

I. TITLE OF ACT

This act shall be cited as the "World War II Japanese American Human Rights Violations Redress Act".

II. PURPOSE AND INTENT

The purpose and intent of this Act is to accomplish the following:

- A. Recognize and redress the injustices and human rights violations perpetrated against Japanese Americans by the United States Government during World War II.
- B. Discourage and make less likely similar abuses of Executive Powers in the future.
- C. Make more credible the sincerity of the repeated declarations of concern by the United States Government over violations of human rights by other nations.

III. DECLARATION OF POLICY

WHEREAS, on February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066 which authorized the wholesale uprooting, exile and imprisonment of 120,313 persons of Japanese ancestry from Pacific Coast areas, two thirds of whom were United States citizens; and

WHEREAS, the carrying out of Executive Order 9066 resulted in gross violations of seven of the ten Articles of the Bill of Rights; and

WHEREAS, such persons of Japanese ancestry in the United States were, with no evidence of misconduct and not even a pretense of a trial, deprived of their freedom, jobs, and homes, and subjected to psychological and mental suffering unlike any other body of American citizens during World War II; and

WHEREAS, it was the policy of the United States Government during and after World War II to suppress the cultural and ethnic identity of Japanese Americans; and

WHEREAS, records of the United States Government show not even one case of espionage, sabotage, or treason occurring among residents of Japanese ancestry prior to and during World War II; and

WHEREAS, martial law was never invoked in the United States; and

WHEREAS, citizens of Japanese ancestry contributed substantially to the war effort, served heroically in the United States armed forces and suffered the loss of life and limb despite the wartime denial to them of the benefits of such citizenship; and

WHEREAS, as a nation which presumes to hold itself forth to other nations as an example of the proper treatment of their minorities, continued failure by our Government to provide redress to the Japanese American victims of its own violations of human rights can only undermine America's credibility and prestige among other nations; and

WHEREAS, the Evacuation Claims Act of 1948 can in no way be regarded as an adequate or even sincere attempt to make restitution because it (1) provided for provable losses of tangible property only, (2) was carried out in such a hostile and tight-fisted manner that payments made under it amounted to less than 10% of total tangible property losses estimated in 1942 by the Federal Reserve Bank of San Francisco, and (3) forced all who received payments made under it to renounce all other claims against the Government; and

WHEREAS, mass exile and imprisonment of Japanese American residents of Pacific Coast areas during World War II solely on the basis of race were contrary to the long established laws and traditions of our nation, and appropriate recognition of redress for the victims of that outrage by the United States Government is long overdue.

THEREFORE, be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled that the Government of the United States provide with payments of money, in the amounts and in the manner specified in the following sections of this Act, redress for the evacuation and incarceration inflicted upon West Coast Japanese Americans during World War II.

IV. AMOUNTS OF PAYMENTS

The sum of ten thousand dollars (\$10,000) shall be paid for each person affected by the exclusion and evacuation orders, plus the sum of fifteen dollars (\$15) per day of incarceration. These sums shall be paid to eligible persons as defined in section V of this Act.

V. ELIGIBILITY

All persons of Japanese ancestry and their immediate family members, who during World War II were exiled, incarcerated, or interned by the United States Government, or while residing within the "exclusion" areas of the Western Defense Command were required to move from their homes are eligible for payments provided under this Act.

- A. As far as possible verification of time spent in the concentration camps and other related facts shall rely on the records of the Wartime Civil Control Administration and the War Relocation Authority in the Government Archives. Where such records are missing or incomplete or their accuracy is in serious question, affidavits supplied by claimants and witnesses as well as other documents may be used to determine the necessary facts.

- B. Proof of having resided within the "exclusion" areas may be established by any federal, state, county, or municipal records, other documents, or by personal affidavit.
- C. Redress which would have been paid to eligible persons who are now deceased shall be paid directly to such decedents' surviving next of kin in the following order of priority: first, the spouse at the time of the person's death; second, the children; third, the parents; and fourth, brothers and sisters. No other relatives of the deceased shall have the right to receive such payments.
- D. The right to receive redress payments shall not be denied because of a claimant's present residence or citizenship in a foreign country.

VI. METHOD OF FUNDING

An Internal Revenue Service Special Trust Fund shall be created for the purpose of receiving Federal Income Taxes paid by persons of Japanese descent who elect to allocate said taxes for the purposes of this Act. Such election shall be entirely voluntary; however, any persons who shall not elect to have their Federal Income Taxes put into said Trust Fund shall not be eligible to receive any redress payments pursuant to this Act. Any eligible person or next of kin of any deceased eligible person whose income is such that no Federal Income Taxes are required on it shall not be ineligible for the receipt of payments hereunder. Said Special Trust Fund shall not terminate until such time as sufficient funds are received to pay all claims and all redress payments are disbursed.

VII. METHOD OF DISBURSEMENT

Direct individual payments by the United States Government shall be paid to all eligible persons as defined in section V of this Act. Payments shall be made first to those eligible persons who are disabled or are 65 years of age or older; second, to eligible persons who are 50 years of age or older; third, to all other eligible evacuees, internees, and detainees; and fourth, to qualified next of kin of deceased evacuees, internees, and detainees.

VIII. ADMINISTRATIVE COSTS

All costs of administration and related costs of carrying out this Act shall be borne by the United States Government and shall not be deducted from any redress funds.

IX. TAX STATUS OF REDRESS PAYMENTS

Redress payments under this Act shall be exempt from all federal, state, and local taxes.

X. PROHIBITION AGAINST DENIAL OF WELFARE
BENEFITS OR PUBLIC ASSISTANCE

Receipt of any redress payments shall in no manner be cause for the cessation of or reduction in participation in any government assisted or subsidized welfare program.

XI. LIMITATION ON FEES FOR ASSISTANCE
IN FILLING OUT CLAIM FORMS

Redress payment claim forms shall be made as simple as possible and those providing assistance to claimants in filling out such forms shall not be permitted to demand or receive more than a flat \$15 fee for each claim.

XII. UNCLAIMED REDRESS FUNDS

Money which could have been paid to persons under this Act and which remain unclaimed shall be placed in a Nikkei Trust Fund (described under section XIII). These sums include amounts which could have been claimed by evacuees and internees who are now deceased and have no relatives who qualify as heirs under this Act. Also included under this category are amounts which could have gone to those who have renounced or have refused to file claims for redress payments.

XIII. NIKKEI TRUST FUND

The Nikkei Trust Fund shall be used for educational, cultural, and humanitarian purposes by organizations composed of persons of Japanese ancestry in the United States, and for a legal defense fund which would be used to protect the Constitutional rights of Japanese Americans.

May 1979