

1 --RESOLUTION--

2 ESTABLISHING THE JAPANESE AMERICAN CONSTITUTIONAL  
3 STUDIES COMMISSION

4 STATEMENT OF FINDINGS AND PURPOSE

5 Section I Whereas, on February 19, 1942, 120,000  
6 Americans of Japanese ancestry were expelled and  
7 incarcerated into American concentration camps by  
8 Executive Order 9066 and;

9 Whereas this government of the United States re-  
10 vealed through its investigation in the Munson Re-  
11 port of November 1941, and reports by Army and Na-  
12 val Intelligence and the Federal Bureau of Investi-  
13 gation, that Japanese Americans possessed an extra-  
14 ordinary degree of loyalty to the United States,  
15 and;

16 Whereas, the military achievements of the Japanese  
17 Americans have been echoed in the Congressional Re-  
18 cord of June, 1963, and;

19 Whereas, the President of the United States pro-  
20 claimed, in rescinding Executive Order 9066 on  
21 February 19, 1976, "We now know what we should have  
22 known then - not only was the evacuation wrong, but  
23 Japanese Americans were and are loyal Americans,"  
24 and;

25 Whereas some thirty-seven years have now passed  
26 without a thorough inquiry into the treatment of  
27 Japanese Americans in this dark chapter of American

1 Constitutional history;

2 Now, therefore, be it resolved by the Senate and  
3 House of Representatives of the United States of  
4 American in Congress assembled, that Congress is  
5 desirous of determining whether a legislative reme-  
6 dy should be pursued; that the Evacuation Claims  
7 Act of 1948 which addressed itself only to property  
8 losses was grossly inadequate; and that the tragedy  
9 experienced by Americans of Japanese ancestry dur-  
10 ing World War II is a travail that should not be  
11 visited upon any American, individually or as a  
12 group, strictly on the basis of race, religion,  
13 color, national origin, or attitudes, regardless  
14 of the exigencies of the moment or the crisis that  
15 may be confronting the Nation; and that a Commis-  
16 sion of distinguished American citizens should be  
17 convened to advise the Congress on all matters per-  
18 taining to this inquiry.

19 Section II A There is hereby established the  
20 Japanese American Constitutional Studies Commission  
21 (hereafter referred to as the "Commission")

22 B It shall be the purpose of the Commission to  
23 conduct inquiry into the following areas:

24 1. Whether as a consequence of the omission of  
25 the U.S. Supreme Court to rule upon the question  
26 of the suspension of Civil liberties from the au-  
27 thority of Executive Order 9066 and the subsequent

1 21 March Act of 1942, in the Korematsu, Hirabayashi,  
2 Yasui, and part of the Ex Parte Endo cases, grave  
3 injustices resulted to Americans of Japanese ances-  
4 try;

5 2. Whether the injustices suffered by American of  
6 Japanese ancestry during World War II at the hands  
7 of the United States government from their mass ex-  
8 pulsion and unauthorized detention (Ex Parte Endo)  
9 in American concentration camps caused great per-  
10 sonal suffering and humiliation to loyal American  
11 citizens;

12 3. Whether it is the responsibility of this govern-  
13 ment to insure that the Civil liberties of Ameri-  
14 cans are preserved pursuant to Section 1982, Title  
15 42, U.S.C., and whether Americans of Japanese an-  
16 cestry were deprived of their civil liberties on  
17 the basis of ancestry alone, and whether it is im-  
18 perative that the American government redress the  
19 violations of human rights and dignity suffered by  
20 loyal Americans for their mass expulsion and in-  
21 carceration; and,

22 4. Whether the Congress must seek ways to insure  
23 governmental excess of this nature does not reoccur  
24 and;

25 5. Whether appropriate redress action will serve  
26 to reinforce and make more credible the posture of  
27 the United States as the stalwart for human rights

1 in the world.

2 6. It is therefore the purpose of this resolution  
3 to provide for the formation of a Commission to con-  
4 duct public hearings throughout the United States,  
5 wherein lives a significant population of Japanese  
6 Americans.

7 ESTABLISHMENT OF THE COMMISSION

8 Section III A The Commission shall be composed of

9 1. A total of fifteen members appointed by the  
10 President, of whom 10 shall be from a list of not  
11 less than 20 names submitted to the President by  
12 the Japanese American Citizens League (JACL). One  
13 of the members shall be Japanese American;

14 2. Two Members of the House of Representatives, to  
15 be appointed at the beginning of each Congress or  
16 upon the occurrence of a vacancy during a Congress  
17 by the Speaker of the House of Representatives;

18 3. Two Members of the Senate, to be appointed at  
19 the beginning of each Congress or upon the occur-  
20 rence of a vacancy during a Congress by the Pre-  
21 sident pro tempore of the Senate.

