

Submitted Comments of the
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For the Hearing:
“H.R. 40: Exploring the Path to Reparative Justice in America”

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Almost 79 years ago to the day, February 19th, 1942, President Franklin D. Roosevelt signed Executive Order 9066. This order gave the United States Army with the support of all Executive Departments, the power to designate military zones across the United States and within these zones, forcibly remove and incarcerate any and all persons deemed so by military command. As a result, the United States Army, under orders signed by the President, began the process of forcibly removing and incarcerating 120,000 Americans of Japanese ancestry, stripping them of their civil rights and the right to due process. The incarceration of the Japanese American community lasted for nearly four years, and the trauma of that period can still be felt today, almost 4 generations later.

Over 30 years later, the children of camp survivors would learn of the gross injustices their parents and community faced and looked to reconcile the loss and despair that had occurred. The JACL and other community organizations began a grassroots campaign to mobilize the community into looking at the possibility of monetary compensation for their years of incarceration. At the suggestion of Japanese American Congressmembers, the community turned its focus towards the formation of a federal commission that would study the incarceration experience, determine the true intentions behind what had occurred, and make its recommendations on what Congress should do to right any wrongs that were committed. In 1979, Congress passed a bipartisan bill for the creation of the Commission on Wartime Relocation and Internment of Civilians (CWRIC) and was signed into law by President Jimmy Carter.

After two years of study, hearings, and deliberation, the CWRIC published *Personal Justice Denied* in 1982. In it, the Commission found that the mass incarceration of the Japanese American community was the subject of “race prejudice, war hysteria, and a failure of political leadership” not the “military necessity” that had been used as a front to validate these crimes against civil liberties. These recommendations were then used

as the basis for a reparations bill, H.R. 442, so numbered in honor of the Japanese American veterans of World War II. The bill was passed again in a wave of bi-partisan agreement and was officially titled the Civil Liberties Act. In a special public ceremony in 1988, President Ronald Reagan signed the bill saying that " [it reaffirmed] our commitment as a nation to equal justice under the law," and gave the Japanese American community the apology and reparations it was long overdue.

That ceremony and the passage of the bill did not mean the end of reconciliation, however, but the start of a new chapter of healing within the community and use the story of incarceration to help other communities as well. Many former incarcerated decided their reparation payments would be better suited to support the community, and so hundreds of thousands of dollars funneled into community hubs in places like Los Angeles, San Francisco, Portland, Chicago, New York City, and more. It helped to create the Japanese American Museum of San Jose and the Japanese American National Museum in Los Angeles' Little Tokyo. It allowed the three remaining Japantowns to regrow to a status not seen since before the war and helped to build community centers, healthcare facilities, businesses, schools, childcare facilities, scholarships, and so much more. The Japanese American community for the first time in 40 years, came together for the fight to win redress, and since then has been able to regain so much that it had lost prior. The community is once again thriving, continuing to expand and grow, and while the trauma and memories of the incarceration linger, the new memories and success of redress have driven us forward to ensure that the statement "never again" stands true.

As we contemplate the creation of a commission to investigate African American reparations, it may be helpful to look to aspects of the Japanese American experience. Perhaps most revealing might be the differences of opinion in the Japanese American community. At the hearing last week, many questions were asked with regard to the form that reparations might take. Should there be individual payments, should there be funding for programs, or should there be a community fund. These were all areas of discussion within our community and source for much disagreement. Ultimately, that is why a commission is required, to hold the forums for open discussion on what forms reparation might take. To hear all the perspectives of the community to seek consensus on a set of solutions.

Some point to Japanese American redress as the model for African American reparations. This would be a mistake. The experiences of Japanese American incarceration, while part of a pattern of racism in this country that can be traced back to Native American genocide and African American slavery, are also very different from those experiences of state sponsored injustice. Facets of the development of Japanese American redress were structured so as to not create a precedent for what African American reparations might look like. Again, this is the purpose of creating a commission, to fully identify what African American reparations should look like.

One important distinction must be made for the creation of a commission. The commission is representative of our government seeking to right a past wrong that it has committed. It does not represent individuals whether their families were slave owners, or engaged in oppressive Jim Crow policies. It will give voice to those who have been wronged by our government through membership on the commission, but also through the fact finding process, it will undergo within and in cooperation with the community.

There are often those who will oppose the concept of reparations. Within our own Japanese American community, we had those who also opposed redress, including Senator S. I. Hayakawa. Despite his opposition to redress, he did still vote for the formation of the commission. It is very possible to oppose reparations, but still, support the study and investigation of the concept.

We also object to the use of our story to oppose reparations. The example of the successful hard working Asian was raised through opposition testimony. While Japanese Americans are typically proud of all that we have overcome as a community out of our incarceration experience, it was not without cost. We do not always like to share the hidden stories of suicide and those who did not do as well economically. The highlighted stories are always those of success, and even then the success stories mask the underlying pain and difficulty. For many, the \$20,000 redress check was not needed, but for many, it was an insufficient reparation for all that had been lost and still unrecovered.

Unfortunately, the story of America is often one of overcoming obstacles, but those obstacles should not be those discriminating against one group as with the unjust incarceration of Japanese Americans or the centuries of enslavement, followed by decades of Jim Crow, and ongoing disparate treatment by the government. The ideal is that we pull ourselves up by our bootstraps, but that shouldn't be with the government pulling our boots off at the same time. Working hard to overcome is not exclusive to any one culture or group, but is culturally foundational for all people and even more so in communities that have faced oppression.

Over the course of nearly 250 years, 12.8 million Africans were shipped across the Atlantic. With no rights and no status, it wasn't until 1865 that slavery was abolished in the United States. Without any monetary compensation or state and federal help, former slaves had little to no help in creating a life for themselves. With the Jim Crow Era, which lasted until 1965, Black Americans continued to have unequal status to their white counterparts. They experienced economic disparity in the form of racist laws and redlining and often feared for their lives. Slavery may have officially ended in 1865, but in reality, took different forms that continue today.

It took the Japanese American community 40 years to reconcile four years of incarceration. Now, 156 years after the official end of slavery, we seek to right a wrong

that spanned nearly three centuries, destroying the lives of millions of people and continues to create a system of inequity and racial bias in our nation. Our country needs to heal from the wounds of slavery, and continued discrimination. One path to healing from the injustices of slavery and its ensuing reincarnations is the creation of a commission to establish concrete recommendations for what true reparations might look like.