. SAIKI


BROCK ADAMS

Congressman Akaka is seeking cosigners for the attached letter to Attorney General Thornburgh concerning the Civil Liberties Act. The letter makes two points:

1. Informs Thornburgh that Congress did not intend that all eligible individuals be identified before payments are made; and
2. Urges Thornburgh to expedite publication of regulations to implement the Civil Liberties Act.

Do you wish to sign this letter?

Yes _____

No _____

Margaret
- your order

MON. MORN. DEADLINE

April 17, 1989

Attorney General Richard Thornburgh
Office of the Attorney General
Room 5111
Department of Justice
Washington, DC 20530

Dear Mr. Thornburgh:

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However, we are concerned about two barriers which threaten the realization of the goals of this law.

First, in our efforts to assure that those who directly suffered the evacuation and internment receive compensation before they die, the law requires that the Attorney General "shall endeavor" to pay the eldest first.

~~Webster's New Collegiate Dictionary defines the word "endeavor" as "to strive to achieve or reach" and "to attempt." Thus the use of~~

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Attorney General Thornburgh
April 17, 1989

the word "endeavor" compels the Attorney General and the Department of Justice to use "best efforts" to pay the claims of the oldest eligible individuals first. It is not an imperative which prevents the Attorney General from paying any claims until all who are eligible are first identified and verified.

Thus, though differing interpretations of this language are circulating, it is obvious that "shall endeavor" is different than "shall," and that Congress did not intend that the program be delayed until every single eligible individual be located and identified for the purpose of a definitive ranking by age.

During the hearings this spring, those involved in writing H.R. 442 strongly rejected any interpretation which required delaying the issuance of compensation, including for the purpose of a lengthy and final identification and age ranking.

Second, we are concerned that the absence of regulations will delay the program. Proposed regulations, drafted early this year, have yet to appear in the Federal Register and are currently sitting in the Office of Legal Counsel. Since some compensation funds may be available in Fiscal Year 1989, the recipients should not have their checks delayed because of delay in the regulatory process at the Department of Justice.

We urge that these regulations be given priority so that the Civil Liberties Public Education Fund be administered in the timely and efficient manner which Congress envisioned.

We ask that you outline for us your interpretation of how the Department will meet Congress' charge to endeavor to pay the eldest first, and please give us your timetable for adopting regulations, including the date the proposed regulations will be available for public comment. Thank you.

Sincerely yours,

Honorable Neal Smith, Chairman
Subcommittee on Commerce, Justice,
State and the Judiciary
H-310, The Capitol
Washington, D.C. 20515

Dear Neal:

In anticipation of mark-up by your Subcommittee of a supplemental appropriation bill for FY 1989, we want to take this opportunity to urge you to approve a supplemental of \$6.4 million for the Office of Redress Administration.

As you are aware, the Administration has requested a supplemental of \$2.1 million for administrative expenses to implement the Civil Liberties Act of 1988 (P.L. 100-383). Unfortunately, this amount is woefully inadequate for the Justice Department to carry out its obligations under the law.

The Office of Redress Administration faces a tremendous responsibility in light of the statutory requirement that all redress payments be issued within ten years of the enactment of P.L. 100-383. It is therefore imperative that sufficient administrative funds be appropriated at the outset to permit the Justice Department to fulfill its obligations under this program.

The task of identifying, verifying and issuing payments to the class of 60,000 former internees is a formidable undertaking. Success in meeting these objectives will in large part depend upon whether the Office of Redress Administration receives sufficient administrative funding during the critical initial period to ensure that the redress program can be properly implemented. Most of the initial expense involves one-time, nonrecurring costs. The timely availability of these funds is essential to the efficient and successful operation of the Redress Office and the Civil Liberties Public Education Fund.

During your March 2 hearing, officials of the Justice Department confirmed that the budget request submitted to OMB for administrative costs was \$6.4 million in FY 1989 and \$6.0 million for FY 1990. The department's estimate realistically reflects the necessary costs of undertaking this effort. Data processing and other capabilities must be established in FY 1989 so that the Office of Redress Administration can assimilate the large quantities of information it has received from the public, match this information with War Relocation Records held by the National Archives, and begin verification and payment in FY 1990.

While this legislation was being considered by Congress, the Congressional Budget Office estimated that the cost of administering the program will be \$10 to \$15 million during the first year of operation. Our request for a FY 1989 supplemental of \$6.4 million is therefore consistent with both the Department

of Justice and CBO budget estimates.

We point out that administrative costs will represent approximately one percent of the cost of payments under the Civil Liberties Public Education Fund. We believe that this modest investment will guarantee the smooth and efficient management of the program. As was the case with the Administration request, we recommend that this appropriation be made without respect to fiscal year limitation. We also urge that funds be included in the earliest possible legislative vehicle that is before your Subcommittee.

Finally, we understand that the ground rules for supplementals may require that increases be offset by reductions in other programs. We would be happy to work with you to identify an appropriate offset in order to accommodate our request.

Your support for this request would be greatly appreciated.

