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The other part of this history is the impact of these events on Americans of Japanese descent. The damage done by this country to its own citizens and residents is a mosaic made up of thousands of lives and thousands of personal histories. The Commission's hearing record is replete with searing and painful testimony. There was the economic loss of farms and homes sold in distress circumstances, of elderly people having to start from scratch a second time after the war, of families detained in camps without employment and unable to meet tax and mortgage and insurance payments; of education and careers disrupted. An analysis of the economic losses suffered as a consequence of the exclusion and detention was performed for the Commission. It is estimated that, as a result of the exclusion and detention, in 1945 dollars the ethnic Japanese lost between \$108 and \$164 million in income and between \$41 and \$206 million in property for which no compensation was made after the war under the terms of the Japanese-American Evacuation Claims Act. Adjusting these figures to account for inflation alone, the total losses of income and property fall between \$810 million and \$2 billion in 1983 dollars. It has not been possible to calculate the effects upon human capital of lost education, job training and the like.

Over time and with perseverance material losses may be repaired, but the hidden scars of lives damaged by the exclusion and detention remain. Each individual excluded from the West Coast to spend two and a half years behind barbed wire carries his own marks from that time. For people who knew their innocence



and the injustice of their treatment the burden was not light. They bore the stigma of having been branded potentially disloyal, the deprivation of liberty and the loss of the common decencies of daily life. An essential foundation of our government -- the citizen's trust that the government will deal with him individually and fairly -- was deeply damaged. The injuries inflicted by the country on these citizens were different in kind from the suffering and loss which the Second World War brought to all Americans.

In Hawaii, we did things differently. Despite the Pearl Harbor attack, there was no exclusion or detention of any significant number of Japanese Americans. Calmer minds with a better sense of justice prevailed and today neither the material nor the intangible injuries of the Japanese Americans on the mainland remain to haunt us in Hawaii. We also showed more restrained behavior with respect to people of German descent. Despite six months of intense submarine warfare along the Atlantic Coast which destroyed massive amounts of American shipping, we escaped the violent reaction against all things German which had marked World War I. In both these circumstances, we showed confidence in the principles of our government and they met the test of wartime conditions.

No recommendations which this Commission has made, no statute that Congress may enact, can undo this history. No redress to Japanese Americans can assure that we will not repeat the errors of 1942. What happened after Pearl Harbor is particularly



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sobering because men of the greatest stature with careers of the most distinguished public service -- Democrat and Republican; conservative and liberal; judges, legislators and cabinet members; the President himself -- were personally involved in a course of action which today we can only find gravely unjust and deeply injurious. The bulwark of our Constitution did not withstand it.

It is well within our power, however, to provide remedies for violations of our own laws and principles. This is one important reason for the several forms of redress which the Commission has recommended. Another is that our nation's ability to honor democratic values even in times of stress depends largely upon our collective memory of lapses from our constitutional commitment to liberty and due process. Nations that forget or ignore injustices are more likely to repeat them.

With regard to American citizens and residents of Japanese descent, the Commission has made five recommendations:

1. The Commission recommends that Congress pass a joint resolution, to be signed by the President, which recognizes that a grave injustice was done and offers the apologies of the nation for the acts of exclusion, removal and detention.

2. The Commission recommends that the President pardon those who were convicted of violating the statutes imposing a curfew on American citizens on the basis of their ethnicity and requiring the ethnic Japanese to leave designated areas of the West Coast or to report to assembly centers. The Commission



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further recommends that the Department of Justice review other wartime convictions of the ethnic Japanese and recommend to the President that he pardon those whose offenses were grounded in a refusal to accept treatment that discriminated among citizens on the basis of race or ethnicity. Both recommendations are made without prejudice to cases currently before the courts.

3. The Commission recommends that Congress direct the Executive agencies to which Japanese Americans may apply for the restitution of positions, status or entitlements lost in whole or in part because of acts or events between December 1941 and 1945 to review such applications with liberality, giving full consideration to the historical findings of this Commission. For example, the responsible divisions of the Department of Defense should be instructed to review cases of less than honorable discharge of Japanese Americans from the armed services during World War II over which disputes remain, and the Secretary of Health and Human Services should be directed to instruct the Commissioner of Social Security to review any remaining complaints of inequity in entitlements due to the wartime detention.

4. The Commission recommends that Congress demonstrate official recognition of the injustice done to American citizens of Japanese ancestry and Japanese resident aliens during the Second World War, and that it recognizes the nation's need to make redress for these events, by appropriating monies to establish a special foundation.



