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CIVIL SERVICE RETIREMENT CREDIT FOR JAPANESE AMERICANS INTERNED DURING WORLD WAR II

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HEARING

BEFORE THE

SUBCOMMITTEE ON

ATION AND EMPLOYEE BENEFITS

OF THE

COMMITTEE ON

OFFICE AND CIVIL SERVICE

HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

FIRST SESSION

ON

H.R. 6412

A BILL TO AMEND TITLE 5, UNITED STATES CODE, TO PROVIDE
THAT JAPANESE-AMERICANS SHALL BE ALLOWED CIVIL SERV-
ICE RETIREMENT CREDIT FOR TIME SPENT IN WORLD WAR II
INTERNMENT CAMPS

SEPTEMBER 12, 1977

Serial No. 95-35

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CIVIL SERVICE RETIREMENT CREDIT FOR JAPANESE AMERICANS INTERNED DURING WORLD WAR II

MONDAY, SEPTEMBER 12, 1977

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
SUBCOMMITTEE ON COMPENSATION AND EMPLOYEE BENEFITS,
Washington, D.C.

The subcommittee met at 9:30 a.m., in room 304, Cannon House Office Building, Hon. Gladys Noon Spellman presiding.

Mrs. SPELLMAN. The subcommittee will come to order. We have other members who are hoping to be here with us shortly, but I think we will get started.

This subcommittee is convening this morning to receive testimony concerning H.R. 6412, a bill to authorize retirement credit for Japanese-American Civil Service employees who were relocated to detention camps in World War II. This is a bill which has been introduced by my esteemed colleague, Congressman Norman Mineta.

To put the situation which this bill relates to in focus: As I understand it, under authority of Executive Order 9066 of March 18, 1942, approximately 111,000 persons of Japanese ancestry were relocated to internment centers in the Western part of the United States. This action was taken under the guise of national security.

Now that I know Norman Mineta as well as I do, I somehow feel that we didn't have to worry about national security, knowing he was out there somewhere.

However, sometime after World War II, the Congress, in recognizing the hardships that were occasioned by these relocations, had two laws passed, Public Law 82-545 and Public Law 86-782, which provided special pay and retirement benefits.

These laws granted benefits to any Japanese American, who at any time during the period from December 7, 1941 to September 3, 1945, by reasons of the actions of our Government was separated from the Federal service or lost opportunity for or was denied probational appointment from a civil service register, or was denied reinstatement to such position, was given the grade, time in grade, and rate of compensation, and retirement and leave credit which he would have attained automatically if such a program or policy had not been in effect.

The bill before us today would have the effect of extending the retirement credit to all those Japanese Americans who were interned and subsequently became Federal employees after 1952.

Thus, it is quite possible that many of the individuals who would benefit from enactment of H.R. 6412 were very young children during the period of internment.

I hope that witnesses would address themselves today to that particular subject and to tell us why children, who could not have been Federal employees at that time because of their age, should also be given civil service retirement credit for the time that they served.

I will call now as our first witness my very dear colleague and president of my group at one time, the United Foreign Congress—we are a very closely related group—the author of the bill, Congressman Norman Mineta of the 13th District of California.

**STATEMENT OF HON. NORMAN Y. MINETA, REPRESENTATIVE
IN CONGRESS FROM THE 13TH DISTRICT OF THE STATE OF
CALIFORNIA**

Mr. MINETA. Thank you very much Madam Chairman. I have with me, of course, our colleague from California, Mr. Ketchum, who I understand will be making a statement following mine. I would like to thank you very much and the members of the committee for the opportunity to appear before you about this matter that is of special significance to me.

H.R. 6412 is legislation that I have introduced to provide civil service retirement credit to Americans of Japanese ancestry who were interned in relocation camps during World War II.

I am very pleased to note that this bill has strong support in the House of Representatives. It has 77 cosponsors and I am proud to include among them our distinguished majority leader, Mr. Wright, the distinguished chairman of the Post Office and Civil Service Committee, Mr. Nix, as well as you, Madam Chairman, and 9 other members of this committee.

The purpose in offering this legislation is to restore some measure of justice to those Japanese Americans who suffered personal humiliation, severe financial loss, and emotional trauma at the hands of our own Government.

In 1942, shortly after the outbreak of World War II, President Franklin Roosevelt issued Executive Order 9066, authorizing the Secretary of War to designate military areas within the United States and to exclude any or all persons from those areas.

This Executive order initiated the process whereby more than 110,000 American residents of Japanese ancestry were evacuated and interned in relocation camps.

It is true that we were at war with Japan. We were also at war with Germany and Italy but no Americans of German or Italian descent were ever imprisoned in camps like these.

At one point the camps held nearly 120,000 persons of Japanese ancestry. Over 70,000 of the people were U.S. citizens. None of them were ever accused, indicted, or convicted of any illegal or criminal act. The sole reason for their removal and imprisonment was the nature of their ancestry.

As one who was interned in a camp along with members of my family, I can give personal testimony to the mental anguish and economic consequences endured by loyal American citizens forced from their homes, their friends, and their employment.

Moreover, these Americans suffered the humiliation of being classified as potential traitors to their country. Yet history has not recorded

a single act of treason or sabotage committed by a Japanese American throughout World War II.

Over 25,000 Japanese Americans served with distinction in the Armed Services during the war and many gave their lives as part of the famed 442d Regimental Combat Team.

There were 10 relocation camps, as the Government chose to call them, located in remote and often desolate areas of the West and Mid-western United States.

Life in the camps was far from pleasant. The evacuees lived in tar paper barracks surrounded by barbed wire fences. Each family had a total space of approximately 20 by 25 feet. Heat was provided by crude wood or coal burning stoves. Everyone slept on cotton mattresses, filled with straw and placed upon a single iron folding bed.

The environment in those camps was cruel and hostile. But Japanese Americans overcame the hardships and remained loyal to the country they loved.

The internees themselves assumed the responsibility for running the camps. Since there was a terrible shortage of available medical personnel, medical care was provided by the inmates themselves. There was no one available to cook for those in the camps so volunteers were produced from the ranks of internees to prepare the meals.

Carpenters and plumbers were needed to build housing for all the evacuees. Teachers, policemen, and farmers were also needed. These people were performing services which under other circumstances would have been provided by the Federal Government.

Technically, then, the very people who were incarcerated were actually also serving as Federal employees. For their work they were compensated a very small amount, \$12 to \$19 per month. However, they did not receive any fringe benefits which other Federal employees are entitled to, such as coverage under a retirement plan.

There is no way to accurately measure the suffering which resulted from this tragic incident in our history. There is no way to repay these people for the years they lost in the camps or to make reparations for their anguish.

While some have estimated property losses at \$400 million it is a conservative figure and it is even more difficult to evaluate the lost income for Japanese Americans during the time they were held in the camps.

Partial restitution seems inadequate in view of the sacrifices made, yet in some small way we can give compensation to those who needlessly gave several years of their lives as prisoners in these relocation camps.

In 1972 the U.S. Congress saw fit to allow Japanese Americans interned in the camps the opportunity to receive social security credit for the time spent in the camps.

However, a number of Japanese Americans became Federal employees after being released from the camps. As you well know, Madam Chairman, Federal employees are not eligible to receive social security because they have their own retirement system.

H.R. 6412 would give Federal employees who were interned in the camps the same benefits which were accorded to those working in the private sector. This group of Japanese Americans have devoted their entire careers to working for the same Government that forced them

into these camps and they deserve at least the same kind of benefits as those working in the private sector.

Through the adoption of a measure such as the one I have introduced we can achieve some equity. In a narrow sense we can provide to Federal employees the same treatment afforded to present and future social security recipients interned during World War II.

On a broader scale, we can provide some redress for the wrongful and deplorable actions of some 30 years ago—taken in the name of “the national security” which deprived 110,000 individuals of their constitutional and human rights.

Madam Chairman, you will hear from a number of people who have been working actively on behalf of those Americans of Japanese ancestry who did not receive credit for the time that they served in the camp. We have a very active committee called CIC, the Committee on Internment Credit, which has been working on this matter.

Along with the committee members is a person who has been newly named as the national executive director of the Japanese Americans Citizens League and who has taken an interest and is especially concerned about this whole matter. I would like to introduce him to you at this moment, Karl Nobuyuki, the new executive director, and he is here with the members of the Committee on Internment Credit. You will be able to hear from those members later on.

Ms. SPELLMAN. We will be looking forward to that testimony. I thank you very much.

I somehow wish we could draw attention to the type of things that you have told us this morning so that all citizens of the United States would be aware of what you call “shameful” and the “wrongful and deplorable actions of our Government.”

Hopefully, these actions will never occur again. I find myself moved by your testimony today. I know that, initially, I couldn't understand a bill of this nature. It was only after you so very eloquently spelled out the situation to me that I decided to cosponsor this legislation.

There are some matters, though, that I would like to ask you about. Amendments to the Social Security Act passed by the 92d Congress, as you point out, granted credits for the period during which internees were confined. Would we in this legislation be duplicating that? Would people be double dipping if they were getting credit both from social security and the Federal retirement system at the same time?

Mr. MINETA. It wouldn't be for the same period of time because for Federal employment there would not be any social security coverage. But of those who might have had prior employment and have had, let's say, their 40 quarters of coverage, they would be fully insured under the Society Security Act.

But that would not be duplicative in terms of the same periods of time.

Ms. SPELLMAN. As we look at this, if we find that there are areas of duplication we would have no problem with saying that a person would get credit for social security, if that was the way he was going to get his retirement money, or if it was the Federal system—if that was the direction.

Mr. MINETA. That's right. You would not have—let's say—the two jobs coinciding in terms of time.

MS. SPELLMAN. That is important. The other question I had in mind with the Social Security Act concerned the fact that only those 18 or over were granted credit by this legislation. Would we be doing them an—

MR. MINETA. Not in this instance. In this bill there is no age limit. There is, however, another measure which was introduced on the Senate side by Senator Inouye which does have the 18-year-old age limit in there.

MS. SPELLMAN. Would you have any problems with that?

MR. MINETA. I'm not sure that I would use 18. I would, maybe, lower that to 15. As an example, as a 12-year-old I was out in the field picking potatoes at the rate of 25 cents an hour. I think 18 may be a little too high. I would consider maybe 15 as a compromise age.

I think that 18 coincides with the Social Security Act. But in this instance I would say at least 15.

MS. SPELLMAN. The reason we suggest 18 is that a person would not have been eligible to work for the Federal Government until he was 18 at that time. I suspect that is the reason why the Senator put the age restriction in his bill.

MR. MINETA. That's right. I think that may be the rationale for it.

MS. SPELLMAN. Thank you very much. We want to point out that our colleague, as esteemed member of this committee, Mr. Heftel of Hawaii has joined us. I daresay that there is considerable interest in this bill in Hawaii.

MR. HEFTEL. I would say so.

MS. SPELLMAN. Do you think that we need to hold hearings in Hawaii?

MR. MINETA. Madam Chairman, if you want me to volunteer as a witness I would be pleased to. [Laughter.]

MS. SPELLMAN. Thank you very much, Mr. Mineta. We are very honored to have heard your testimony here this morning.

MR. MINETA. Thank you very much, Madam Chairman.

MS. SPELLMAN. Now I would like to call upon our distinguished colleague, Mr. William Ketchum, who is from the 18th District of the State of California.

STATEMENT OF HON. WILLIAM M. KETCHUM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

MR. KETCHUM. Thank you, Madam Chairman.

As a preface to my statement let me point out that I am a lifelong resident to the State of California and as such attended primary and secondary educational institutions there. A good many of my classmates were individuals of Japanese ancestry. As you know, we have a very substantial Japanese-American population in California.

Despite the fact that my 4½ years of service during World War II were spent in the Pacific I shared with a rather substantial proportion of our population in California absolute shock at what occurred after December 7, 1941. It was absolutely unbelievable to us who had friends throughout the community that they were picked up summarily and dumped into what can only be called concentration camps—detention camps is really not the word.

I recently visited the area of my district in which the Manzanar Camp was located, Inyo County. It is in a desolate area and I can rather suspect what the feelings would be of an individual picked up from San Pedro or Santa Maria, or any other part of our State who was dumped into this camp.

These people lost boats, they lost fishing nets which were tremendously expensive items, and they lost farm equipment. We have tried during my legislative career of 11½ years to find various ways to try to make up for those enormous losses.

The vultures, as you might suspect, moved in quickly offering 10, 15, and 20 cents on the dollar for equipment that people had been working for their entire lives. If there is any way that we can effect some restitution, we should make every effort to do it.

Having said that, Madam Chairman, I will read this very brief statement, welcoming the opportunity today to express my concerns and hopes for the expedient passage of the bill now before you.

By your approval of H.R. 6412 you will have taken the assertive and long overdue steps to correct at least a part of the injustice done to thousands of Japanese Americans during World War II.

Under the provisions of the bill the House would authorize retirement credit for Japanese-American Civil Service workers who were interned in detention camps during the Second World War. Although H.R. 6412 was introduced by my California colleague, Norman Mineta, I, too, have introduced identical legislation under the title of H.R. 5489.

Last year when oversight hearings were held the lone voice of dissent heard was by Frank Yanak, San Francisco Regional Director of the U.S. Civil Service Commission. His arguments for rejection were twofold.

First:

The system's effectiveness would be severely reduced if it were to decline to the status of a pension plan for numerous types of non-Federal service.

Second:

It would establish a precedent toward extending retirement credit for almost any type of time during which an employee-employer relationship did not exist between the government and the individual.

In both cases my response is that we are not dealing with an ordinary situation which could be construed to set any sort of precedence.

This bill is not opening the floodgates to further non-Federal service types. What we are talking about is 111,000 persons of Japanese ancestry who were herded into detention camps in the 20th century America by an Executive order from the President of the United States.

The scars which remain from those years run deep, and there is no way in which we can adequately remove those vivid and lasting memories.

What we can do is to provide minimal compensation for Japanese-American civil service retirees for the years that were spent in those camps.