Sincerely,

3/30/89

TO: Various Associate Staff
House Appropriations Committee

FROM: Patrick McGarey
Office of Congressman Akaka

RE: Justice Department Responses to Questions at the
March 2nd Commerce-Justice Hearing

Attached are responses from the Justice Department's Office of Redress Administration (ORA) to questions submitted during the recent Commerce, Justice, State and the Judiciary Hearing.

The highlights of these answers are as follows:

** ORA has received 53,000 contacts by phone and through the mail, of which 45,000 are estimated to be from eligible individuals (the balance of 8,000 represents duplicate contacts).

** Given a level of administrative funding that is in step with appropriations for redress payments, ORA can process payments for up to 25,000 individuals per year.

** ORA estimates that 2,000 to 2,400 eligible persons may die in the coming fiscal year. By comparison, the FY 1990 budget request would only permit payments to only 1,000 individuals.

** The age breakdown of eligible internees is as follows:

AGE	PERCENT
101 - 110 years	10
91 - 100 "	11
81 - 90 "	11
71 - 90 "	13.3
61 - 70 "	31
51 - 60 "	15.3
Under 50 "	7.5

** The Justice Department submitted a budget request for the statutory maximum of \$500 million in FY 1989 and \$500 million in FY 1990. (Note: The request for a FY 1989 supplement was denied by OMB; the FY 1990 request was reduced to \$20 million.)

** To cover administrative costs of operating the program, Justice requested an FY 1989 supplemental of \$6.4 million, and an FY 1990 appropriation of \$6.0 million. (Note: OMB reduced the FY 1989 request to \$2.1 million and the FY 1990 request to \$3.4 million.)

** At the rate of payments permitted by the FY 1990 budget request (1,000 per year), it would take 60 years to complete the program. However the program will terminate when all authorized funds have been expended within ten years, whichever is sooner.

QUESTIONS SUBMITTED BY OTHER MEMBERS OF CONGRESS

Implementation of the Civil Liberties Act of 1988

QUESTION: How many names and addresses has the Office of Redress Administration (ORA) compiled to date?

ANSWER: ORA has acquired names and identifying information for the roughly 110,000 internees that were held in War Relocation Centers. This information was obtained from War Relocation Center records held by the National Archives, and completes for ORA 95 percent of the identification process. ORA must now locate these individuals.

In order to locate eligible individuals, ORA established, and widely publicized, toll-free telephone lines and a post office box to receive voluntary information. Through these channels, ORA has received an estimated 53,000 contacts to date. This figure includes a number of duplicates, generated by individuals who may have both called and written the Office to volunteer information. ORA is now working to eliminate these duplicates and obtain a more accurate count.

The Office has also been working with the Social Security Administration to locate eligible persons. This effort has been largely successful. To date, ORA has obtained current address information for 17,500 eligible individuals, and social security numbers for 53,800 of them.

QUESTION: How many of these names do you anticipate will be eligible for compensation under this program?

ANSWER: Of the 53,000 contacts received via the toll-free lines and the post office box, ORA anticipates that over 45,000 belong to eligible individuals. This is a rough estimate derived from statistical samples. The exact number will not be known until a case-by-case examination has been conducted in the verification stage of the program.

QUESTION: It is my understanding that for those who spent time in the WRA camps, verifying their eligibility will be a straight-forward matter since the Government records on those in camp are excellent and the main question is "are you who you say you are." Apparently, there are at least 50,000 such individuals. With only such basic information needed before checks can be issued, how long will it be before the ORA verifies the eligibility and can issue checks for, say, the oldest 10,000? The oldest 25,000? The oldest 40,000?

ANSWER: Given a level of administrative funding that is in step with payment appropriations for a particular year, the Office of Redress Administration will be prepared to

provided for in appropriations. The Civil Liberties Act set a maximum annual appropriation level of \$500,000,000 for payments, enough to pay a maximum of 25,000 individuals in a single year.

QUESTION: What kind of actuarial data are you using? How many eligible people do you estimate will die over the next fiscal year?

ANSWER: We estimate that up to 200 survivors die each month. This estimate is based on data from the United States National Center for Health Statistics, and on our own information from sources such as the obituary columns of Japanese vernaculars and Japanese American community groups. At this rate, 2,000 to 2,400 eligible persons may die in the next fiscal year.

QUESTION: If an eligible person dies before receiving compensation, how much do the administrative costs increase to identify, locate and verify any eligible heirs?

ANSWER: We are unable to make more than a rough estimate of the level of increase in administrative costs at this time. However, ORA is currently undertaking an analysis that should provide a reliable projection. Within the next few months, ORA will take a sample of approximately 100 deceased eligible persons and undertake all the steps necessary to verify the eligibility of each and locate and verify the authorized beneficiaries. The results of such a test should provide us with facts necessary to determine the extent of extra administrative costs required to locate and verify statutory heirs permitted to collect under the Act.

QUESTION: What is the break-down of those eligible by age?