22 4. Members of the Commission who are not full-time  
23 officers or employees of the United States and who  
24 are not Members of Congress shall, while serving  
25 on business of the Commission, be entitled to re-  
26 ceive compensation, at rates fixed by the President,  
27 but not exceeding the rate specified at the time of

1 such service for Grade GS-18 in section 5332 of  
2 Title 5, United States Code, including travel time;  
3 and while so serving away from their homes or re-  
4 gular places of business, all members of the Commis-  
5 sion may be allowed travel expenses including per  
6 diem in lieu of subsistence, as authorized by Sec-  
7 tion 5703 of Title 5, U.S.C., for persons in Govern-  
8 ment service employed intermittently.

9 5. A majority of the members of the Commission  
10 shall constitute a quorum, but a smaller number, as  
11 determined by the Commission may conduct hearings.

12 6. The Commission shall elect a Chairperson and  
13 Vice Chairperson from among its members.

14 7. Vacancies in the membership of the Commission  
15 shall not affect the powers of the remaining mem-  
16 bers to execute the functions of the Commission and  
17 shall be filled in the same manner as in the case  
18 of the original appointments.

19 8. The first meeting of the Commission shall be  
20 called by the President within the sixty-calendar-  
21 day period following the date of approval of this  
22 resolution.

23 8.1 Subject to such rules and regulations as may  
24 be adopted by the Commission, the Chairman shall  
25 have the power to -

26 8.1.1 appoint and fix the compensation of an ex-  
27 ecutive director, a general counsel, and such addi-

1 tional staff personnel as he deems necessary, with-  
2 out regard to the provisions of Title 5, U.S.C.,  
3 governing appointments in the competitive service  
4 and without regard to chapter 51 and subchapter III  
5 of Chapter 53 of such title relating to classifica-  
6 tion and general schedule pay rates, but at rates  
7 not in excess of the maximum rate for GC-18 of the  
8 general schedule under section 5332 of such titles,  
9 and

10 8.1.2 procure temporary and intermittent services  
11 to the same extent as is authorized by section 3109  
12 of title 5, U.S.C., but at rates not to exceed \$100  
13 a day for individuals.

14 8.2 Each Federal department, agency and instrumen-  
15 tality is authorized to furnish the Commission such  
16 data, reports, information, and other resources as  
17 the Chairman of the Commission may request.

18 FUNCTION OF THE COMMISSION

19 Section IV

20 A The Commission shall, within eighteen months  
21 from the date of the approval of this resolution -

22 1. Conduct a study of the culture, needs, and  
23 concerns of Japanese Americans; the nature of the  
24 wrong committed against, and the extent of the in-  
25 juries to, the Japanese Americans by reasons of the  
26 actions set forth in the preamble of this resolu-  
27 tion, and the various means to remedy such wrong;

1 and

2 2. Conduct a study of the culture, needs, and con-  
3 cerns of Japanese Americans; the nature of the wrong  
4 committed against, and the extent of the injuries  
5 to, the Japanese Americans by reasons of the actions  
6 set forth in the preamble of this resolution; and  
7 the various means to remedy such wrong; and

8 3. Submit a report of its findings to the Congress.

9 3.1 The report required by this section shall pro-  
10 vide recommendations for a remedy and method of re-  
11 dress. Such recommendations shall include--

12 3.1.1 The results and conclusions reached from ten  
13 hearings conducted throughout the United States  
14 where exists a significant population of Japanese  
15 Americans.

16 3.1.2 The type of financial compensation that  
17 should be awarded to victims of the mass expulsion  
18 and incarceration; eligibility for financial com-  
19 pensation, amount of compensation per individual  
20 and for the subject class; duration of a program of  
21 redress and means to preclude governmental excess  
22 for future action of this nature.

23 Section V There are hereby authorized to be appro-  
24 priated such sums as are necessary to carry out the  
25 provisions of this Resolution. Until such time as  
26 funds are appropriated pursuant to this section,  
27 salaries and expenses of the Commission shall be

1 paid from the contingent fund of the Senate upon  
2 vouchers approved by the Chairman. To the extent  
3 that any payments are made from the contingent fund  
4 of the Senate prior to the time appropriation is  
5 made, such payments shall be chargeable against the  
6 authorization provided herein.

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