Although I directly represent many of those who were incarcerated. I cannot stress enough that this is and continues to be a national tragedy. As representatives of the American people each one of you

must come to terms with this issue. The decision in laying the foundation for this legislative course is left in your hands.

You can be assured that those thousands of Japanese-Americans and the rest of the American people will be watching.

I appreciate the opportunity, Madam Chairman, for testifying before you.

Let me state that many of these people who were friends of mine prior to World War II have been friends of mine since World War II. I have watched them rebuild their lives. Some of our most successful farmers and fishermen in the State of California are those individuals who, having had their freedom denied them, came back and continued to be outstanding American citizens.

I certainly hope that this bill can be passed in a very expeditious manner.

Ms. SPELLMAN. I thank you very much for your statement. I know that you too have been one of the leading advocates in the Congress for the legislation which we are discussing today. So, I appreciate your testimony.

Perhaps the gentleman from Hawaii has a question.

Mr. HEFTEL. I don't think it is so much a question but an observation.

The suggestion that the civil service would reject the proposal on precedent—I think that we want to present this legislation, and I think precedent—at least to establish precedence of the fact that in America we reject those wrongs committed against our own citizens for only the reason that it was their country of origin.

That we Americans who have never judged a citizen not as an American citizen based upon his or her own record as a citizen but rather simply the question of origin—something that we did not do to German-Americans and Italian-Americans.

I think it has been a tragedy. I think it is a blot on whatever we think of in terms of human dignity, human rights, simple democratic factors that we preach and teach in America.

The only other observation is on this question of what age if you are now in civil service, would you qualify in terms of your internment when you were 12, 15, or 18. I think that I am not sure that we want to cut off age. I think the least that we can possibly do is to say to every Japanese American "If you were ever interned at age 1 day or older we have a debt to you and your family, not so much this monetary debt." There is a psychological debt, the kind of debt that you can not pay for, but the least we can do is recognize whenever the opportunity arises that there is a great wrong to the family and as a whole and to a group of people as a whole.

So, I would think that this bill should in fact start at day one only because it is a very minor incidental method of trying to right a very wrongful act.

Thank you.

Ms. SPELLMAN. Thank you. Thank you very much.

I see in the audience our colleagues, the Honorable Robert Leggett who represents the Fourth District of California. I am very happy to have you here with us today.

STATEMENT OF HON. ROBERT L. LEGGETT, REPRESENTATIVE
IN CONGRESS FROM THE FOURTH DISTRICT OF THE STATE OF
CALIFORNIA

Mr. LEGGETT. Madam Chairman, I am very pleased to be here. I join colleagues Mineta, Burton, Jenrette, Corcoran, and Brown, and a list too long to mention including Mr. Ketchum, and Mr. Paul Simon on my right over here.

I have a statement of some nine pages that I would ask to be included in the record.

Ms. SPELLMAN. That will be inserted at the end of your remarks.

Mr. LEGGETT. Madam Chair, I want to thank you for this opportunity to address this committee on the question of providing civil service retirement credits to Japanese Americans for time spent in World War II internment camps.

I have proposed and supported the passage of this legislation in the last three Congresses, and I think this is the third time that we have really come up to speed, and it looks like we might be able to do something, in large part because of the aggressiveness of my colleague Mr. Mineta from San Jose.

I do think that we have to go back and look at the situation as it was back in 1941 and 1942. Of course, at that time we had the very discriminatory oriental-eastern triangle as far as integration was concerned. A lot of these folks were ineligible for citizenship under the laws that we had, laws that were subsequently declared unconstitutional.

Japanese ineligible for citizenship were not entitled to own real property in California and, I guess, a lot of other States.

It was against this background that I as an Italian American—my mother was born in Venice and we were at war with Italy—wasn't interned. I played with a lot of young Japanese children of American decent who were Japanese citizens.

The paranoia that was existing at that time was such that very frankly I thought nothing wrong as a 14-year-old in putting on a white air raid helmet and whenever the siren sounded I would zap off across the street to the home of my friend who was of Japanese decent. It was my job to sit there and watch their home for signals that might be emitted during the blackout that occurred.

This was pervasive all over the West. So, I think that in light of the fact that we have not chosen to exclude those persons under 18 from qualifying for admission to these camps, as Caesar said, if you were 1 day or 5 years or 10 years, you were eligible. In fact, from the Western designated States, excluding Honolulu, they had to keep some people out there—they evacuated everybody to the so-called conscientious objector camps.

They took you whether you objected or not. They took you whether or not your sons volunteered to fight at the beach of Anzio or whatever.

There appeared to be no way one could get out of this trap. The program was formulated by very decent Americans who thought they were doing a decent thing at that time.

There has never been any compensation for the 2½ years of time that these Americans spent in these camps, although they have fortunately had the good sense through the U.S. Supreme Court to reverse

many of the legislative decisions that were made that were abominably discriminatory through the years.

Fortunately, during the Johnson years, we were able to pass a fair immigration law that aborted the discriminatory provisions on the eastern triangle.

Now, 110,000 people were incarcerated. Their families have been scarred for a generation, in a sense. To their credit, most internees have come back to lead very productive lives.

These pictures that I have here displayed are from the Library of Congress. What they show here is a Japanese family carting off their effects to the camp out of downtown San Francisco. Another group here is taken from their rural home; they are being "assisted" by American soldiers.

The next picture there shows what happened if you were in business. Your store was closed out and you had a disastrous liquidation sale.

And then as Norman Mineta has indicated, they placed you in these rather sumptuous accommodations over here.

Have we ever paid any compensation to these folks for the 2½ years that they spent in camp? The answer is no. We wanted to forget it.

There have been no crying towels provided to the American public for this activity. I think everybody has wanted to blot it out. The Japanese Americans wanted to blot it out. They came back and went on with their business.

The first remedial piece of legislation enacted, Public Law 82-545, granted civil service retirement credit to those internees who were Federal employees at the time that they were incarcerated and had their Federal employment disrupted. That includes a small number of folks.

We then passed a subsequent bill in 1973 that provided for social security credit. Now, this bill costs come out to nothing. We estimate that if you exclude the folks from Honolulu and the Islands who were not in fact interned, we estimate according to the Civil Service that there were 16,000 Federal and State workers—normally, that splits out 50-50—so that means that there were about 8,000 Federal workers at the present time, of which some 500 to 1,000 are former internees.

The estimate is that the cost to add those folks to our retirement list would be someplace between \$500,000 and \$800,000 a year for 30 years. This is a clerical error on most of the committees on which we work. In no way does this provide restitution to the families, but it does indicate that the hearts of the American people in this Congress are at least in the right place.

I would say to amend this bill and say that the only folks that were in these camps under 18 can qualify would probably not be in the interest of effecting any kind of proper restitution.

I think the bill is rather miniscule as proposed. The estimate of the possible number of beneficiaries is something less than 1,400 at the present time and is probably closer to 500. The cost would be less than \$800,000 a year. These are all Civil Service statistics, so you can further cross-examine them on this.

Whether or not this sets any kind of precedent or not—as you know, we give constructive credit to professionals in some of the military

services, if they are optometrists or doctors and things like that. And we deem that they have been in the service for so long for purposes of retirement and things like that.

We have blanketed in a large number of people in the social security system. We have done a lot of things to provide a degree of equity; and to the cost of them, it is really very reasonable.

Ms. SPELLMAN. Thank you very much for this very fine testimony.

That couple being escorted by the soldiers and the closing out evacuation sale tells a very sad story.

Mr. LEGGETT. The pictures tell a thousand words really.

Ms. SPELLMAN. We thank you for bringing them. My colleague?

Mr. HEFTEL. I don't think any questions are needed.

Ms. SPELLMAN. Thank you very much.

[The statement of Mr. Leggett follows:]

STATEMENT OF HON. ROBERT L. LEGGETT

Mr. LEGGETT. Madame Chair, Members of the Committee, thank you for this opportunity to address this Committee on the question of providing civil service retirement credits to Japanese-Americans for time spent in World War II internment camps. I have proposed and supported the passage of such legislation for a number of years, and sincerely appreciate the Committee's consideration of this matter.

In the spring and summer of 1942, 110,000 persons of Japanese ancestry were evacuated from designated areas of Washington, Oregon, California, and Arizona and placed in "war relocation camps". The forced evacuation of these people, the great majority of whom were American citizens by birth, was one of the most unconscionable decisions ever made by our Federal Government. Moreover, the impact on the State of California was enormous. With a substantial Japanese-American population, California was the State most responsible for carrying out internment orders by establishing camps and evacuating thousands of individuals. Fearful of forcible separation from their families and loyal to the American war effort, these citizens willingly cooperated with the military personnel assigned to carry out the evacuation orders. Bundles, trunks, and odd pieces of furniture lined sidewalks and train stations within the State while bewildered evacuees awaited transportation to the camps they were expected to call home. Those who had worked many years to achieve some degree of security suffered irreparable financial losses as businesses were closed and properties confiscated. Although internees attempted to make the best of their situation, life in the camps can only be described as bearable at best. This well-known story of the extreme sacrifices of California's Japanese-Americans, as well as those of other western states, requires no further description. What is imperative now, is that we acknowledge our responsibility to these citizens who silently endured the hardships of internment some 30 years ago.

Today, we have before us a piece of legislation which would at least partially amend for this tragic mistake by granting retirement credit to those internees who have since pursued Federal careers. It has been my privilege to introduce such legislation in the 93rd and 94th Congresses, as well as in this Congress. I am also pleased to cosponsor a similar measure with a number of my colleagues, including Mr. Mineta. Past Administrations have chosen to oppose these efforts ostensibly on grounds of "economy". Now, however, I believe the political climate is such that the proposed legislation can be successfully adopted.

In enacting this admirable proposal, Congress can provide a measure of justice to a small group of loyal citizens who have devoted their entire careers to the service of the very Government that prompted their incarceration. In effect, these persons were Federal employees even during imprisonment. From 1942-1946, internees willingly performed services that would otherwise have had to have been provided, of necessity, by Federal personnel. As teachers, policemen, medical and military personnel, carpenters, and plumbers, these dedicated Americans received a pitiful compensation of \$12-\$19 a month—10 cents an hour. Without this voluntary effort, the Federal Government would have had to expend literally millions of dollars and countless manpower hours that were instead available to the war effort. Is it not time that we recognize the tremendous

sacrifice and effort on the part of these persons to aid their country, the United States, in time of war? Were they not, in reality, Federal employees, by virtue of the services performed while unjustly incarcerated?

Past action by Congress has confirmed the fact that internees did indeed perform valuable services for which retirement credit should be available. Public Law 82-545, amended in September 1960, granted civil service retirement benefits to those internees who suffered a disruption or denial of their civil service careers as a result of internment. As recently as 1973, Congress passed legislation affording retirement credit to Social Security recipients for time spent in war relocation camps. Moreover, a number of states, including California, now credit State employees for the time period during which they were interned.

Are we to exclude this small group who were, for all intents and purposes, in the Federal employ while interned, and have since pursued civil service careers? Denial of these benefits flies in the face of the aforementioned State and Federal legislation. We can in no way attempt to make amends for the misguided treatment of our Japanese-American citizens during World War II if we are to deny compensation to one group of wage earners while making it available to all others. Enactment of such legislation as is before the Committee today, would correct this blatant inconsistency in our efforts to at least partially recompense for the sacrifice and loss suffered by this most loyal group of American citizens.

Opponents argue that implementation of the proposed program would generate pressures for extending retirement credit during any time period in which an employee-employer relationship did not exist between the government and any individual. It is important to note, however, that this legislation does not seek to indemnify all World War II internees regardless of occupation or length of Federal service. Those that stand to benefit from passage of the bill are already contributors to the Civil Service Retirement Fund and in many cases have been in the Federal employ for 25 to 30 years. These people are asking for retirement credit not simply as retribution for abuses suffered during World War II; but, as an acknowledgement of the fact that services performed during internment should realistically be considered Federal employment. At issue here is a unique case, the circumstances of which preclude its utilization as a universal precedent. The opposition's fears that granting the requested credits will stimulate false claims upon the Civil Service Retirement Fund and lead to its degradation are, thus, entirely unfounded.

Perhaps the greatest evidence discrediting such a misconception is the overwhelming support the measure has enjoyed by many Federal employee unions and organizations whose members are contributors to the Retirement Fund. Such groups include: The American Postal Workers Union, The National Federation of Federal Employees, The National Treasury Employees Union, and The National Association of Retired Federal Employees. This united front of Federal employees, including those that possibly face a loss of benefits, should convince the opposition of the necessity and demand for the requested retirement credit.

In a second related argument against this legislation, the opposition contends that the cost of the program is too high to warrant its adoption. This argument is also based upon a misconception which holds that the average duration of internment was 4 years. If this were the case, the annual cost per 1,000 recipients would be \$1,300,000, assuming a 30 year payout. However, documented studies indicate the average length of internment to be only 2.5 years. Since this figure has been substantiated by War Relocation Authority statistics for 1943 and 1945 as well as by the results of a nationwide survey conducted by the Committee on Internment Credit, it is evidently a more reasonable estimate than that of 4 years. Therefore, an annual cost of only \$812,500 per 1,000 (again assuming a 30 year payout) can be expected, as indicated by the tables I have included at the close of this statement.

War Relocation Authority statistics coupled with 1970 U.S. Census figures establish the maximum possible number of beneficiaries at 1,481. Taking into consideration those individuals who have died since 1970 or who are not eligible to receive the credit, the actual number of those who will be affected by the legislation is estimated at 500 to 1,000. Thus, the maximum annual cost of the program cannot exceed \$812,500, and would probably be less. This translates into an increased expenditure of 11 cents for every \$1,000 now dispersed through the Civil Service Retirement Fund. The argument that the program is too costly simply does not hold water in light of these highly credible statistics. It is my contention that we can no longer allow this necessary legislation to be thwarted by those who have presented this argument in the past. I am confident we would all agree that the actual cost of the program is a small price to pay in restitution

for the abuse these loyal Americans suffered at the hands of the Federal government some thirty years ago.