ANSWER: All eligible persons are now 43 years of age or older. Divided into ten-year age groups, the largest percentage of the 110,000 who were interned in the War Relocation Centers, more than 31 percent, are now between 61 and 70 years of age if surviving. The second largest group is 51 to 60 year old persons, 15.3 percent of the interned population. Another 13.3 percent is between 71 and 80 years of age. In each ten-year group from 81 to 110 years of age fall 10 to 11 percent of the original interned population, a total of roughly 32 percent. For 1989, this elderly group will be largely decreased by mortality. The remaining 7.5 percent is under 50 years of age.

QUESTION: What amount did the Justice Department recommend to OMB for the redress fund for FY 1989 and FY 1990?

ANSWER: The Department submitted a request for the

the FY 1989 budget and a request for \$500,000,000 in the proposed FY 1990 budget.

QUESTION: What were your reasons for recommending an appropriation at that level?

ANSWER: We believed that after the one-year target period for identification and location, the Department would be fully prepared to make payments. In addition, appropriations from the redress fund remain available until expended. Requesting the annual statutory maximum amount for both 1989 and 1990 would have placed the Department in a position of expeditiously making payments to a majority of the eligible recipients.

QUESTION: What amount did the Justice Department recommend to OMB for administrative costs of the redress fund for FY 1989 and FY 1990?

ANSWER: The Civil Liberties Act of 1988 was signed into law on August 10, 1988, after the Department had internally reviewed all requests for 1990 resources. Accordingly, during the final negotiation process with the Office of Management and Budget on the 1990 budget, a 1989 supplemental request for \$6.4 million was presented. In addition, a request was made to increase the Division's 1990 base by \$6 million, annualizing the proposed supplemental.

QUESTION: How long would it take to compensate all eligible internees at a funding rate of \$20 million per year?

ANSWER: There were estimated to be 60,000 surviving eligible individuals at the time that the law was signed. Funding of \$20 million is sufficient to provide 1,000 payments. At the rate of 1,000 payments per year, it would take 60 years to complete the project.

It is important to point out however, that the law does not allow the program to last more than 10 years. Section 104(d) of the Act states that "The Fund shall terminate not later than the earlier of the date on which an amount has been expended from the Fund which is equal to the amount authorized to be appropriated to the Fund. . . or 10 years after the date of the enactment of this Act." In order to continue the program for longer than 10 years, the law would have to be amended. Current long-range plans assume annual appropriations of \$171 million from the fund for seven years after 1990.

QUESTION: If the program stretches out this long, how much will this increase administrative costs and add to the complexity of administering this program?

ANSWER: Administrative costs will rise for each eligible recipient that dies prior to receiving payment, because

enactment of the law on August 10, 1988, must be compensated. Approximately 2,400 potential recipients die per year and the longer payments are delayed, the higher the administrative costs to locate and verify heirs. Furthermore, the Act mandates that survivors of eligible recipients are to be paid in the following order: spouse, equal shares to the children, and parents of the deceased. Within the next few months, ORA will take a test sample of approximately 100 deceased eligible individuals and undertake all the steps necessary to verify the eligibility of each and to locate and verify the authorized beneficiaries. The result of such a test should provide us with facts necessary to determine the extent of extra administrative costs required to locate and verify statutory heirs permitted to collect under the Act.

QUESTION: If you received an FY 1989 appropriation at the \$10 to \$15 million level recommended by CBO, how many potentially eligible individuals could you verify by the end of FY 1990?

ANSWER: That would depend on two factors. The first is the timing of the funding. If received by July 1989, ORA could prepare to process 25,000 payments for 1990. The second factor is the type of funding. ORA could operate most effectively on no-year funding, which would allow for the carry over of unexpended funding from the prior fiscal year. One-year funding at that level, especially if it arrived late in the fiscal year, would not be nearly as effective.

QUESTION: What would be the administrative cost of verifying the eligibility of all the individuals that have contacted you so far?

ANSWER: In order to make such an estimate, the Office of Redress Administration is developing a statistical model based on mortality rates that will project, over several years, the shifting proportion of payments directly to former internees versus payments to their surviving next-of-kin. ORA will also perform a test verification to determine more accurately the cost of the verification process in two types of circumstances for a surviving internee, and for statutory heirs. These cost projections can then be applied to the statistical model to yield an estimated increase in annual workload and administrative costs.

QUESTION: What information do you need to receive from an individual to determine whether he or she is potentially eligible for a payment under the Redress program?

ANSWER: Nothing is required of the individual for verification of his or her eligibility. However, to prevent any attempt at fraud, some proof of identity will be required prior for issuance of payment. Procedures for verifying the identities of recipients are being



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503
MAR 20 1989

Honorable Daniel K. Inouye
United States Senate
Washington, D.C. 20510

Dear Senator Inouye:

Thank you for your recent letter expressing your concerns for the Administration's 1990 Civil Liberties Public Education Fund's proposed appropriation. The President has asked the Office of Management and Budget to respond to you on his behalf.

The Administration is moving expeditiously to implement the Act. Activities are currently under way in the Justice Department's Civil Rights Division to identify all qualifying individuals, per Title I. Supplemental 1989 funding has been requested to further support the administrative costs associated with identifying, locating and verifying the eligibility of former Japanese internees.

