

STATEMENT OF THE
HONORABLE DANIEL K. AKAKA
BEFORE THE
SUBCOMMITTEE ON COMMERCE, JUSTICE,
STATE AND THE JUDICIARY

APRIL 5, 1989

PUBLIC LAW 100-383, THE CIVIL LIBERTIES ACT OF 1988

Mr. Chairman and Members of the Subcommittee, I appreciate this opportunity to appear before you today to testify on behalf of the thousands of Japanese Americans waiting for justice to be served under the Civil Liberties Act of 1988, P.L. 100-383.

When Congress gave its resounding approval to the Civil Liberties Act of 1988, it signaled to this nation and to the world that the Constitution, upon which this country is based, insures freedom and protection for all its citizens. There are many compelling reasons why the 100th Congress enacted this legislation. Perhaps then Vice President Bush summed it up best when he said that it was "only fair that our country provide apologies and reparations to those Japanese-Americans who were interned during World War II.

Mr. Chairman, the Civil Liberties Act of 1988 was a pact between the United States Government and those unfortunate individuals who were unjustifiably evacuated, relocated and interned during World War II. By this agreement, the United

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States Government apologized for the grave injustice and warrantless deprivation of liberty suffered by U.S. citizens and resident aliens of Japanese ancestry. We vowed that such violations of civil liberties would not recur, and obligated ourselves to provide restitution for the hardships and losses they suffered.

The Administration has requested a supplemental of \$2.1 million for administrative costs in FY 1989. This amount is insufficient to allow the Justice Department to fulfill its obligations under P.L. 100-383. The formidable task of identifying, verifying and issuing payments to the estimated 60,000 former internees depends on the Office of Redress Administration (ORA) receiving adequate funding during this critical initial period.

On March 2, officials of the Justice Department testified before this Subcommittee that the budget request submitted to the Office of Management and Budget (OMB) for administrative costs was \$6.4 million in FY 1989 and \$6.0 million for FY 1990. This realistic estimate reflects the necessary start-up costs involved in undertaking this enormous effort. Data processing and other capabilities need to be established so the ORA can process the large quantities of information it has received from the public, and other federal agencies.

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In addition, the Congressional Budget Office (CBO) estimated that the cost of administering this program would run between \$10 and \$15 million during the first year of operation. Therefore, a FY 1989 supplemental of \$6.4 million is consistent with both the Department of Justice and CBO budget estimates. \$6.0 million will be needed in FY 1990 to cover administrative costs. It is essential that the timely availability of funds be secured so that ORA can conduct an efficient and effective program.

Mr. Chairman, I would also like to address the need for funding for the Civil Liberties Public Education Fund. As you know, the legislation calls for up to \$500 million in fiscal year 1990 and subsequent years to pay redress claims to the estimated 60,000 Japanese-American internees who were alive at the time the bill was signed into law.

Regrettably, the Administration has failed to live up to the mandate of P.L. 100-383. The Justice Department submitted a request of \$500 million to OMB for this program. This was in recognition of the fact that the law requires full and timely payment of redress to former internees. However, the OMB budget submission for the redress fund prevents the Justice Department from responsibly complying with the requirements of the Civil Liberties Act of 1988.

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The Administration's request for \$20 million would allow only 1000 eligible individuals to receive redress payments. The grim reality is that for each month restitution is delayed, two hundred internees are expected to die. Over seventy percent of the eligible internees are sixty years or older; waiting additional years for justice to be served would defeat the spirit and intent of this legislation and increase program costs tremendously.

The Justice Department estimated that it would take 60 years to complete the program at funding of \$20 million per year. However, under the law, the program will expire after 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 enactment of this Act." Administrative costs will rise as payments are delayed, because the Act mandates that survivors of eligible recipients are to be paid restitution.

Mr. Chairman, the budget request of \$20 million amounts to a slap in the face to those who only months ago were given the government's solemn apology. I ask you to reject the budget request and fulfill our obligations by providing for a budget level of \$500 million in fiscal year 1990, the full amount

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authorized by law.

Once again, I would like to thank the Subcommittee for allowing me to share my concerns on this issue, and commend you for your interest and consideration of this important matter.