Executive Order 9066 uprooted 11,000 men, women, and children from their homes, their livelihood and schools, and denied them the right to live as Americans. Today we recognize the tragedy of this mistaken decision to intern our Japanese-American citizens. These patriotic and long-suffering members of our communities now facing retirement after years of Federal service are humbly requesting retirement credit for the time spent in internment. They are not asking for a handout, but a small compensation for the months and years taken from their lives. There is no price tag for the sacrifices made by these Japanese-Americans, we can only hope to extend to them the same degree of compensation already enjoyed by those internees who are Social Security recipients, state employees, or were civil service employees prior to internment. With this in mind, I urge your sympathetic consideration of the proposed legislation—a commendable effort to compensate for one of the most tragic episodes in the history of our Nation.

I. Age breakdown of internees:

STATISTICAL DATA

Age in 1940 (years)	Age in 1976 (years)	Number of internees
0 to 5.....	36 to 41.....	7,134
5 to 9.....	42 to 45.....	8,281
0 to 14.....	46 to 50.....	12,743
15 to 19.....	51 to 55.....	17,893
20 to 24.....	56 to 60.....	14,193
25 to 29.....	61 to 65.....	7,075
Total.....		67,319
30 to 34.....	66 to 70.....	2,699
35 to 39.....	71 to 75.....	1,120
40 to 44.....	76 to 80.....	394
45 to 49.....	81 to 85.....	195
50 to 54.....	86 to 90.....	83
55 to 59.....	91 to 95.....	37
60 to 64.....	96 to 100.....	18
65 to 69.....	101 to 105.....	7
70 to 74.....	106 to 110.....	10
75 and older.....	111 and older.....	14

Conclusion: 67,319 internees are within the age group which would be eligible for retirement credit.

Source: War Relocation Authority.

II. Japanese Americans in Federal service in 1970 (excluding Hawaii which was not affected by internment):

Total United States excluding Hawaii:

State and Federal workers.....	16,336
Total population.....	371,149

Conclusion: 4.4 percent of the Japanese American population are employed as State and Federal Government. Assuming that there are equal numbers of State and Federal workers, an estimated 2.2 percent of the Japanese-American population would be Federal employees.

Source: 1970 U.S. Census.

III. Potential beneficiaries: Using the above statistics, the maximum number of beneficiaries would be 67,319 times 2.2 percent equals 1,481. This figure would be decreased by removing the following individuals:

(a) Those who have died since 1970;

(b) Those who have left Federal service since 1970 and have withdrawn their contribution to the civil service retirement fund;

(c) Those who do not qualify for retirement benefits;

(d) Those who fail to apply for retirement credit.

Conclusion: Estimated 500 to a maximum of 1,000 would benefit from this legislation.

IV. Estimated cost of legislation :

Category	4 yr in camp ¹	2.5 yr in camp ²
Cost per beneficiary.....	\$21, 700	\$13, 563
Cost per 1,000 beneficiaries.....	21, 700, 000	13, 563, 000
Annual cost per 1,000 amortized over 30 yr.....	1, 300, 000	812, 500
Cost per 500 beneficiaries.....		6, 781, 500
Annual cost per 500 amortized over 30 yr.....		406, 250

¹ Civil Service Commission estimates, 1976.² War Relocation Authority and Committee for Internment Credit Statistics.

Note.—As 2.5 yr has been established as the average estimated length of internment, the estimated annual cost for a maximum of 1,000 beneficiaries should not exceed \$812,500.

MS. SPELLMAN. Now we will call Mr. Paul Simon of the 24th District of Illinois.

**STATEMENT OF HON. PAUL SIMON, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF ILLINOIS**

MR. SIMON. You have a copy of my statement. If I could just enter that into the record.

MS. SPELLMAN. Without objection it will be placed in the record.

MR. SIMON. Let me just very briefly say a few words.

I have, as far as I know, not a single constituent that would benefit by this bill. But in addition to the great respect I have for the chief sponsor, I do have a personal involvement in this bill.

I grew up in the State of Oregon. I don't stress that a great deal in the state of Illinois any more. My father was a Lutheran minister, and when I was 13 years old this edict came out and my father took a stand against it. I can remember going to school the day after my father's statement. I was then a freshman in high school.

I remember feeling like I had leprosy, and I regret to say now that—while I thought my father was right—I was really kind of embarrassed and somewhat ashamed of what he did.

Now I look back on it as one of the finest things he ever did. But I look back on it as a gross injustice that somehow we ought to right a little bit.

My father is now dead, but maybe a little tribute I can pay to his memory is to stand up today where it is infinitely easier to stand up than when he stood up when it was very unpopular to stand up.

I hear different figures. My staff people tell me it will be roughly about \$812,000 a year. For that small amount of money we make a gesture that I think means something, a gesture that says in fact that we were wrong and we know we were wrong, we can't ever repay you but we can at least right the scales just a little bit.

I think we ought to right those scales.

I would be happy to answer any questions.

MS. SPELLMAN. Thank you for that enormously moving testimony. It is just that—very moving.

Any questions?

MR. HEFTTEL. I have no questions. I thank Mr. Simon for being here today.

MR. LEACH. I only have one comment. I think it is very unfortunate that this bill only slightly rights those scales. I am sure it will be supported by the subcommittee and enacted as soon as possible.

Mr. SIMON. Thank you.

[The statement of Mr. Simon follows:]

STATEMENT OF HON. PAUL SIMON

Madam Chairman and members of the subcommittee, I am pleased to appear before you today to testify on H.R. 6412, which I am cosponsoring. As most of you know, I am on leave from the Post Office and Civil Service Committee while I serve on the Budget Committee. I have been following the issues before this Committee with great interest.

The evacuation of Japanese and Japanese Americans from the West Coast to interior relocation camps during World War II was one of the most odious acts ever committed by the United States government.

On February 19, 1942, President Roosevelt signed Executive Order 9066, which designated military areas from which military commanders could exclude people. It also authorized the building of "relocation" camps to house these excluded people.

On the basis of this Executive Order, a military order was issued to evacuate all persons of Japanese ancestry from the western parts of California, Oregon and Washington, as well as parts of Arizona. Of the 126,000 people of Japanese ancestry in this nation, more than 110,000 were relocated. Two-thirds of those relocated were American citizens. Their only "crime" was being of Japanese extraction. At the same time, we were fighting a war against a dictator who killed people whose only "crime" was that they were Jewish. Nothing could have been more inconsistent.

At that time, there was little opposition to these orders and the transporting of thousands of Japanese to relocation camps. The actions were supported by such "liberal" columnists as Walter Lippman and such "civil libertarians" as then-California Attorney General Earl Warren. The Supreme Court ratified the dominant thinking of the day in several cases. In a 1943 unanimous decision, the Court said: "We cannot close our eyes to the fact, demonstrated by experience, that in time of war, residents having ethnic affiliations with an invading enemy may be a greater source of danger than those of a different ancestry."

This is no racist, jingoist fringe group speaking, but rather the Supreme Court of the United States. It is hard to imagine the same logic justifying the exclusion of all Americans of English descent during the War of 1812, when in fact we were invaded. The fact that the people involved were Japanese was crucial.

Madam Chairman, I'd like to add a personal note. At the time of the evacuations in 1942, I was 13 years old and living with my family in Eugene, Oregon, where some of the evacuations were taking place. My father, who was a Lutheran minister, came out strongly against the evacuation order. I can tell you that it was not pleasant for me to face other high school students the day after my father's statement. His stand was not popular. I recall believing that my father was right, but regretting that he had done this thing that embarrassed me. I made myself as inconspicuous as possible for a few days. Now I'm embarrassed that I didn't stand up to my classmates.

I've thought about this incident many times. I don't think there is any single action for which I respect my father more. It took courage for him to speak out against the immoral relocation policy. I can only suggest how much less shame this nation would have to bear if more people had taken the principal stand that my father did.

In his dissent to the 1944 Korematsu decision, Justice Murphy summarized what for me is the crux of the constitutional wrong we committed. His statement, while lengthy, is a masterpiece in simplicity and directness:

"I dissent, therefore, from this legalization of racism. Racial discrimination in any form and in any degree has no justifiable part whatever in our democratic way of life. It is unattractive in any setting, but it is utterly revolting among a free people who have embraced the principles set forth in the Constitution of the United States. All residents of this nation are kin in some way by blood or culture to a foreign land. Yet they are primarily and necessarily a part of the new and distinct civilization of the United States. They must accordingly be treated at all times as the heirs of the American experiment and as entitled to all rights and freedoms guaranteed by the Constitution."

The Court lent legitimacy to the relocation policy. There was, however, more than a constitutional wrong committed. I'd like to be able to cite some of the words my father spoke concerning the immorality of our relocation policy. Unfortunately, I have no record of his words. But I would like to read a statement of Gordon Hirabayashi—who as a senior at the University of Washington refused to follow the evacuation order.

It makes its point eloquently:

"The violation of human personality is the violation of the most sacred thing which man owns. This order for the mass evacuation of all persons of Japanese descent denies them the right to live. It forces thousands of energetic, law-abiding individuals to exist in miserable psychological conditions and a horrible physical atmosphere. This order limits to almost full extent the creative expressions of those subjected. It kills the desire for a higher life. Hope for the future is exterminated. Human personalities are poisoned . . . If I were to register and cooperate under these circumstances, I would be giving helpless consent to the denial of practically all of the things which gave me incentive to live. I must maintain my Christian principles. I consider it my duty to maintain the democratic standards for which this nation lives. Therefore, I must refuse this order of evacuation."

Madam Chairman, the legislation proposed by my friend Mr. Mineta which you are considering today is modest. We have already settled most outstanding claims, provided social security credit for time spent in the camps and provided civil service retirement credit for Federal employees who were interred in the camps after they had begun working for the Federal government. H.R. 6412 would provide civil service retirement credit for people interred in the camps and who later worked for the Federal government.

This proposal would only apply to the 500 to 1,000 Japanese-Americans who began working for the Federal government after their internment in the camps. The cost is moderate and is estimated in the neighborhood of \$812,000 a year.

There is nothing we can do to make up for the injustice we committed to thousands of Japanese-Americans. But in approving small actions such as the one this Subcommittee is considering today, we can re-affirm our dedication to principles that we hold dear and that were clearly violated thirty-five years ago.

Again, I want to thank you for giving me the opportunity to testify. I would be glad to answer any questions you might have.

Ms. SPELLMAN. The Honorable John Krebs of the 17th District of California is next.

STATEMENT OF HON. JOHN KREBS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. KREBS. I certainly appreciate the opportunity to appear here this morning very briefly to share some of my thoughts with you and to support the legislation that is before you.

I hate to make any statement in the absence of my good friend Bob Leggett, but in the presence of my good friend Norm Mineta, I can attest to the fact that not all Japanese Americans are Republicans. [Laughter.]

In a somewhat more serious vein I am probably the only Member of the House who was not here in 1941 and the years that followed, so I cannot come first—

Ms. SPELLMAN. How did you age so fast? [Laughter.]

Mr. KREBS. I refuse to answer this question on the grounds that it might incriminate me. [Laughter.]

So, I'm really not in a position to share in some of the testimony that was given to you by Congressman Leggett and Congressman Simon. But, really, I would like to stress what they have already said: That this bill represents a very minute form of restitution, if you will, and there is certainly ample precedent for such restitution.

I am reluctant to draw analogies between this bill and forms of restitution with which I have been familiar and of which I have been a beneficiary. I am speaking of the restitution, strongly supported by this country, that the Germans have paid to those who have been victims of the Nazi regime.

You know, this legislation is really a drop in the bucket if you compare it with what the Germans have been doing and are still doing in the area of restitutions. Again, I want to be very careful not to compare the atrocities of Nazi Germany with these activities.

But, nevertheless, one cannot get away from the fact that this is really a question of degree. What is involved in this bill really represents a very, very mild form of restitution, and in my opinion the sudden internment of these people—as *Time* magazine pointed out only this week and I think it was probably the understatement of the year—represented a mass violation of civil rights. These people really should receive restitution of a much higher degree than what has been proposed in this bill.

In closing let me say that I read about the comments and objections of representatives of the Civil Service Commission, and it seems to me that this type of legalistic acrobatics, if you will, that is represented in such terms as “decreasing the effectiveness of the civil service system—retirement system” really sort of reminds me of the attitudes of countries in World War II who refused to admit refugees from Nazi Germany on technicalities. The most famous, of course, was subsequently portrayed in the movie—“Voyage of the Damned.” I think this type of legalistic approach really should not be given any more credence than it deserves and I would urge this committee, as Congressman Leach already indicated, to approve this legislation.

I’m not one bit concerned about the precedent that might be set and, indeed hope that this legislation will be a precedent for the righting of such grievous wrongs.

I appreciate the opportunity of appearing before you, and if I can answer any questions, I will be glad to do so.

Ms. SPELLMAN. We thank you very much. The fact that you suffered in Germany is certainly a great injustice, and as you say, was of a very different degree.

Mr. KREBS. Let me for the record state that I was lucky in that my father had the wisdom to leave Nazi Germany in October 1936. I personally did not suffer anything but my family did regardless.

Ms. SPELLMAN. Thank you, very much.

[The statement of Mr. Krebs follows:]

STATEMENT OF HON. JOHN KREBS

Madam Chairwoman, members of the Subcommittee, I want to thank you for allowing me the opportunity to appear before you today to give my perspective on H.R. 6414, which I am cosponsoring.

This measure will, I believe, redress one of the most tragic and unfortunate incidents in this Nation's history, when 110,000 persons of Japanese ancestry were removed by Executive Order 9066 from their homes on the West Coast to internment centers. Two-thirds of these displaced persons were natural-born citizens of the United States and the only reason for their removal was their Japanese ancestry. This forced uprooting was effected without due process of law when these people found themselves the victims of national hysteria following the attack of the Japanese forces on Pearl Harbor, an incident to which they were not a party and by a government to which they had no loyalty. Throughout

the war years there were no proven acts of sabotage against this nation by Japanese-Americans and despite their unjust imprisonment, they displayed continued loyalty to the United States and worked to make their lives during those years productive and meaningful.