The Civil Rights Division has made considerable progress in the identification/validation phase. Contacts are being made with other Federal agencies with population data to aid in the location of expected beneficiaries. Until the identification and location process is completed, the Department of Justice will not be in a position to make individual payments. That is because the law requires that funds be disbursed to eligible recipients in order of age, starting with the oldest. Obviously, the identification and location of recipients must be done both accurately and expeditiously.

Insofar as we do not expect the process of identifying and locating internees to be complete prior to the latter half of the fiscal year (FY) 1990, President Reagan's budget proposed \$20 million for 1990 to initiate the payment process. This would provide payments to 1,000 individuals at the mandated payment level of \$20,000 per individual.

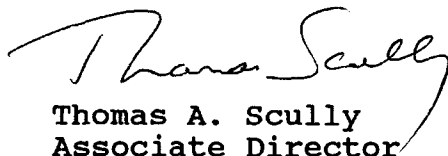
IDENTICAL LETTER SENT TO HONORABLE PATRICK J. LEAHY,
HONORABLE FRANK H. MURKOWSKI, HONORABLE JOHN KERRY,
HONORABLE PAUL SIMON, HONORABLE BARBARA A. MIKULSKI,
HONORABLE ALAN CRANSTON, HONORABLE JOSEPH R. BIDEN, JR.,
HONORABLE SPARK MATSUNAGA, HONORABLE DANIEL PATRICK MOYNIHAN,
HONORABLE BROCK ADAMS, HONORABLE JIM JEFFORDS,
HONORABLE CARL LEVIN AND HONORABLE BILL BRADLEY

Additionally, President Reagan's budget assumed payments of \$171 million per year annually, starting in 1991, until the law's authorization of \$1.25 billion is exhausted. All payments would be made within ten years, which is consistent with the statutory deadlines.

With respect to Title II, the Bush Administration is sensitive to the injustices suffered by the Aleut people of Alaska during World War II, as well as by Japanese-Americans. The part of the Budget that would fund the restitution payments is in the residual, non-defense discretionary category. Consequently, the issue of how much FY 1990 funding will be allocated to this activity will be one of the many issues that the Administration will review and negotiate with Congress as the budget process proceeds.

President Bush's budget has not altered President Reagan's budget level for this program, but the President has indicated that he will be flexible in working with the Congress regarding programs such as this. I hope this information is useful to you.

Sincerely,

A handwritten signature in cursive script, reading "Thomas A. Scully". The signature is written in dark ink and is positioned above the printed name and title.

Thomas A. Scully
Associate Director
for Legislative Affairs



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

MAR 20 1989

Senator Daniel K. Inouye
722 Hart Senate Office Building
Washington, DC 20510

Dear Senator Inouye:

This is in response to your letter to Robert Bratt, Administrator of the Office of Redress Administration, requesting information regarding implementation of the Civil Liberties Act of 1988. In anticipation of a meeting with Senate Budget Committee Chairman James Sasser, you asked that answers be provided for your questions relating to funding for the Redress program.

Your questions and our answers to them are provided below:

1) To cover administrative expenses of the Office of Redress Administration (ORA), the Reagan Administration budget requested \$2.1 million in FY 1989 supplemental funds, and \$3.081 million in FY 1990. Does the Bush Administration support the FY 1989 and FY 1990 requests? If so, how does the Bush Administration propose to offset these amounts?

A: The Bush Administration does support the FY 1989 supplemental and FY 1990 requests. The proposed offset was the Cuban-Mariel Grant Program. The total funding that has been proposed by the Office of Management and Budget and endorsed by President Bush is not \$3.081, but \$3.5 million.

2) Please describe the steps ORA is taking to identify and verify individuals eligible for compensation under the Civil Liberties Act.

A: ORA has divided the program's implementation into three phases: Identification and location, Verification, and Compensation. The Act states that the Attorney General should attempt to locate and identify all eligibles within twelve months of the signing of the law, or within twelve months of the appropriation of the necessary administrative

funds. ORA's efforts so far have concentrated on this initial phase of the program.

In order to identify eligible individuals, ORA has obtained historical records from the National Archives, which provide the names and dates of birth of an overwhelming majority of all eligible individuals. These are individuals who were detained in the War Relocation Centers, and individuals who filed "Change of Residence Cards." There may be more individuals determined to be eligible, based on the development of the regulations. These other categories of potentially eligible individuals may not be as easily identified in many cases, where records are more difficult to find. Obtaining identifying information for those in this last small portion of the potentially eligible population is expected to require additional research.

ORA is obtaining current address information from two main sources: government records, and the individuals themselves.

Working with various government agencies, ORA expects to obtain current address information for more than half of all eligibles. Some of the agencies that ORA is currently working with are the Social Security Administration, the Internal Revenue Service, state vital statistics or health bureaus, and state motor vehicle divisions.

In a further effort to obtain current address information, ORA has undertaken a major program of public outreach. This effort has been directed at the Japanese American community throughout the United States, Japan and Canada. The purpose of the outreach is two-fold: first, to inform the public about the program's existence and purpose; and second, to encourage individuals who believe that they may be eligible for payment, or who know others who may be eligible, to volunteer information to ORA. Through the Post Office Box and toll-free telephone lines established in September, 1988, ORA has received an estimated total of 52,000 contacts.