The Commissioners all believe a fund for educational and humanitarian purposes related to the wartime events is appropriate, and all agree that no fund would be sufficient to make whole again the lives damaged by the exclusion and detention. The Commissioners agree that such a fund appropriately addresses an injustice suffered by an entire ethnic group, as distinguished from individual deprivations.

Such a fund should sponsor research and public educational activities so that the events which were the subject of this inquiry will be remembered, and so that the causes and circumstances of this and similar events may be illustrated and understood. A nation which wishes to remain just to its citizens must not forget its lapses. The recommended foundation might appropriately fund comparative studies of similar civil liberties abuses or of the effect upon particular groups of racial prejudice embodied by government action in times of national stress; for example, the fund's public educational activity might include preparing and distributing the Commission's findings about these events to textbook publishers, educators and libraries.

5. The Commissioners, with the exception of Congressman Lungren, recommend that Congress establish a fund which will provide personal redress to those who were excluded, as well as serve the purposes set out in Recommendation 4. Appropriations of \$1.5 billion should be made to the fund over a reasonable period to be determined by Congress. This fund should be used, first, to provide a one-time per capita compensatory payment of \$20,000 to



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each of the approximately 60,000 surviving persons excluded from their places of residence pursuant to Executive Order 9066. The burden should be on the government to locate survivors, without requiring any application for payment, and payments should be made to the oldest survivors first. After per capita payments, the remainder of the fund should be used for the public educational purposes discussed in Recommendation 4 as well as for the general welfare of the Japanese American community. This should be accomplished by grants for purposes such as aid to the elderly and scholarships for education, weighing, where appropriate, the effect on the exclusion and detention on the descendants of those who were detained. Individual payments in compensation for loss or damage should not be made.

The fund should be administered by a board, the majority of whose members are Americans of Japanese descent appointed by the President and confirmed by the Senate. The compensation of members of the board should be limited to their expenses and per diem payments at accepted governmental rates.

The fundamental justification for these recommendations can be found in the history which the Commission reported in Personal Justice Denied. A few basic points deserve emphasis in summation. Congress directed the Commission to review the treatment of American citizens and residents by the American government. The Commissioners deplore the methods and the record of Japan's armed forces during World War II; but it must be kept clearly in mind that the American citizens who were sent to



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Manzanar or Poston were no more responsible for Pearl Harbor and the Bataan Death March than German Americans were for the invasion of France or the bombing of Britain. The American principle that a person is judged as an individual and not by the native country of his grandparents must not be allowed to become a casualty of war.

A free act of apology to those who were unjustly excluded and detained during the war is an important act of national healing. If we are unwilling as a nation to apologize for these events, we will deliver a message to the thousands of loyal Americans who were held in the camps that will be bitter indeed. We will be affirming after forty years that the American values of due process and equality before the law without regard to ethnicity or race are only rhetorical values and that in times of stress stress small minorities should harbor no hope that those principles will protect them from the fear and anger of their neighbors or the heavy hand of their government. Such a result is a threat to the liberty of all Americans.

In addressing monetary payments, two points must be borne in mind. First, the Commission was asked to recommend appropriate remedies; not simply ordinary and usual remedies. For events as unusual and extraordinary as these one can only expect an extraordinary response. Nevertheless, it must be clearly remembered that measures of this sort have been enacted in the past. The Indian Claims Act of 1946 which allowed the Indian tribes to



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present their historical claims of illegal or inequitable treatment by the government is the most obvious precedent; very substantial monetary payments have been made to the Indians under that statute.

Second, the justification for monetary payments need not rest solely on an argument as to whether the initial acts of 1942 were totally unjustified. One need only look at the last eighteen months of exclusion and detention. By the middle of 1943 there was no conceivable threat of attack on the West Coast from Japan. Fifteen months of incarceration had provided ample time to identify spies and saboteurs if there were any of significance. Secretary Stimson and Mr. McCloy had concluded that there were no military reasons justifying the exclusion of the loyal from the West Coast. Nevertheless, the Japanese Americans were not allowed to go home until the end of 1944 and most of them spent those eighteen months behind barbed wire. It's hard to imagine circumstances more clearly justifying compensation from the government.

Mr. Chairman, on behalf of all the Commissioners I want to thank you for inviting me here this morning and I assure you that we will seek to help you in any way that we can with regard to future hearings and legislation that the committee may take up.