The internees worked at a variety of tasks in the camps and for their efforts they received \$12 per month for non-professional duties and \$19 per month for professional jobs. I support the view of over seventy cosponsors of this bill who contend that, for all practical purposes, the persons who worked in the internment camps were federal employees who were, at that time, denied an opportunity to participate in any retirement plans. This bill does not, in my view, represent special interest legislation, but rather an opportunity to right a grievous wrong. It is estimated that less than 1000 persons, all of whom it is important to note are already contributors to the Civil Service retirement fund, will benefit from this legislation. Equally significant is the fact that many of these individuals have been federal employees for over 25 years.

In conclusion, let me again affirm my support for this legislation, which will allow these federal workers to participate fully in the federal retirement program. H.R. 6414 will be a small but significant step in rectifying one of the most shameful chapters in this nation's history.

Ms. SPELLMAN. Hon. Leon Panetta is the next witness.

STATEMENT OF HON. LEON E. PANETTA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. PANETTA. Madam Chairman, I appreciate the opportunity to be able to speak in behalf of H.R. 6412.

As you may know, Mineta and Panetta are so close that I keep being blamed for Norm's legislation, and he keeps being blamed for my legislation. [Laughter.]

In this case I am very pleased to join with him in strong support of this legislation, and I commend him as a friend and as a colleague for introducing this proposal which I think should receive broad support from Congress.

When we deal with this kind of legislation we tend to raise our own experiences with regard to discrimination of one kind or another, and I think it is well that we do that.

This country is essentially dedicated to the principle that we are equal and that we all share an equal opportunity to participate in what this country has to offer. Equality under God was really built into our Constitution.

An unfortunate thing is that we tended to differ a great deal on what equality really represented. So, unfortunately, in a country that is dedicated to equal opportunity we have a history of discrimination of various sorts against various minorities in this country.

And certainly the instance involving the Japanese Americans was just another example of where we turned back on our Constitution and the basic commitment of this country to equal treatment—taking people who were U.S. citizens and not giving them the slightest opportunity to engage in due process or a jury trial or any kind of legal process to determine whether in fact they should be deprived of the rights and properties that they were deprived of.

This was the grossest example of that.

I, too, am a native-born California but I am born of Italian immigrants who came here in the early 1930's, and I too share an experience from that time. Although Italian Americans were not put in concentration camps, my grandfather who came to this country in 1938 to

visit my mother and to spend some time in this country was prohibited from returning to his home country and was forced to move inland in order not to be close to the shore. I assume this was based on the suspicion that my 75 year old grandfather in some way might conspire with the enemy in a landing in California.

It was unfortunate and there is no way, even now, that one could rectify our family for the loss of his companionship during that time or for the suffering that he had to put up with.

That is just a small example of what the Japanese Americans had to face. Their ordeal was a much larger example of that same kind of injustice.

As someone who has been involved in civil rights laws both as an attorney and as Director of the Office of Civil Rights, the Department of Health, Education, and Welfare, I can tell you that there is no way people can be fully rectified for the effects of discrimination.

In this case the damages were incalculables—the imprisonment, the sheer emotional trauma of discrimination and what that produces, the loss of property, the loss of jobs. There is no way—and I've handled many cases in court in discrimination for various minorities—in which a court can find a basis on which to rectify the injustice that has been produced.

And, so, what we do in the area of discrimination is largely symbolic but it is important. It may be symbolic, it may be a gesture but it is important because while it does not rectify the people that have been harmed by the inequality, it does lock in the commitment of this country that we are not going to do this again. That we aren't going to engage in that kind of discrimination.

So, that's the importance of H.R. 6412. It recognizes the violation of the rights of some 111,000 Japanese Americans. It tries to restore credit for the time that they spent there in terms of their civil service retirement. But more importantly it creates the symbol that this Congress and this country are committed to true equal justice and that we will never again, as long as we have the will, engage in similar discrimination in the future.

And, so it is for those reasons that I strongly support this legislation and urge the committee and the Congress to adopt it. I would be happy to answer any questions that you may have.

Ms. SPELLMAN. Thank you very much. Each time I hear you speak I realize again how fortunate the House is that we have you as a Member.

Mr. PANETTA. Thank you.

Ms. SPELLMAN. Thank you for your comments.

The next witness is Hon. William J. Hughes, a Representative in Congress from the State of New Jersey.

STATEMENT OF HON. WILLIAM J. HUGHES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. HUGHES. Thank you, Madam Chairman, I appreciate having the opportunity to appear before this subcommittee today to present my views on H.R. 6412. I represent the Second District of New Jersey.

It is an area that has a fairly large-sized Japanese American community—a beautiful community located in south Jersey at Seabrook. I am privileged to appear here today in support of H.R. 6412.

I know that the subcommittee is familiar with the hardships suffered by approximately 111,000 persons of Japanese ancestry during World War II on account of their forced relocation to detention camps. I won't dwell on the subject, but I do want to emphasize the tremendous sacrifice that was endured on account of this mass uprooting and relocation of individuals.

Tens of thousands of lives and careers were interrupted, and the traditional homes of these individuals had to be sold and abandoned to others, sometimes at less than their true value to accommodate the relocation.

There was a fundamental unfairness involved in these actions, and the Congress to some degree has attempted to right the wrong. Although it is impossible to change the events of the past, I believe we can do more than we have done.

In 1952 the Congress took action with respect to those Japanese-Americans who lost or were denied Federal employment or advancement on account of their relocation. That law, Public Law 82-545, granted those individuals the grade, time in grade, and rate of pay which he or she would have attained had the relocation policy not been in effect.

In 1960 the law was amended to extend to that same group of employees civil service retirement credit for any time lost on account of the relocation policy. That was Public Law 86-782.

In a similar vein Congress recently enacted legislation to grant Japanese-Americans who were interned a retirement credit through the social security system for the time they spent in relocation camps.

The legislation before this subcommittee today would take those actions one step further by allowing civil service retirement credit to any Federal employee of Japanese ancestry for a period of time in which they were interned. This would apply regardless of whether the Japanese-American was a Federal employee at the time of his internment or not.

I feel that this proposal is both necessary and desirable for several reasons.

First of all, those that were interred would have been working and contributing to a retirement program during that time if it had been possible.

More importantly, however, they did work throughout their internment and provided services to both the Federal Government and their fellow internees.

They worked as doctors and nurses in the camp hospitals, as teachers in the schools, and as employees in the camp stores. They worked for the war relocation authority and as agricultural employees.

For their work they received a small payment of between \$12 and \$19 per month and no fringe benefits. The bill before you would give these internees who subsequently joined the civil service a retirement credit for time spent in detention camps.

Testimony presented to this subcommittee last year indicated that only between 500 and 1,000 individuals would be affected by this bill,

a small number in comparison to the total number of Federal civil service retirees.

It seems to me that this modest bill goes a long way toward correcting a serious wrong that was inflicted on some of our fellow Americans simply because of their national heritage.

I hope the committee will give the bill a favorable consideration.

Thank you very much.

Ms. SPELLMAN. Thank you very much.

Mr. Wayne Horiuchi, Washington representative of the Japanese-American Citizens League is the next witness.

STATEMENT OF WAYNE K. HORIUCHI, WASHINGTON REPRESENTATIVE, JAPANESE-AMERICAN CITIZENS LEAGUE, ACCOMPANIED BY MS. TOSHI YOSHIDA, COCHAIRWOMAN; AND MUTS FURIYA, MEMBER, COMMITTEE FOR INTERNMENT CREDIT

Mr. HORIUCHI. Madam Chairman, I have accompanying me today Mr. Muts Furiya of the Committee for Internment Credits who would also like to make a brief statement in addition to myself and Ms. Toshi Yoshida of the Committee for Internment Credit Bureau.

Ms. SPELLMAN. We would be very happy to hear from them.

Mr. HORIUCHI. I would like to submit my written testimony for the record.

Ms. SPELLMAN. Without objection it will be entered.

Mr. HORIUCHI. My name is Wayne Horiuchi and I appear today as the Washington representative for the Japanese-American Citizens League, a national civil and human rights organization of 30,000 members in 105 local affiliates throughout the United States.

I appreciate the opportunity to testify before this subcommittee and yourself, Madam Chairwoman.

But let me immediately get to the heart of the matter and give you our reasons for passing H.R. 6412 and provide civil service credit to the Japanese-Americans who were evacuated and interned during world War II.

Japanese-Americans have earned civil service credit because they have been the subject of the most horrid, tragic, and darkest hour in American history. They were denied the basic right to live and work in peace. They were denied the basic constitutional rights and civil liberties of America. And they were denied the inherent right to dignity and respect as human beings.

Of even similar importance is—and this speaks to why compensation should be in the form of civil service retirement credit—that Japanese-Americans who spent time in the American concentration camps were technically, and I emphasize the word “technically,” Federal personnel.

Now, it is ludicrous to say that they were civil servants, per se. However, Japanese-Americans who spent time in the camps on Federal and military projects such as the building of camouflage nets and the making of military posters for the U.S. war effort.

They built, supplied, and administered the camps which would have taken Federal and military personnel. They were supervised by the Department of Interior.

They planted, cultivated, and picked the sugar beets which were later converted into military explosives, also in consultation with Japanese-American chemists. They were paid, albeit the paltry sum of \$12 and \$19 a month, by the Federal Government. Yet they were denied the opportunity to contribute to the civil service retirement system because of their ancestry.

Finally, Madam Chairwoman and members of the subcommittee, Japanese-Americans should be given civil service credit not only because it was earned but because the precedent has already been established for providing such credit.

This precedent has been set in two ways. First, the Congress of the United States has partially recognized the injustice of internment and enacted legislation which enables Japanese-Americans who were interned to receive social security credits.

However, Federal civil service employees are not eligible for these social security credits, and even though they are as hard working as Japanese-Americans employed in the private sector, Japanese-Americans in the public sector do not receive similar benefits. The passage of H.R. 6412 would bring consistency to the retirement system.

Second, the Congress of the United States has enacted legislation that extends coverage of the Civil Service Retirement Act to groups who were not eligible under the definition of the original act.

For example, the officers and employees of the Panama Railroad Company, the officers and employees of the National Library for the Blind, Members of Congress and many other varied, different and worthy groups have been subsequently included under the coverage of the Civil Service Retirement Act.

My point is, Madam Chairwomen, that the argument so often used by Members of Congress to oppose legislation because it would establish a precedent for other groups to claim similar benefits, is simply not valid.

In conclusion, I can sincerely say that the Japanese-American community is a proud and persevering people. Though Japanese-Americans have suffered financial hardship and missed educational opportunities because the evacuation and internment disrupted their lives, we only ask for those benefits that have been earned.

As the Nisei, or second generation begin to reach retirement, the passage of H.R. 6412 would be at the very minimum a symbolic gesture of congressional compassion.

Thank you, Madam Chairwoman. Now, Mr. Furiya would like to make a brief opening statement.

MR. FURIYA. My name is Muts Furiya, a member of the Committee for Internment Credit, representing those Federal employees of Japanese ancestry who seek an amendment to title 5 of the United States Code, to provide that Japanese-Americans shall be allowed civil service retirement credit for time spent in World War II internment camps.

Chairpersons for the Committee for Internment Credit are Miss Toshi Yoshida and Mr. Bill Kyono. Miss Yoshida is present with us today.

We who seek passage of the bills introduced before the 95th Congress are Federal employees from a cross-section of various Government agencies—the Navy Department, the Department of the Army, General Services Administration, Veterans' Administration, Postal

Service, and so on, all encompassed under the Civil Service Retirement Act.

We who were interned during World War II through no fault of our own, without benefit of due process or trial by jury were deprived of up to 4 productive years of our lives.

Only because of our ancestry were we incarcerated and subjected to losses never before experienced by any group in the history of our great country. For those of us who were denied our human and constitutional rights, justice is asked to restore those lost years.

The time spent in the internment camps were not idle. Many of us were employed, providing services within the internment camps and compensated at the rate of \$16 per month.

We were technically deemed Federal employees without the fringe benefits and further denied the opportunity to participate in any retirement plan.

Many teenagers were employed for which no benefits or credits obtained. Employment records are fully documented and readily available for each and every internee. Japanese Americans subjected to internment are probably the most well documented group in the entire United States having individual records filed with the National Archives. We have submitted for your records a copy of a 15-year-old who was employed and compensated during his internment.

The average period of time spent in internment camps by Federal employees of Japanese ancestry is found to be $2\frac{1}{2}$ years. Internees were permitted to leave the camps and contributed toward the war efforts by working in the defense industries and in agriculture.

During the period of internment many of us enlisted in the Armed Forces. The United States was our home, although technically we were homeless, having been uprooted from the Western Defense Zone. For those of us who did serve, the time spent in camps was short.

The records of accomplishment during World War II by American servicemen of Japanese ancestry are now history. The majority served with the 442d Regimental Combat Team in the European Theater of Operations and history will reveal the untold numbers of Japanese-American servicemen that had served in Pacific Theater of Operations with the Military Intelligence Service.

They all served with pride and valor, to protect the freedom and American institutions that was ours.

Thirty-one years are now past since the cessation of World War II. Immediately following the war job opportunities were limited. We were faced with job discrimination even as veterans. We still face subtle forms of prejudice today.

We are Americans by birth and proud of our cultural heritage. The values taught us by our parents and grandparents, who incidentally were denied citizenship until 1952, are parallel to the values being taught in our country today. We maintain our respect for religion, education, and dedication and loyalty to our jobs and, of course, to our country.

The Social Security Act presently affords credit towards social security retirement benefits for years spent in internment camps. Federal employees do not participate in social security benefits. Japanese-Americans who were civil service employees prior to World War II are compensated for the years they were interned.

We feel that we have all contributed toward making the United States of America a better place to live. We take pride as Government employees, we Americans of Japanese ancestry, in sharing in the growth of our Nation.

We seek equity in the name of justice and fairness, a small amount of credit for a large amount of loss—only a small amount of credit for a large amount of loss during an important part of our lives.

On behalf of the Committee for Internment Credit, I wish to thank the members of the subcommittee for allowing our story to be told and for giving us the opportunity to come before you.