There will remain a small group of individuals whose location will require additional research. This group may be comprised of individuals who left the United States and relocated to countries other than Japan and Canada, persons whose names have changed due to marriage or divorce, persons living in remote areas who are uninformed of the redress program, or persons who died in remote or rural areas. Locating this last small percentage of eligibles is expected to be costly and time consuming.

The next phase of program implementation is Verification. The exact procedures for verification of eligibility will be outlined in the regulations. To give a rough idea, however, ORA's data base system will maintain two parallel data

files, one containing voluntary information provided by individuals, and the other containing official historical and current records such as War Relocation Authority roster lists, Social Security data and State Vital Statistic data on marriages, births, and deaths. If the information volunteered by an individual matches that found in the official historical and current records, verification for that individual will be a brief and straight-forward process. If the data is incomplete, or if the eligible passed away after the law was enacted, additional research will be required to either complete the file or to identify, locate, and verify the eligible heirs.

3) Please provide me with a breakdown of the amount of funds required by ORA to complete the verification of all eligible individuals.

A: The \$2.1 million supplemental appropriation in FY 1989 and the \$3.5 million appropriation proposed for the FY 1990 budget are sufficient for ORA to make the one thousand payments in 1990 from the \$20 million proposed for redress payments in the FY 1990 budget.

In the coming months ORA will be planning and preparing for the verification process. This preparation should equip ORA to provide informed estimates for the administrative costs of verification over a several year period, taking into account the rising number of payments to statutory heirs of internees. Until such estimates have been made, I regret that a more definitive answer to this question cannot be given.

4) Please provide me with a breakdown of the costs incurred to date by ORA.

ORA FY 1989 expenditures through February are as follows:

PERSONNEL104,611
Administrator, Deputy Administrator,
and a staff of six, including benefits.

CONTRACTOR SUPPORT.600,000
Automated system development and implementation;
data collation and processing of all voluntary
information received; processing of responses.

OUTSIDE RESEARCH CONSULTANTS.46,385

RENTAL SPACE.45,834

TRAVEL.29,421

SUPPLIES, EQUIPMENT, & POSTAGE	39,527
PRINTING & TRANSLATION.	26,450
TOLL-FREE PHONE LINES	26,336
REIMBURSEMENTS TO OTHER GOV'T.AGENCIES.	25,802
Includes fees paid to SSA and the National Archives for services and information.	
TOTAL (FY 89 year to date through February) . . .	<u>944,366</u>

I hope that this information proves sufficient in answering your questions. Thank you for your interest and for your ongoing support.

Sincerely,



Thomas M. Boyd
Assistant Attorney General

United States Senate

SUITE 722, HART SENATE BUILDING
WASHINGTON, DC 20510
(202) 224-3934
FAX (202) 224-6747

March 13, 1989

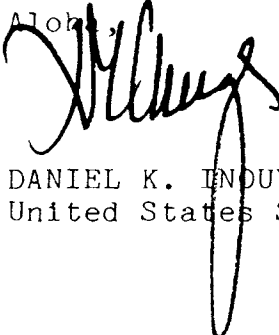
Mr. Bob Bratt
Administrator
Office of Redress Administration
Department of Justice
Washington, D.C. 20530

Dear Mr. Bratt:

I plan to meet with Senate Budget Committee Chairman James Sasser in the near future concerning funding for the Civil Liberties Act of 1988. In anticipation of this meeting, I would appreciate the following information:

- 1) To cover administrative expenses of the Office of Redress Administration (ORA), the Reagan Administration budget requested \$2.1 million in FY 1989 supplemental funds, and \$3.081 million in FY 1989. Does the Bush Administration support the FY 1989 supplemental and FY 1990 requests? If so, how does the Bush Administration propose to offset these amounts?
- 2) Please describe the steps ORA is taking to identify and verify individuals eligible for compensation under the Civil Liberties Act.
- 3) Please provide me with a breakdown of the amount of funds required by ORA to complete the verification of all eligible individuals.
- 4) Please provide me with a breakdown of the costs incurred to date by ORA.

Given the urgent nature of this matter, I would appreciate receiving your response by Friday, March 17. Thank you for your assistance.

Aloha,

DANIEL K. INOUE
United States Senator

DKI:mbd

RECEIVED FEB 23 1989

ERNEST F. HOLLINGS
SOUTH CAROLINA

COMMITTEES:
APPROPRIATIONS
BUDGET
COMMERCE
INTELLIGENCE

United States Senate

WASHINGTON, D.C. 20510

February 20, 1989

Ms. Rita Takahashi
JACL-LEC
1730 Rhode Island Avenue, NW
Washington, D.C. 20036

Dear Ms. Takahashi:

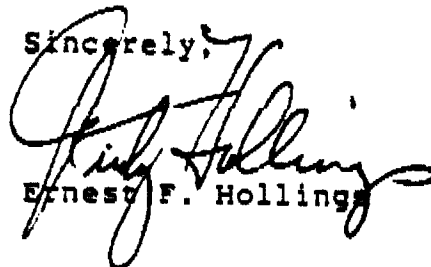
Thank you for your letter expressing your opposition to the funding of the Wartime Reparations Act. As one who spoke out in opposition to and voted against enactment of this legislation, I certainly appreciate your taking the time to write and share with me your thoughts on its implementation.