We would like to thank the Members of Congress and individuals and organizations testifying on behalf of the legislation before us. We wish to acknowledge support given us by the Washington representative of the Japanese-American Citizens League, Mr. Wayne Horiuchi.

I would also like to acknowledge the presence of the national executive director of the Japanese-American Citizens League, Mr. Karl Nobuyuki.

To reiterate our case, we seek urgent passage of these bills that will provide for us, not a handout, but restore to us those months and years taken away from our lives. There is no price tag for sacrifices we have made, we are only seeking what is equitable.

H.R. 6412 and 6414, introduced by the Hon. Norman Y. Mineta, Congressman from the great State of California, have been cosponsored by 71 Members of the House from throughout the 50 States.

Additional bills supporting this effort have been introduced by Congressmen Robert Leggett, Phillip Burton, William Ketchum, and John J. McFalls.

The suffering and anguish, the loss of livelihood, the humiliation, the personal sacrifices, the deprivation of the opportunity to live as a normal American citizen was felt by many of us here today.

Personally, I hold no animosity for the injustices experienced. My loyalty and the loyalty of the many thousands of Japanese-Americans is unquestioned.

We come before you this morning to give to less than 1,000 Japanese-Americans who are Federal employees credit for time spent in internment camps during World War II.

We urge the Subcommittee on Retirement and Employee Benefits to take action to correct the inequities suffered by a small segment of loyal and dedicated Government employees.

Thank you again for the opportunity to be heard.

Ms. SPELLMAN. We are very happy to have you with us today. I have only one question that I would like to ask.

It has been estimated that between 500 and 1,000 people would be affected by this legislation. However, the bill also would benefit the survivors of former employees covered by this legislation. Are they included in that number or do you have information which would indicate approximately how many survivors we might be talking about?

Mr. HORIUCHI. I believe Ms. Yoshida who has calculated these statistics can answer that.

Ms. YOSHIDA. Well, our interpretation of the word "survivor" means spouse, because most of the children are now grown and self-supporting. I would think it is either the spouse or dependent children. That's my interpretation of the word "survivor."

Ms. SPELLMAN. We are talking about just a few.

Ms. YOSHIDA. Yes.

Ms. SPELLMAN. Thank you very much. Your testimony as usual was very explicit. I have no questions.

[Mr. Horiuchi's statement follows:]

STATEMENT OF WAYNE K. HORIUCHI, WASHINGTON REPRESENTATIVE,
JAPANESE AMERICAN CITIZENS LEAGUE

My name is Wayne Horiuchi and I appear here today as the Washington Representative for the Japanese American Citizens League, the oldest and largest national civil and human rights organization representing Japanese Americans.

I am grateful to those Subcommittee and its forthright and capable chairperson for conducting these hearings and giving the Japanese American Citizens League and myself the opportunity to testify.

The Japanese American Citizens League (JACL) represents 30,000 members in over 100 chapters throughout the United States. We are deeply committed to supporting the efforts by the Committee for Internment Credit and the Japanese American Federal Employees to bring justice and compensation to those persons of Japanese ancestry who suffered greatly during the evacuation and internment to American concentration camps in 1942.

There are fundamental issues at stake in this hearing and the legislation proposed by Congressman Norman Mineta to provide civil service credit to the Japanese Americans who were evacuated and interned during WW II. Those signal issues concern justice, equity, fairness, and compassion. Furthermore, the test for our legislative system is whether or not our system of government can recognize a historical mistake and act positively to correct that mistake. I, for one, believe our government can be responsive.

In the remainder of this testimony I would like to speak to this historical mistake and present this Subcommittee with some background about one of the most tragic periods in American history.

In enacting this measure Congress can in a substantive way recognize that the treatment of the Japanese American in World War II was wrong. Congress can provide this group of people, who have devoted their entire careers to working for the very Government that put them into camps, a measure of justice by extending their retirement credit for their time spent in incarceration.

In addition, the JACL has been joined and actively supported by the American Postal Workers Union, American Federation of Government Employees, the National Treasury Employees Union, National Association of Retired Federal Employees, National Federation of Federal Employees, National Post Office Mail Handlers, Watchmen, Messengers, and Group Leaders Division, Laborers' International Union of North America, AFL-CIO, National Jewish Civil Service Employees, Inc., National Association of Postmasters, American Civil Liberties Union, California State Legislature and many other groups too numerous to mention here.

To us this support is significant because many of these groups represent Federal employees who are paying into the Federal civil service retirement system and are thereby acknowledging that justice is due Japanese Americans by participating in a full and equitable retirement system.

In conclusion, I can sincerely say that the Japanese American community is a proud and perserving people. Though the Japanese American has suffered financial hardship and missed educational opportunities because the evacuation and internment disrupted their lives, we only ask for those benefits that have been earned. As the Nisei or second generation begin to reach retirement, the passage of H.R. 6412 would be, at the very minimum, a symbolic gesture of Congressional compassion.

Thank you, Madam Chairwoman.

Shortly after the outbreak of WW II in 1942, President Franklin Roosevelt issued Executive Order 9066 which subsequently forced the removal of 110,000 persons of Japanese ancestry from their homes on the west coast to be incarcerated into internment camps in the interior of the United States.

Two-thirds of these people were United States citizens by birth and the remainder were barred from becoming citizens because of Oriental Exclusion laws. The only reason for their removal was their ancestry.

However, throughout this ordeal, Japanese Americans never lost their faith in America, regardless of the wanton uprooting of families, the cruelty of captivity and the denial of the basic constitutional rights guaranteed by our Constitution. But, Japanese Americans, in order to prove their loyalty, obeyed the order of the Western Defense Command and willingly moved to what became known as the ten "relocation centers." Manzanar, California; Gila, Arizona; Minidoka, Idaho; Rohwer, Arkansas; Heart Mountain, Wyoming, and Topaz, Utah were just some of the unlikely and barren places that held the Japanese American populations.

I happened to be born and raised in Salt Lake City, Utah where just several hundred miles south, Topaz, Utah came to be the fifth largest city in the state. The irony of all of this is that while inside of the barbed wire camps nearly 10,000 Japanese Americans were held, a significant Japanese American population continued to live and work outside of the camps, unaffected by the military order of the Western Defense Command.

During their time of incarceration Japanese Americans worked to make their existence as meaningful and constructive as possible, despite the illogical and contradictory situation.

Many of the "evacuees" performed services in the camps such as administrators, doctors, nurses, teachers, cooks, policemen and laborers. They constructed the barracks and housing, produced the supplies and materials, and literally ran the camps. Since this would have normally required federal personnel, the Federal Government saved millions of dollars.

For this work, Japanese Americans were compensated the paltry sum of \$12 to \$19 per month and technically were Federal employees without the luxury of fringe benefits nor the opportunity to participate and contribute in the federal retirement system.

Furthermore, Japanese Americans worked on federal and military projects that contributed to the war effort. They built camouflage nets and made military posters for the fighting men and women of the U.S. military.

For example, in Northern Utah and Southern Idaho where sugar beets are a substantial crop, Japanese Americans from nearby camps helped to plant, cultivate, and pick the sugar beets which later were converted into a derivative for explosives and other war materials.

Of even more significance is the fact that thousands of Japanese Americans volunteered to fight for America during the war when President Roosevelt signed an order enabling the formation of a separate army unit. The heroism and valor of the 442nd Regiment cannot be matched as having the most highly decorated yet also having the highest casualty rate of any unit in the American military history.

And only now, 35 years since this tragic experience occurred, has former President Gerald R. Ford terminated the authority of Executive Order 9066 and recognized the tragedy of this historical mistake.

Today the Congress of the United States has the opportunity to also recognize the mistake by passing H.R. 6412.

Ms. SPELLMAN. I see we have been joined by another of our colleagues. I must say that this bill has more support from Members of Congress than any bill we have had before this subcommittee. I think this speaks pretty well for it.

Hon. Glenn Anderson of the 32d District of California has joined us. We are happy to have you here.

STATEMENT OF HON. GLENN M. ANDERSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. ANDERSON. Thank you Madam Chairperson, members of the committee, I appreciate your allowing me the opportunity to speak on such short notice on this legislation of great mutual concern. Additionally, my good friend and colleague, Congressman Mineta is to be complimented for drafting this fine bill, and I would also like to thank you for scheduling hearings at this time.

It may be difficult for many of the younger people in this room to fully understand the hysteria created by Pearl Harbor and the onset of World War II. Others among us remember it well.

Those confusing times resulted in Executive Order 9066, placing 110,000 Japanese Americans in internment camps. Removed from their homes solely on the basis of their ancestral origin, many of these people had to give up their jobs during what could otherwise have been very productive years.

It is not my intention in presenting this brief background to excuse what has happened in the past. I am discussing it, rather, because we have before us today a vehicle which allows us to partly readdress the problem 35 years later.

H.R. 6412 would give retirement credit to those Japanese Americans who joined the Federal Civil Service subsequent to their internment, in addition to those who had been civil servants prior to the war.

Many of these same people worked in the camps at small salaries. Certainly they should have time spent working credited to their Federal pension accounts.

During the 92d Congress we provided similar credit for all internees covered by social security. Are we now to discriminate against those who chose to enter the civil service? I would hope not.

I strongly feel that this legislation should be adopted. There is no way we can ever return the time taken from them, but for the 500 to 1,000 people who spent an average of 2½ years in the camps, we can at least demonstrate a sincere effort to minimize the loss.

Thank you very much.

Ms. SPELLMAN. Thank you very much. We appreciate your coming.

Mr. Mike Masaoka is the next witness.

STATEMENT OF MIKE MASAOKA

Mr. MASAOKA. The reason I am here is that at the time of this terrible tragedy I was the national secretary of the Japanese Americans Citizens group and as such perhaps have been more intimately involved in all these problems than any other living Japanese American.

I went through those times and as I appear before this very sympathetic committee I remember that about 3 months after that picture I came to Washington, D.C., to try to plead our cause. When I approached the old Cannon Office Building which was the only building then standing I was taken into protective custody because they were afraid I was going to blow up this particular building.

Of all 535 Members of Congress only 3 in the House were willing to stand up and speak for us. In the Senate only one. And, so, it is with real pleasure that I am able to come here and discuss this particular legislation with you.

Congressman Leggett talks about being of Italian extraction and so did Congressman Panetta. I would like to point out that Japanese Americans were among the foremost in the liberation of Italy. But more than that, if you don't mind this personal reference to show you how difficult things were for Japanese Americans for our parents—Congressman Leggett mentioned the alien land law.

You here in the East are not familiar with this vicious weapon. But take the case of my mother—and pardon this personal story—my mother had five sons in the American Army in combat at one time. More than any other American family except the Sullivans who had five sons in the submarine service.

One son was killed in the rescue of the lost Texas battalion. Another is 100 percent disabled. The record at the old War Department will show that we have won over 30 combat decorations and yet after the war, in which I lost a brother, a grateful Government gave to our mother a small check for the loss of her son. The State of California took that check away and said "You are Japanese, you can't own land here."

We had to go to court. Fortunately, in 1952 we were able to reverse that particular early ruling and today Japanese aliens and citizens can own land.

I mention this simply to point out to the people who don't know the situation just how bad things were.

As a matter of fact, I've heard references made to the Jewish extermination camps. Adolf Hitler in all of his madness said that if you had one-eighth Jewish blood you were sent to the concentration camps. The Army of the United States and the Government of the United States said if you had one-sixteenth Japanese blood, double that of the monster Hitler, you were subject to go to camp.

I refer to it later on but even in the evacuation instead of giving us credit for citizenship they called us nonaliens and they allowed us to take to camp only that which we could carry on our own persons.

I could, of course, go into much more of that, but I would just like to talk about—since most of you know this particular story—let me just talk about four aspects of this legislation that trouble me a little bit, some of which have been answered by the committee in its discussions today.

First of all, let me address myself to the subject of an age deadline. Now, many of us who served in the war, and elsewhere, feel very definitely that there ought to be some deadline but we suggested the figure 18, which, as you know, is the figure used by the social security in setting up its record for retirement credit.

Thinking over the situation and listening to witnesses I am convinced now that that figure should be much lower than that. The reason for this is that according to the statistics which Congressman Leggett was able to provide us, the great majority of people would be covered by the 18 limitation but there would be significant numbers who would not be covered.

Therefore, I would suggest the figure 12. You may say, "Well, that's awfully young." Yet, the WCCA in allowing Japanese American youths to go out to work in sugar beets and so on went down to that particular age.

And, so, I would suggest, Madam Chairman and members of the committee, that not only should you have a cutoff date of 12 here but you ought to get that social security law changed too so that those who are the beneficiaries of this particular legislation will not be the only ones to receive a modicum of justice.

The second matter that troubles us is that as it is drafted now it seems that the longer you stayed in camp the more you are going to get. Now, we appreciate the fact that some of the old were just too old, and infirm, didn't have the family connections as others to leave camp early.

But if you have to have a cutoff date, what do you do? The young Japanese-American like Congressman Mineta who went out of camp early to go to work or to college, or like myself, a volunteer to service, we would get much less than those who stayed on a long time.

I think that it would be very bad to penalize the loyalty, the extraordinary loyalty of those—particularly those who went to war.

And so I would suggest that a minimum of 2 years be given to every evacuee who later became a member of the civil service of the United States. Now, this may seem arbitrary, that certainly jumps the figure up considerably from 500.

But, Members of the Congress, remember that this is an extraordinary bill, for an extraordinary time. The civil service today may say they oppose the bill because it will establish a bad precedent. Evacuation itself was unprecedented. Our legal rights, our rights to property, and almost everything else was stripped from us and, if that particular evacuation formed a precedent for future actions against minorities in the United States in the future, that is a bad precedent and ought to be eliminated.

Therefore, I don't think the argument of precedent really means as much as it appears to.

Third, we are familiar with the various bills that have been passed by Congress to help those with Japanese ancestry, but somehow we have forgotten the veterans. Congressman Mineta is very familiar with the case in Hawaii where Japanese Americans initially following the attack on Pearl Harbor and who were already in the service in our country, in the National Guard, were forced out and later on came back, many of them, as volunteers, or as Congressman or was Congressman and now—Senator Matsunaga came in as a member of the 100th Battalion.

And people like your former colleague, now Senator Inouye, was with the volunteer group. I am privileged to have helped organize that group. So, I think I can speak for them.

Just in case you have any doubt about it, General Marshall called the 442d the most decorated unit in American military service for its time and length of service.

Madam Chairman, the average combat casualties for an American combat unit in World War II was 25 percent. We were called the "Purple Heart Regiment" because we had 30.9 percent casualties. Higher than any other American unit in any war.

There are others who in many ways suffered perhaps greater jeopardy than we did. After all, we went to the European front, we were together and we fought as a unit. Those who could speak Japanese were sent to the Pacific where they had to fight people that looked like them. In many ways, had they been captured, their death or the suffering to which they would have been subjected, would have been far greater than those of the 442nd.

Charles Willoughby, the Chief of Intelligence for General MacArthur, says that the Japanese-American troops in the Pacific

saved millions of lives and perhaps billions of American dollars, and General Stillwell says that these Japanese-American troops bought an awful hunk of America with their blood.

These people, I think, should not be denied some kind of credit—retirement credit—or what not. I realize that in the House you have the rule of germaneness which does not permit you, perhaps, to consider this kind of amendment. If that is correct, then I would respectfully suggest that if it is not out of order for the subcommittee to recommend to the Veterans Committee, or certainly to your colleagues in the Senate where the rule does not exist, that Japanese Americans who volunteered to fight and to die should not be forgotten.

It seems easy enough, or rather, it is rather difficult to even go to war under selective service, but can you imagine people like myself, people here in this room, placed behind barbed wire fences under armed guard who lost all their properties, volunteering to fight, and to die, if necessary, for this country as so many did.

So, I would respectfully suggest that this is a matter that should be dealt with.

The fourth particular problem is the question of names. It is a technical thing and perhaps not important, but to me as an American citizen, because of the wartime distinction, this means a lot.

Internment, technically speaking during World War II, was a program designed by the Federal Bureau of Investigation and carried out by the Department of Justice under their so-called Enemy Alien Control Unit.

This was a program whereby the FBI picked up individual Japanese, German, and Italian aliens because they were suspected of being potentially dangerous to our country and placed into camp. These were the internees. They were individual people, and I might say in retrospect that these internees, enemy aliens, when they got to camp they received a hearing from three-men hearing panels, and by the end of 2 years all except three or four were paroled or released.

These internees, by the way, were considered dangerous to the security of the United States, but they were covered by the Geneva Convention. We who were citizens were not. Therefore, the so-called internees who were potentially dangerous to the security of our country were better fed, better clothed, and better housed than were Americans of Japanese ancestry.

So, I think that you will understand why this particular term "internment" bothers me. We were not interned technically on an individual basis of suspected loyalty. We were taken en mass, even some who wore the uniform of the U.S. Army, herded off like cattle to these concentration camps and forced to live in conditions that sometimes were worse than animals.

My wife, for example, went first to Santa Anita Racing Track and she had to stay in a stall where the horses had spent much of the time. Others were in similar conditions.

Incidentally, when we talk about this particular measure, we forget that there were two movements among the evacuees. The first movement was from where we were, in a normal community like this, to so-called assembly centers controlled by the Army. There were 17 of these.

From these assembly centers we were moved later to relocation camps, if you will, of which there were 10.

So, I think there is a distinction. I think the law ought to be clear as to whether you are going to include that group or not.

So much for my suggested amendments.

May I now discuss the fact that—I think Congressman Heftel realizes this—this bill relates to certain aspects of detention to which we were subjected.

There were three such detention programs directed at only persons of Japanese ancestry in the United States. The first, of course, and by far the largest were these 110,000 evacuees who were moved to these 17 assembly centers and then later to the 10 relocation camps.

Now, I think that in this connection I have a sample of an instruction sheet that was given to us when I was in this area. I want to point out to the members of the committee that the language in this particular instruction says—now, remember two-thirds of us were American citizens—"All Japanese persons both alien and nonalien will be evacuated from" certain areas at a certain time.

This is how much our Government thought of us at that time. Thank God that our country has moved forward.

The time has come for some of us to come and plead with you for a little bit of justice for this particular group.

But, this was the largest group. The second largest group was the so-called internees that I've mentioned before under the programs of the Department of Justice.

All together, 2,000 roughly, individuals of Japanese ancestry were interned, but an additional 1,735 members of their family joined them, rather than being forced to go to a WRA camp. And the people went there because the food was better, the housing was better—as a matter of fact, in World War II, believe it or not, enemy aliens were treated better than U.S. citizens.

Some Japanese leaders, some with families and others without families, were brought to the United States from Peru, and some were placed in internment camps, while many more went to various WRA centers. And from the centers, particularly in Arkansas, many of them went to Seabrook, N.J., represented by your colleague, Congressman Hughes. And when he speaks of a large number of Japanese Americans in his district, that is the reason for it.

Now, we do not believe that special foreign evacuees should necessarily be covered by this bill, but the question remains that many of them since have had their status adjusted to permanent residency and have become citizens of the United States.

And if they became civil service servants, whether they should be allowed to be compensated should be a question, I think, that should obviously be considered.

Now I come to the third and smallest, and the least known, of the group that were detained. These were the Americans of Japanese ancestry who were detained in special Army, Navy, and civilian compounds on the major islands of the then territory of Hawaii under martial law imposed by the commanding general following the attack on Pearl Harbor.

An educated guess on my part based on various reports and books that I have read suggests that approximately not more than 2,000

adults of American-Japanese ancestry were so incarcerated. No doubt the record will show that many times that number were detained at one time or another for a few short days on the basis of having violated certain minor curfew or travel regulations.

But, I would propose, in retrospect, that if this law is to try to compensate Japanese Americans in part, at least, for some of their mistreatment—well, Hawaiian Japanese were not forced into concentration camps, although about 1,000 were brought over from Hawaii and put in our camps—Americans of Japanese ancestry in Hawaii did suffer some very peculiar indignities.

For example, I believe it was the president of the Hawaiian Senate at that time, or at least a Senator of Japanese ancestry, who was forced to give up his position in the State—or, rather, territorial—senate.

People like Congressman Matsunaga who were members of the National Guard and ready and eager to go out and fight were dropped arbitrarily out of these National Guard units and had to find some kind of jobs.

Many other Japanese Americans were subject to all kinds—maybe you can call it minor, but nevertheless because they looked like the enemy, they were subjected to all kinds of very difficult treatment and harassment. Ostracized sometimes, deprived of their jobs, many of them lost their livelihoods.

I am sure that Congressman Heftel can attest to the fact that if any group of Hawaiians or any group of Americans proved their loyalty with their blood, it certainly was the Japanese Americans in Hawaii.

I won't go into the situation about Canadian Japanese—but it is interesting to point out that when we were evacuated our Government did not provide any property custodian or any way to take care of our property except that we could store them in Government depots at our own risk.

Naturally, as pointed out by those Congressmen here from California who testified, many of the evacuees had to sell cheaply.

As a matter of fact the Congress of the United States in 1948 did pass the Japanese-American Evacuation Claims Act.

The last claim was paid in 1965 and we were paid an average of less than 10 cents on the dollar at 1941 prices with no interest.

These are the kinds of people we are talking about, Madam Chairman.

Well, I suppose we could go on, and on, and talk about different aspects of this period. I would like to say that since the end of the war, for instance, I have been involved in activities to try to show that World War II was not a racist war. I have tried to explain to the peoples of the Orient and elsewhere that ours is a democracy that works.

And, believe it or not, the great example I can point to is our mistreatment in World War II, because in time of hate and hysteria when there was little information about us, we were placed in concentration camps by our own government. Yet, 30 years later we have never had it so good.

We now have a Member in this House and three Senators of Japanese ancestry. We have a Governor. There are many judges at

the Federal and local levels. We have many public officials throughout the country.

This to me is crucial evidence that democracy in spite of the fact that it does commit mistakes also has within it the ability, the power, to compensate for some of these abuses.

Now, it is my hope that you will pass this legislation, preferably with some of the amendments to make it more liberal. But more importantly, I hope that the Members of Congress that pass this legislation don't say that this is the end, because I think that some time soon either the Japanese-American Citizens League or some other group will come before Congress to ask for general redress or reparation. Somehow these things are only symbolic.

That symbolism is this. If the American people and the American Government are forced to compensate people who are mistreated like we were a few years ago, then the next time when this kind of proposition is brought up to Congress for approval, maybe more than three people in the House and one in the Senate will stand up and speak out for justice and fair play.

As a resident of your State, Madam Chairman, may I note that many of those who will be benefited by this particular legislation are from your own district. Congressman Heftel knows that if you expand this a little bit to include some of the veterans and others, more and more of his group from Hawaii will also be benefited.

But, no matter how you expand it, it can never be complete repayment or compensation for those who suffered as we did.

On the other hand, its passage will be a symbol to us that our faith in America is vindicated. It is for that reason especially, Madam Chairman, that I urge the enactment of this legislation. Thank you.

Ms. SPELLMAN. Thank you very much, Mr. Masaoka. In this case I'm not even going to state "Thank you for your testimony." I'm going to thank Mr. Mineta for having brought you here to testify.

We certainly do hope that in a democracy we would have the ability and power to make amends and hope that in a democracy we also have the power to make those amends.

I just wish you would move over the county line.

Mr. MASAOKA. No, I think in time we are going to make Montgomery County democratic in spite of the situation nowadays.

[Laughter.]

Ms. SPELLMAN. Thank you very much for your testimony. Perhaps our colleague has a question.

Mr. HEFTEL. Mr. Masaoka, I wish you perhaps could testify on the floor of the House. I think it would be very effective because of your personal understanding and involvement.

What you have suggested of modifying perhaps to the age of 12. Do you think that we should modify or leave it as drafted in the House version which would automatically apply to all of these in the civil service who at any age were interned?

Mr. MASAOKA. Well, when we suggested 18 I must confess that my past memories of working with Congress suggested that I should be as restrictive as possible in what we ask for. Considering the sympathy and understanding of this subcommittee I certainly would go along with the present bill because to me as with Congressman Mineta and the rest of them this is really symbolic.

So, the more people we can provide with partial compensation the greater that symbolism.

Ms. SPELLMAN. On the other hand, we have to be realistic. Enactment of this legislation entails more than passage by this subcommittee. It has to pass the whole House and it has to be tempered somewhat.

Ms. MASAOKA. Shall we suggest 12?

Mr. HEFTTEL. I would hope that in this area of human rights that we don't temper it in our own time.

Mr. MASAOKA. I hope so.

Mr. HEFTTEL. Thank you very much.

Ms. SPELLMAN. You mentioned a notice. If you have a copy of that for the record I would be very grateful, otherwise I would like to make a copy.

Mr. MASAOKA. May I submit the Congressional Record for June 11, 1963, in which a number of your colleagues paid tribute to the Japanese-American's 20-year anniversary of service in World War II and Senator Fong on the Senate side in World War II, did likewise.

When we held our national convention here in 1972, the Japanese-American Citizens League under the leadership of your former colleague, now Senator Matsunaga, put together tributes to the Japanese American contribution to our country.

Then, finally, this is more or less a personal thing. At one time when the movement wasn't so popular I was called the "Moses" of the Japanese people because I led the people out of the safety of their cities to these horrible camps. Many people wondered why we took this particular action. This particular action which has been written up in book form explains why we have accepted evacuation—which I would like to submit for the record—we explain that this, in a way, was the most difficult contribution any group of Americans have ever made to the war effort of their Nation.

And, in a sense, we believe that this was the first nonviolent demonstration for civil rights in the history of our country.

Ms. SPELLMAN. May I point out to you that the people of Israel feel that this is a great mistake. Had you turned left instead of right they would be sitting on the oil. [Laughter.]

Thank you very much. Regarding the possibility for legislation for veterans that you spoke about: We will send copies of your testimony to the appropriate committees.

Mr. MASAOKA. It should be well received because many of us, believe it or not, are honorary Texans. My brother who was killed and some of us were involved in the rescue of the lost Texas battalion in the fall of 1944.

This was an unusual effort because it was the only case in World War II, I think, when bayonets were used in a charge—the facts are that a group of the 441st Infantry Battalion of the 36th Texas Division was cut off by the German enemy for a period of over a week.

Some seven units, American units, mostly of division size, were ordered to their rescue. None of them could break through. So, we were brought together out of another sector and asked to go to that rescue because the United States did not want a single troop or battalion or unit to be annihilated.

The sad facts are that to rescue 289 white Americans we lost over 600 killed and over 2,300 casualties.

They made us honorary Texans for that, but more importantly, I think, we were one of the few units in World War II who believed in certain things, we knew what we were fighting for, and we got those objectives, such as citizenship for our parents and this kind of legislation.

MS. SPELLMAN. Thank you for your testimony. I would like to announce that the markup for this bill is scheduled for the 26th of this month. For those who don't know what markup is, it is putting the bill into final form.

The subcommittee will then pass it—and I am quite sure we will—and it will go to the full committee in that form.

Again, markup will take place on the 26th of September.

Thank you very much for your testimony and for your presence. The meeting is adjourned.

[Whereupon, at 11:15 a.m., the hearing was adjourned.]

[Mr. Masaoka's statement, along with others which were received subsequent to the hearing, follow:]

STATEMENT OF MIKE W. MASAOKA

Madam Chairman, and members of the subcommittee, my name is Mike M. Masaoka, a native-born Californian now residing in Chevy Chase, Maryland, with offices at Farragut Square, Washington, D.C.

For the information of the Subcommittee as to my background and qualifications to testify this morning on this subject of civil service retirement credit for time spent in detention by persons of Japanese ancestry in World War II, may I explain that on December 7, 1941, I was the National Secretary of the Japanese American Citizens League (JACL), then and now the major organization of American citizens of Japanese ancestry in the United States, with Headquarters then and now in San Francisco. From that time on until my induction as a volunteer for what is now known as the famous 442nd Regimental Combat Team in June 1943, I was probably more intimately concerned with the tragedy and travail of those of Japanese origin on the West Coast than perhaps any living Japanese American.