As you know, this Act entitles the payment of \$20,000 in reparation to those residents of Japanese ancestry interned in the United States during World War II and has a total cost of \$1.2 billion. The President's FY 1990 budget recommends \$20 million to begin funding the Civil Liberties Education Fund, from which the payments will be made to eligible individuals.

Like you, I opposed the enactment of the Wartime Reparations Act because I believe we should not attach a monetary value to human suffering. How then do we monetize the suffering of, for instance, the soldier killed in action, or the black man who fought on the front line yet returned home to sit in the back of the bus? In contrast, I believe there can be no more meaningful and valuable compensation to internees than the solemn apology of the American people expressed by their Congress and President.

As Chairman of the Senate Appropriations Subcommittee with jurisdiction over the funding of the Civil Liberties Education Fund, please be assured I will have your comments in mind as this matter is debated. With a \$1 billion federal budget deficit, and the competing pressures of adequately funding law enforcement activities and the war on drugs, I am not convinced that implementing this legislation is a wise and prudent decision.

Sincerely,



Ernest F. Hollings

EFH/dbs

United States Senate

SUITE 722, HART SENATE BUILDING
WASHINGTON, DC 20510
(202) 224-3934
FAX (202) 224-6747

February 2, 1989

President George Bush
The White House
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20500

Dear Mr. President:

We were pleased to see you in the forefront of the Reagan-Bush administration as the first official to publicly state support for the Civil Liberties Act of 1988, which provides redress for Americans of Japanese ancestry who were summarily denied their rights during World War II because of their race. Thus, we believe that you share our serious concern about the inadequate funding level proposed for the implementation of the Civil Liberties Act of 1988 in President Reagan's Fiscal Year 1990 budget.

In keeping with your support for this legislation, and for civil rights in general, we strongly urge you to request a higher level of funding for this important program in your budget.

Thousands of eligible Americans who waited more than 40 years for justice are now, obviously, aging. Many are in their 80s and 90s. Of the 60,000 estimated potentially eligible individuals, the Department of Justice's Office of Redress Administration has identified approximately 40,000 to date. President Reagan's budget proposal will compensate only 1000 eligible individuals. This is less than the estimated number of eligible individuals who will die during that same year.

Clearly, this level of funding is inadequate. Congress intended to compensate eligible individuals in as timely a manner as possible. These Japanese Americans survived the painful experience of the internment camps, of the loss of their property and their dignity during the war, as well as enduring an unjustified presumption of disloyalty to our country. They have waited decades for justice. It would be sad and ironic if they never received compensation because funds had not been appropriated before they died. Yet, that is exactly the situation this current proposal creates.

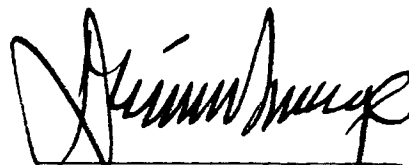
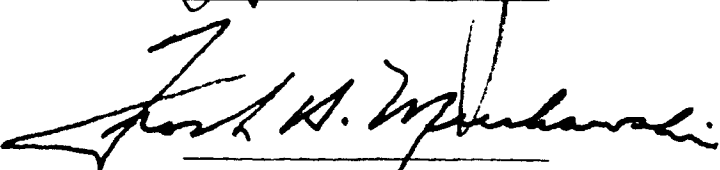
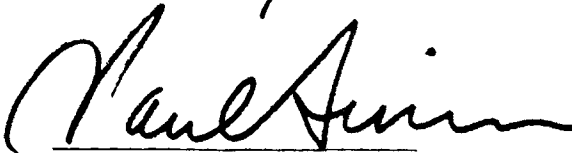
In addition, from a pragmatic viewpoint, as more and more eligible individuals die, the administrative costs multiply exponentially with the added burden of tracking down and verifying the limited heirs permitted under the law. The basic principle behind this bill is to compensate those who personally suffered. To do so requires a far greater level of funds than the \$20 million proposed for fiscal year 1990.

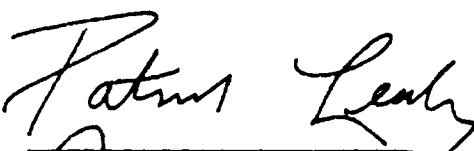
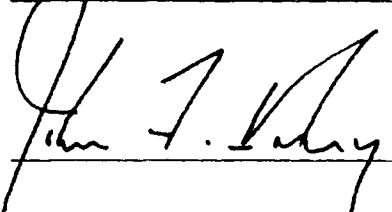

As you know, the Civil Liberties Act of 1988 also provides restitution for the Aleut people of Alaska who suffered profound injustices when they were relocated from their homes to temporary camps during World War II. There are approximately 450 Aleuts living today who are eligible for per capita payments, and the legislation further provides appropriate compensation for Aleut community property losses. President Reagan's Fiscal Year 1990 budget provides only \$300,000 toward these obligations, and a significantly greater level of funds will be required to meet our responsibilities to the Aleut people.