This included the period when the President of the United States authorized the mass military evacuation and detention of more than 110,000 persons of the Japanese race, more than two-thirds of whom were American citizens by birth and the remainder mostly aliens because our then racist nationality laws denied them the opportunity to become naturalized and to share in the citizenship of their children in the land of their personal choice by immigration. This took place when our courts were functioning freely and none were even accused of any crime except that of having been born Japanese. The Government provided no conservator for our property, so the life's earnings of most of the families were sacrificed at less than bargain basement prices, or were given away, or stolen. And we were allowed to take to camp only that which we could carry in our own two hands.

After the war, in which four of my brothers served with me in Italy and France, one being killed and another being 100% injured, I returned to JACL and became its Washington Representative from 1945 until 1953 on a full-time basis and until 1972 on a part-time retainer basis.

In that capacity, as your former colleague, now retired Congressman George P. Miller, then the Dean of the California delegation, was gracious and generous enough to extend his remarks in the "Congressional Record" on the occasion of the 20th anniversary of Japanese American military service in World War II more than a decade ago, saying, "without doubt most of the public and private legislation affecting persons of Japanese ancestry in the postwar years has had the stamp of Mike Masaoka on it."

Though I am no longer connected with the JACL on a professional basis, I continue to be most interested in legislation, litigation, and administrative actions affecting those of Japanese extraction in this country. In fact, today I am testifying on behalf of the Nisei Lobby, a select group of like-minded Americans of Japanese ancestry—most of whom suffered wartime detention in wilderness

camps and most of whom also saw service in the armed forces of the United States in World War II—who believe that their unique experiences in those tragic years can contribute to a better and more understanding America.

The Nisei Lobby, of course, endorses the enactment of H.R. 6412 and its companion bills that authorize federal civil service retirement credit for time spent in the World War II detention camps.

Although not too many Americans today know, or remember, the unprecedented persecution to which Japanese Americans were subjected to before, during, and after December 7, 1941—in our judgment—few of goodwill and decency will object to any reasonable remedial and corrective legislation that in part will tend to compensate us for what we—though citizens of the United States—were forced to endure.

The Documented record assures this minimum. There were no acts of sabotage or espionage by any person of Japanese race resident in the United States, including the then Territory of Hawaii, before, during, and after the Pacific War. We cooperated in our own evacuation and detention, even though questioning the constitutionality of it all, suffering indignities and humiliations no other nationality minority in the United States has ever been asked to survive, while sacrificing in many cases the success and property of a lifetime of honest toil, as our unequalled contribution to the war effort. We served our country well—at home and especially abroad, in Europe and in the Pacific where we proved, in the words of Franklin D. Roosevelt, "Americanism is a matter of the mind and the heart, and not of race or ancestry". After hostilities, without bitterness, most of us returned to normal communities and our role as exemplary citizens. We adopted and lived and worked in the spirit of the regimental battle cry of the 442nd, which is now a part of the American vocabulary—"Go For Broke", give all of yourself—to your country, to your family, to your faith.

There are a few among us who may disagree, but—to me at least—the American Japanese saga is one of democracy, of America, in action. In a time of hate and hysteria, simply because of our race, we were herded like cattle and detained behind the barb-wire fences of concentration camps, United States style. Yet, enough of us had the vision and the courage to demand—and receive—the opportunity to volunteer to fight and possibly to die in combat against the European and Pacific enemies of our nation. The 442nd became known as the Purple Heart Regiment because we suffered 30.9 percent in casualties and, as Chief of Staff General George Marshall describe our volunteer corps, "The 442nd is the most decorated military unit in American history for its size and length of service." Our brothers who could speak and understand Japanese volunteered for combat intelligence in the Pacific. General Charles Willoughby, Chief of Staff for Intelligence to General Douglas MacArthur, summed up their contributions by noting that "they saved possibly millions of American casualties and billions of United States dollars".

And—today—only three decades removed from the concentration camps American version, we Japanese Americans "never had it so good". We enjoy a quality of life never dreamed of before December 7, 1941. Our children can look forward to opportunities that were closed to us, their parents, because of age-old prejudices and stereotypes. We have three Senators and one Representative in the U.S. Congress, one Governor, judges at federal and local levels, scores of mayors and lesser public officials, all across the land, with Hawaii with its one-third Japanese American population now the 50th State, with the country of our ancestry Japan now America's greatest ally in the Far East and second only to the United States in the Free World as an industrial complex.

Truly, we American Japanese are a living, vital example of democracy in action. Our wartime sacrifices and faith have been vindicated to a considerable degree by the Congress, by the Executive Departments, and by the Judiciary.

The instant legislation before us at these hearings is another evidence of congressional regard for justice, equity, and fair play, though—in truth—it fails to go as far as it should. In the not too distant future, for example, the Nisei Lobby and the JACL, among others, hope to see the Congress enact legislation that will, as far as monetary compensation can go, provide partial redress for the wartime incarceration of those of Japanese descent in World War II.

We know that a fair-minded Congress will not enact this very limited measure and then refuse to consider subsequently general token "reparations" on the grounds that the Government has already paid certain of their claims at 10 cents on the dollar lost as a consequence of the Evacuation and provided certain limited

groups with retirement credit. But all this is another issue, to be considered at another time.

The measures introduced by Congressman Norman Mineta and more than 50 of his colleagues in the House of both political parties provide civil service retirement credit for the time in camp of American Japanese who served or now serve as employees of the federal government.

Frankly, though not too many will be beneficiaries of this legislation, the principle involved is important. When American citizens are detained illegally by their own government, without "due process" of law, every effort to "make up" for that unconstitutional action should be taken—and as expeditiously as possible.

In this case, it is well known that evacuees received only \$8, \$12, and \$16 a month for 44-hour work weeks while imprisoned in Army controlled WCCA (War-time Civilian Control Administration) camps called "Assembly Centers" preparatory to the more permanent incarceration in the civilian WRA (War Relocation Authority) "centers", as official Washington euphemistically referred to them, where monthly salaries, or wages, were restricted to \$12, \$16, and \$19.

The non-evacuee personnel, many of them less educated and experienced than their Japanese American co-workers, such as doctors, lawyers, teachers, engineers and construction supervisors, chefs and cooks, etc., received the full civil service rates. Many of the professional non-evacuee staff, as dedicated as they were, were more often than not young and inexperienced. I can recall instance after instance, for example, where evacuee lawyers, receiving \$19 a month, had to explain the law and civil procedures to the newly graduated non-evacuee attorneys earning a thousand dollars a month. Of Issei doctors, with medical practices of decades, who because they were aliens could not qualify for more than \$16 a month, teaching young non-evacuee internees who were paid more than \$1,500 for a comparable period.

Example after example of such gross discrimination could be cited. Talk about equal pay for equal work!

At least four aspects of this legislation trouble me, however.

1. The language does not provide an age deadline for those who spent time in camp to qualify for the proposed benefits. Thus, an infant born in camp who leaves detention after—say—3 years and two decades or more afterward finally joins the federal civil service after perhaps earning some retirement pay or pension rights in private employment. This person will be entitled to the same rights for retirement credit as a young adult who but for detention might have becomes a public servant at the time of the Evacuation.

To try to equalize this difficult issue, may I suggest that a qualification that any beneficiary must have been at least 18 when he was first detained be written into the proposed legislation.

2. The present bills as drafted indicate that the longer one stayed in camp for any reason whatsoever the more retirement credit one would be entitled to claim. As I recall this matter of time spent in detention, I first wonder whether a distinction should be made between time spent in the WCCA and in the WRA "centers", for there are a number of evacuees who never were sent to the WRA camps, being allowed to leave the WCCA assemblies for available employment outside the Western Defense Command.

Even more important is the fact that the more courageous, more adventurous evacuees were among the first to leave camp. There were those who volunteered for the sugar beet harvests in the intermountain regions, those who left to continue education in colleges and universities, and the visionary volunteers for combat duty in Europe or combat intelligence in the Pacific. Most of these were young and healthy individuals, it is true, but their early departure relieved the government of feeding, housing, and paying them. I recognize that many of the very old and the very young stayed in camps until the very end, when the WRA in the spring of 1946 decided to close all the "centers" because they were ill, had "no place" to go, or had no friends or organizations to help them if they should leave the "protection" of WRA detention.

Nevertheless, an effort to equalize retirement credit so as not to penalize too much those who left camp early for outside communities and responsibilities, especially the volunteers for military service, should be considered. I would suggest that the minimum retirement credit for which every evacuee who otherwise qualifies should be two years. The WRA phase of detention began in the spring of 1942 and ended in the winter of 1946, so a 2 year period does not seem either too generous or too picayunish.

3. Earlier legislation with which I am acquainted provides this same retirement credit for those who were enrolled in the federal civil service at the time of the Evacuation. By an administrative determination of the Social Security Administration, prodded by the then Chairman of the House Ways and Means Committee, most—if not all—evacuees are accorded credit for qualifying for certain social security benefits for the time spent in the WRA "centers".

There is general agreement—I personally believe—among public officials academicians and scholars, the knowledgeable public, and those of Japanese ancestry that the single most crucial factor in the "come-back", as it were, of those of Japanese origin was the gallant war record of the Japanese American volunteers in World War II who, in the words of General "Vinegar Joe" Stilwell, "bought an awful hunk of America with their blood".

While I understand that this Subcommittee and Committee cannot consider such special legislation for veterans, since that is within the jurisdiction of the Veterans' Affairs Committee, may I respectfully recommend that this Committee urge that legislation be approved by that Committee which would authorize the same type of retirement credit for the various benefits available to veterans to service persons of Japanese ancestry, or veterans, for the time spent in involuntary detention in the WRA camps. Or, perhaps the Committee might recommend that the Senate adopt a special amendment for this purpose, since the same rules of germaneness do not apply in the other body. As with this civil service concession, not many American Japanese, including those detained in World War II, would receive any direct benefits from such a gesture. Still, I believe that as a veteran myself the move would be welcome.

4. This is strictly a technical matter in which I, as a layman, have little competence. Nevertheless, I am very troubled by the use of the word "internment" in the title and elsewhere in this legislation.

To me as an American citizen, I was not interned, for that specifically referred in World War II at least to the program of the Enemy Alien Control Unit of the Department of Justice. In this program, those individual alien Japanese against whom the FBI (Federal Bureau of Investigation) had "reasons" to suspect their "loyalty" to Japan, the country of their birth and citizenship which they, unlike German and Italian aliens, could not overcome by naturalization into citizens, were "picked up" on individual orders and sent to enemy alien "internment" camps, as were German and Italian aliens who were also "suspect".

Subsequently, these internees were afforded "hearings" by civilian panels, the "evidence" against them examined, and—in the case of the Japanese—all except four or five if memory serves me correctly, were subsequently paroled or released outright. In the main, men were internees, though many called their families to join them in the special internment camps where all were protected by the Geneva Convention and better housed, fed, and treated than were we citizen evacuees.

We were sent to camp en masse and in camp we had no "hearings" or "trial" by a jury of our peers or any other person or official. So, may I request that the word "internment" be erased from these bills and some word such as "detention" be substituted therefor, in order that there may be no confusion between individual internees and the general group that can be identified as evacuees.

As I remember the facts of those times, there were three distinct and separate "groups" or categories of individuals of Japanese origin who were subjected to detention by the U.S. Government.

The first, and by far the largest, were the more than 110,000 evacuees who were removed by the Army under authority of Executive Order 9066 from their West Coast homes and associations and sent to 17 WCCA Assembly Centers hurriedly converted from horse stalls on race tracks and county fair grounds near communities where substantial numbers of prospective evacuees resided. Then, they were transferred to the ten more permanent WRA camps in the desert wilderness of the West and the river bottom wastelands of Arkansas.

Altogether, in the period from early March until mid-May 1942, when the evacuation took place, to mid-March 1946, some 120,313 persons of Japanese ancestry came under the custody of the WRA. This included 1,118 from Hawaii who were shipped over in four major and four minor "group movements". This also included less than 500 who were transferred from Alaska to the Puyallup WCCA center near Seattle, and then mostly to the Minidoka WRA camp in Idaho.

In this connection, I am forced to note that the Western Defense Command considered an individual with as little as one-sixteenth "Japanese blood" as required to evacuate. This, by was, was twice as arbitrary as Hitler who con-

sidered those with as little as one-eighth Jewish "blood" condemned to his Nazi-style extermination camps. Also, I must observe that the Commanding General of the Western Defense Command described as those who must evacuate "alien and non-alien" Japanese, even refusing to dignify our status as citizens.

My belief is that these examples in themselves suggest the very racist character of our wartime travail.

The second largest group were the so-called internees previously referred to. Altogether, they numbered about 2,000 individuals, with some 1,735 of these individuals subsequently leaving the Department of Justice "internment camps" for WRA centers. The 3,121 members of the internee families who initially went to the "internment camps" with their fathers usually relocated later to the WRA camps.

Under some then secret agreement between Washington and the Latin American countries in this hemisphere, certain of their Japanese leaders, usually but not always with their families, were transported to the United States and assigned to "internment" camps and to various WRA centers, particularly those in Arkansas (Rowher and Jerome). Altogether they totaled less than a thousand, most of whom were from Peru. We do not believe that these special "Foreign evacuees" are covered by this proposal even if they remained in the United States after the end of the War and ultimately gained both permanent residency and citizenship. Whether they should be included or not is a subject for consideration by the Subcommittee.

The third and smallest group is the one with the least known information. These are the Americans of Japanese ancestry (AJA) who were detained in special Army, Navy, and civilian compounds on the major islands of the then Territory of Hawaii under martial law imposed by the Commanding General following the attack on Pearl Harbor. An "educated guess" on my part, based on various reports and books that I have read on this illusive subject is that probably not more than 2,000 adults AJAs at the most were so incarcerated. No doubt many more, probably several times as many, were found guilty of minor violations of the martial law imposed by the Army and fined, but they were not "detained" in the sense of being imprisoned for more than a few days.

My reading of the bills suggest that these Hawaiian Japanese Americans who were "detained" for some time under martial law would also be beneficiaries of this legislation if they otherwise qualify. This is as it should be.