Therefore, we urge you to increase the funding for compensation and administration under the Civil Liberties Act of 1988 in your Fiscal Year 1990 budget.

Thank you for your consideration of this matter.

Sincerely,

Alan Hamilton

Frank B. Baturaga

Bob Adams

Carl Levin

BEI Bider

AS Moynihan

Jim Jeffords

Bruce Bradley

NORMAN Y. MINETA
MEMBER OF CONGRESS
13TH DISTRICT, CALIFORNIA

DEPUTY WHIP

COMMITTEES:
PUBLIC WORKS AND
TRANSPORTATION
SUBCOMMITTEE ON AVIATION
CHAIRMAN

SCIENCE, SPACE, AND TECHNOLOGY

Congress of the United States
House of Representatives
Washington, DC 20515

WASHINGTON OFFICE:
2350 RAYBURN HOUSE OFFICE BUILDING
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TELEPHONE (202) 225-2631

DISTRICT OFFICE:
SUITE 310
1245 SOUTH WINCHESTER BOULEVARD
SAN JOSE, CA 95128-3983
TELEPHONE (408) 984-8045

January 31, 1989

President George Bush
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

Dear Mr. President:

We were glad to see you in the forefront of the Reagan-Bush administration as the first official to publicly state support for the Civil Liberties Act of 1988, which provides redress for Americans of Japanese ancestry who were summarily denied their rights during World War II because of their race.

Thus, we believe that you share our serious concern about the inadequate funding proposed for the implementation of the Civil Liberties Act of 1988 in President Reagan's Fiscal Year 1990 budget.

We strongly urge you to propose in your budget and to support a higher level of funding for this important program, a level more in keeping with your support for this legislation, and for civil rights in general.

The thousands of eligible Americans who have waited more than 40 years for justice are now, obviously, aging. Many are in their 80s and 90s.

The eligible individuals to be compensated under Mr. Reagan's proposal would total 1,000 -- which is also estimated to be far less than the number of eligible individuals who will die during that same year.

Clearly, this level of funding is inadequate. Congress' intent was that compensation be provided in as timely a manner as possible. We should not encourage the sad and ironic situation where someone who waited decades for justice, and who survived at least until August 10, 1988, would never see the compensation because funds had not been appropriated before they died. Yet that is exactly the situation this current proposal creates.

In addition, pragmatically, as more and more eligible individuals die, the administrative costs multiply exponentially with the added burden of tracking down and verifying the limited heirs permitted under the law.

President Bush
January 31, 1989

The basic principle behind this bill is that compensation go directly to those who personally suffered. To do so requires a far greater level of support than the \$20 million so far proposed for Fiscal Year 1990.

Therefore, we urge you to increase the funding for compensation and administration under the Civil Liberties Act of 1988 in the Fiscal Year 1990 budget. Thank you for your consideration.

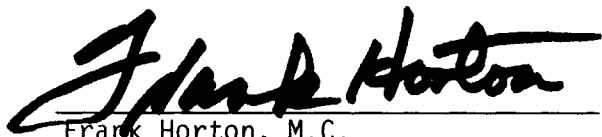
Sincerely yours,



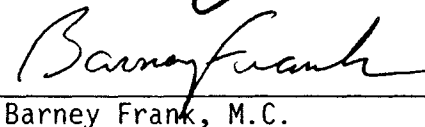
Patricia F. Saiki, M.C.



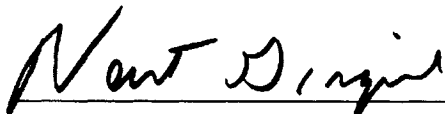
Norman Y. Mineta, M.C.



Frank Horton, M.C.



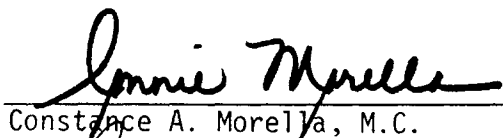
Barney Frank, M.C.



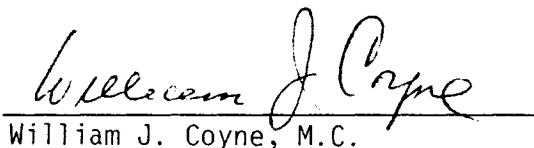
Newt Gingrich, M.C.



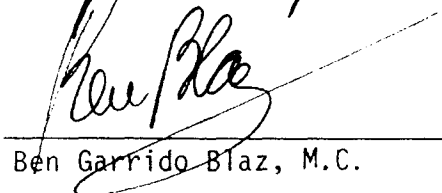
Don Edwards, M.C.



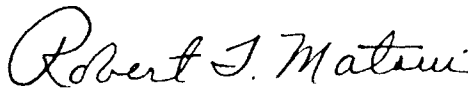
Constance A. Morella, M.C.



William J. Coyne, M.C.



Ben Garrido Blaz, M.C.



Robert T. Matsui, M.C.

January 24, 1989

President George Bush
The White House
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20500

Dear Mr. President:

We were pleased to see you in the forefront of the Reagan-Bush administration as the first official to publicly state support for the Civil Liberties Act of 1988, which provides redress for Americans of Japanese ancestry who were summarily denied their rights during World War II because of their race. Thus, we believe that you share our serious concern about the inadequate funding level proposed for the implementation of the Civil Liberties Act of 1988 in President Reagan's Fiscal Year 1990 budget.

In keeping with your support for this legislation, and for civil rights in general, we strongly urge you to request a higher level of funding for this important program in your budget.

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Clearly, this level of funding is inadequate. Congress intended to compensate eligible individuals in as timely a manner as possible. These Japanese Americans survived the painful experience of the internment camps, of the loss of their property and their dignity during the war, as well as enduring an unjustified presumption of disloyalty to our country. They have waited decades for justice. It would be sad and ironic if they never received compensation because funds had not been appropriated before they died. Yet, that is exactly the situation this current proposal creates.

President George Bush
January 24, 1989
Page -2-

In addition, pragmatically, as more and more eligible individuals die, the administrative costs multiply exponentially with the added burden of tracking down and verifying the limited heirs permitted under the law. The basic principle behind this bill is to compensate those who personally suffered. To do so requires a far greater level of funds than the \$20 million proposed for fiscal year 1990.

Therefore, we urge you to increase the funding for compensation and administration under the Civil Liberties Act of 1988 in your fiscal year 1990 budget.

Thank you for your consideration of this matter.

HERE IS THE DRAFT
I MENTIONED - PLEASE
CALL ME WITH QUESTIONS,
COMMENTS, ETC.
THANKS!
CAROL

January 24, 1989

President George Bush
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

Dear Mr. President:

We were glad to see you in the forefront of the Reagan-Bush administration as the first official to publicly state support for the Civil Liberties Act of 1988, which provides redress for Americans of Japanese ancestry who were summarily denied their rights during World War II because of their race.

Thus, we believe that you share our serious concern about the inadequate funding proposed for the implementation of the Civil Liberties Act of 1988 in President Reagan's Fiscal Year 1990 budget.

We strongly urge you to propose in your budget, and to support a higher level of funding for this important program, a level more in keeping with your support for this legislation, and for civil rights in general.

The thousands of eligible Americans who have waited more than 40 years for justice are now, obviously, aging. Many are in their 80s and 90s.

The eligible individuals to be compensated under Mr. Reagan's proposal would total 1,000 -- which is also estimated to be the number of eligible individuals who will die during that same year.

Clearly, this level of funding is inadequate. Congress' intent was that compensation be provided in as timely a manner as possible. We should not encourage the sad and ironic situation where someone who waited decades for justice, and ~~who~~ survived at least until August 10, 1988, would never see the compensation because funds had not been appropriated before they died. Yet, that is exactly the situation this current proposal creates.

In addition, pragmatically, as more and more eligible individuals die, the administrative costs multiply exponentially with the added burden of tracking down and verifying the limited heirs permitted under the law.

The basic principle behind this bill is that compensation go directly to those who personally suffered. To do so requires a far

greater level of support than the \$20 million (so far) proposed for Fiscal Year 1990.

Therefore, we urge you to increase the funding for compensation and administration under the Civil Liberties Act of 1988 in the Fiscal Year 1990 budget. Thank you.

Sincerely yours,

DANIEL K. INOUE
HAWAII

PRINCE KUHIO FEDERAL BUILDING
ROOM 7325, 300 ALA MOANA BOULEVARD
HONOLULU, HI 96850
(808) 541-2542
FAX (808) 541-2549

United States Senate

SUITE 722, HART SENATE BUILDING
WASHINGTON, DC 20510
(202) 224-3934
FAX (202) 224-6747

January 26, 1989

OK

Dr. Jack Estes
84 Pukihae St., #1105
Hilo, Hawaii 96720

Dear Dr. Estes:

I received your letter concerning funding for the Civil Liberties Act. Thank you for sharing your thoughts on this matter with me.

The fiscal year 1990 budget proposed by President Reagan included \$20,000,000 for the implementation of the Civil Liberties Act.

If the U.S. government is to act expeditiously, as it should, in providing ~~reparations~~ ^{redress} payments as authorized by law to former internees, the level of appropriations in fiscal year 1990 must be much higher than the \$20 million requested in the Administration budget. There is no reason for delay. It is my understanding that the Justice Department has already identified at least half of the estimated 60,000 surviving former internees. Obviously, most of them are at advanced ages.

I pledge to do my best, as a member of the Senate Appropriations Committee, to secure a much more realistic level of appropriations this session. However, in order to succeed, we must continue to actively lobby, educate and persuade others of the compelling need for these funds.

Aloha,

DANIEL K. INOUE
United States Senator

DKI:mcd

cc: Mr. William Kikuchi