Of more than passing interest may be the Canadian record on its "Japanese". In general, it followed the pattern established in the United States. It should be noted, though, that unlike the United States which by federal law excluded Japanese aliens from becoming naturalized citizens, alien Japanese were eligible for Canadian citizenship and most secured that privileged status before the Pacific War.

In any event, approximately all of the 25,000 "Japanese" resided in the western province of British Columbia on December 7, 1941, the day before Canada—as an ally of the United States and a member of the then United Kingdom—formally declared war on Japan. Except for a few who were taken into custody on an individual basis, the remainder were placed in "detention" in the Canadian Rockies without regard to their citizenship status by the Royal Mounted Police, which was charged with their evacuation and "detention". However, Ottawa did appoint an Alien Property Custodian—if my recollection is accurate in this regard—to protect the property of the "detainees". And, to be sent into "detention", one had to have at least one-fourth "Japanese blood".

Since I can so vividly recall many incidents of World War II as they affect Japanese Americans as if they took place only yesterday, especially the remarkable spirit of the detained people under the most difficult of circumstances, I would be pleased to try to answer any questions that the members of the Subcommittee may have concerning this worthy bill and any other phase of our World War II experiences.

Though I am painfully aware that there seems to be a growing tendency among too many of my fellow citizens, including some of Japanese ancestry, to feature only the "worst" of that wartime tragedy as an aberration of the American dream, I would like to conclude my statement at this time by expressing my belief that the bottom line on the loyalty and devotion of Americans of Japanese origin is not in the less than 7,000 who became so disillusioned with what had happened to them simply because of their "affinity to the enemy"—as explained by the Supreme Court of the United States—that they renounced their citizenship and asked to be sent to Japan after the end of hostilities.

Many of these were so young that they had to be with their parents who wanted to be repatriated to their native land. Others were older who felt that they had to accompany their aged and often ill parents to Japan. Actually, less than an estimated 1,500 voluntarily and actively sought to renounce their citizenship on their own. In other words, out of some 120,000 who were forced to undergo the extreme hardships of the test of their belief in American ideals and promises, only about 1,500 had so little faith in the United States that they wanted to give up their birthright and go to a defeated and devastated Japan that most of them had never seen.

All the rest of 120,000, even after the agony and humiliation of our mistreatment—which was unparalleled in American history—in effect voted their confidence in the United States by remaining here to live out their lives in the land that stills holds great promise for them and their prosperity.

The instant legislation, in its purpose and spirit, serves to vindicate that faith and devotion. Therefore, I urge its early enactment.

Thank you for your attention and cooperation.

[The attachment follows:]

Civilian Exclusion Order No. 5

**WESTERN DEFENSE COMMAND AND FOURTH ARMY
WARTIME CIVIL CONTROL ADMINISTRATION**

Presidio of San Francisco, California

April 1, 1942

INSTRUCTIONS TO ALL PERSONS OF JAPANESE ANCESTRY

LIVING IN THE FOLLOWING AREA:

All that portion of the City and County of San Francisco, State of California, lying generally west of the north-south line established by Junipero Serra Boulevard, Worchester Avenue, and Nineteenth Avenue, and lying generally north of the east-west line established by California Street, to the intersection of Market Street, and thence on Market Street to San Francisco Bay.

All Japanese persons, both alien and non-alien, will be evacuated from the above designated area by 12:00 o'clock noon, Tuesday, April 7, 1942.

No Japanese person will be permitted to enter or leave the above described area after 8:00 a. m., Thursday, April 2, 1942, without obtaining special permission from the Provost Marshal at the Civil Control Station located at:

1701 Van Ness Avenue
San Francisco, California

The Civil Control Station is equipped to assist the Japanese population affected by this evacuation in the following ways:

1. Give advice and instructions on the evacuation.
2. Provide services with respect to the management, leasing, sale, storage or other disposition of most kinds of property including: real estate, business and professional equipment, buildings, household goods, boats, automobiles, livestock, etc.
3. Provide temporary residence elsewhere for all Japanese in family groups.
4. Transport persons and a limited amount of clothing and equipment to their new residence, as specified below.

THE FOLLOWING INSTRUCTIONS MUST BE OBSERVED:

1. A responsible member of each family, preferably the head of the family, or the person in whose name most of the property is held, and each individual living alone, will report to the Civil Control Station to receive further instructions. This must be done between 8:00 a. m. and 5:00 p. m., Thursday, April 2, 1942, or between 8:00 a. m. and 5:00 p. m., Friday, April 3, 1942.

2. Evacuees must carry with them on departure for the Reception Center, the following property:

- (a) Bedding and linens (no mattress) for each member of the family;
- (b) Toilet articles for each member of the family;
- (c) Extra clothing for each member of the family;
- (d) Sufficient knives, forks, spoons, plates, bowls and cups for each member of the family;
- (e) Essential personal effects for each member of the family.

All items carried will be securely packaged, tied and plainly marked with the name of the owner and numbered in accordance with instructions received at the Civil Control Station.

The size and number of packages is limited to that which can be carried by the individual or family group.

No contraband items as described in paragraph 6, Public Proclamation No. 3, Headquarters Western Defense Command and Fourth Army, dated March 24, 1942, will be carried.

3. The United States Government through its agencies will provide for the storage at the sole risk of the owner of the more substantial household items, such as iceboxes, washing machines, pianos and other heavy furniture. Cooking utensils and other small items will be accepted if crated, packed and plainly marked with the name and address of the owner. Only one name and address will be used by a given family.

4. Each family, and individual living alone, will be furnished transportation to the Reception Center. Private means of transportation will not be utilized. All instructions pertaining to the movement will be obtained at the Civil Control Station.

Go to the Civil Control Station at 1701 Van Ness Avenue, San Francisco, California, between 8:00 a. m. and 5:00 p. m., Thursday, April 2, 1942, or between 8:00 a. m. and 5:00 p. m., Friday, April 3, 1942, to receive further instructions.

J. L. DeWITT

**Lieutenant General, U. S. Army
Commanding**

See Civilian Exclusion Order No. 5

STATEMENT OF HON. EDWARD R. ROYBAL, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF CALIFORNIA

Mr. Chairman, I am glad to have this opportunity to speak out in full support of H.R. 6414, authorizing retirement credit for Japanese-American civil service employees who were relocated to detention camps in World War II.

Thirty-five years have passed since an Executive Order was issued to incarcerate over 100,000 Japanese-Americans in the interior of the United States. Many young Americans find it a hard fact to swallow that our government could have committed such an inhumane and irrational act during World War II. Yet some of us will always be haunted by the memory of the anti-Japanese hysteria that swept the West Coast, and the way in which it infected even the most socially liberal communities—my own among them.

How, for example, can I ever forget being booed off the platform at an East Los Angeles community meeting for speaking out against internment. And as the war progressed, I was constantly reminded of the injustice being perpetrated against the Nisei as I watched my father caring for the home of our next-door neighbor who had been relocated to one of the detention camps.

There isn't any way we can give back to the Japanese-Americans the years that were so deplorably taken from them. But luckily, we do have the opportunity to compensate some of the victims—if only in a small way—for the sacrifices they made and the work they did for the U.S. government during the years of their encampment.

Congress has already legislated civil service retirement credit for Japanese Americans who were denied Federal employment or who were removed from their Federal jobs to be encamped. H.R. 6414, of which I am a cosponsor would go one step further, to give retirement credit to current Federal employees who spent time in the camps, in recognition of their years of sacrifice and the contributions they have continued to make as civil servants.

Mr. Chairman, I believe that passage of this legislation is long overdue, and I urge my colleagues on the Subcommittee to favorably report H.R. 6414 to the full Committee on Post Office and Civil Service. Thank you.

STATEMENT OF HON. WILLIAM LEHMAN, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF FLORIDA

Madame Chairman, I appreciate your cooperation in holding a hearing on H.R. 6413, and I am pleased to have this opportunity to express to the subcommittee my support for this legislation.

When we think back to the years of World War II, we usually think only in terms of our fight against the German and Japanese dictatorships. We think of the praiseworthy deeds of our armed forces and of the terrible atrocities perpetrated by our enemies. Rarely do we recall that we Americans forced the removal of 110,000 Japanese-Americans from their homes and placed them in internment centers.

We do not think of this aspect of World War II because we are not proud of it. This cannot be an excuse, however, for forgetting.

Congress now has the opportunity to atone for the injustice shown those thousands of Americans whose only crime was their ancestry. Granted, it is a small gesture in comparison with the magnitude of our act, but it is the very least we can do.

H.R. 6413 will allow those Japanese-Americans who were interned in these camps to apply that amount of time toward Federal Civil Service Retirement credit. The work they performed while interned was work done for the benefit of the Federal government, yet they received no benefits.

Madame Chairman, it is only fair that we act now, albeit belatedly, to give these workers the credit which they have thus far been denied. More than thirty years have passed since the end of World War II. Time, unfortunately, has not healed all wounds. The passage of H.R. 6413 would be a small but important step in redressing a wrong for which we all share the blame.

STATEMENT OF HON. JOHN J. MCFALL, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF CALIFORNIA

Madame Chairman, I want to thank you and the members of the subcommittee for this opportunity to discuss the need for legislation to allow credit

for Civil Service retirement purposes for time spent by Japanese Americans in World War II internment or relocation camps. I believe this is a subject worthy of prompt Congressional action, and I compliment you for scheduling a hearing on the bills introduced on this topic.

Last March, I introduced a bill, H.R. 4626, that provides for Civil Service retirement credit for time spent in World War II internment and relocation camps. I am aware of other bills that have also been introduced on this subject. Whereas these bills vary somewhat in certain provisions, they all share the recognition that such a retirement credit should be allowed.

Under an earlier amendment to the Social Security Act, World War II Japanese-American internees are allowed credit toward Social Security for time they spent in the camps. If for no other reasons, simple equity now requires that the Congress act to provide a similar credit for internees who have devoted their working careers to Federal employment and are thereby covered by Civil Service Retirement.

Additionally, as a result of the Federal policy of internment, these citizens experienced a direct and severe economic injury. They were deprived of their economic liberty and the opportunity to practice their professions and continue working at their jobs. Many also lost valuable property. By this forced exile from the economic community of the Nation, their work careers were shortened, their work seniority reduced, and their participation in retirement programs lessened.

This legislation would at least partially rectify the economic damage done to internees who subsequently pursued Federal Civil Service jobs.

Madame Chairman, the World War II internment of Japanese-Americans is not an episode in our history that I now look back upon with pride. The legislation before the subcommittee today offers us an opportunity to take pride in our recognition of our past shortcomings, and I hope the subcommittee will act both favorably and expeditiously on this subject.

STATEMENT OF HON. CHARLES H. WILSON, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF CALIFORNIA

Madame Chairman and members of the Subcommittee, I would like to take this opportunity to express my appreciation to you and to the Compensation and Employee Benefits staff for arranging hearings to consider the granting of civil service retirement credit to Japanese Americans for time spent in World War II internment camps.

It was thirty-five years ago, in the summer of 1942, that 112,000 people of Japanese descent were evacuated from their homes and businesses on the West Coast and incarcerated behind barbed wire in so-called "war relocation centers." Two-thirds of these evacuees, deprived of their freedom and property without benefit of trial, were citizens of the United States. The gravity of this terrible injustice cannot be measured in the dollars and cents lost, for what economic compensation can be made for shattered lives, for families separated, for enduring racial stigma?

The sad, but clear-cut irony of this "Constitutional mistake" is illustrated by the fact that throughout the course of World War II, not one instance of sabotage or treason by a Japanese American was ever documented. These citizens demonstrated unswerving allegiance to the United States, despite unconscionable discrimination by their own government in forcing them to pay the price of Pearl Harbor.

Let me share the proportions of this tragic episode with you through the words of Mary Kitano Liltz, whose parents owned a small farm in Compton, California—in what is now my own 31st District:

"Although the compulsory evacuation of Japanese had not yet occurred in the Compton area, my parents realized the order was imminent. So my father, anxious that we be assigned to a camp in California, arranged for us to leave our farm voluntarily and join a group of 1,000 who were to be bused from West Los Angeles to Manzanar, the now-famous camp at the foot of Mt. Whitney. Thousands like us who experienced wartime detention have had all these years to come to terms with our ordeal. My parents had to rebuild their lives from scratch, yet never spoke bitterly of Manzanar. In their view, the U.S. Government had no choice but to isolate 'enemy aliens,' as noncitizen residents of Japanese origin were then called . . . My father and mother were so grateful to their adopted land for enabling them to raise their children free from hunger that

they had faith those dark days would give way to better times. Just as they co-operated fully with the authorities, so they expected the same of us."

The Kitanos received \$2000 for their well-kept 20-acre farm, their livestock and home. Someone bought their piano for \$7. And at that, they were lucky, for many of the disappropriated were given no time to sell, even at a loss, and simply walked away from their life's work.

The persons interned in Manzanar and other "assembly centers" worked as cooks, teachers, doctors, nurses, policemen, laborers and in other capacities. In fact, the interns ran the camps themselves, building the barracks, patrolling the grounds, repairing the plumbing—saving the Federal government millions of dollars and manhours which could thus be used in the war effort. And for this cooperation and sacrifice, the Japanese Americans were paid \$12 a month for nonprofessional work and \$19 a month for professional jobs.

In an effort to right the tremendous wrong done to these loyal and innocent citizens of Japanese ancestry, various plans for reparation of lost property or compensation for economic deprivation have been approved by the Congress in the years following the War. However, historians Audrie Girdner and Anne Loftis in their substantive analysis of this chapter of American events, "The Great Betrayal," state that:

"In all, 26,500 evacuees were given a total of \$38 million. The lawyers who represented the claimants and the spokesmen for the Japanese American Friendship League agreed that the program was fairly administered, though the law, even as amended, was not flexible enough to cover all the contingencies. Nor did it take account of intangibles such as the cost in human anguish, the damage to reputation, the missed opportunities the lost years."

We now have an opportunity, through legislation introduced by Congressman Norman Mineta, H.R. 6412, to offer additional compensation to those victims of Executive Order No. 9066 whose lives and livelihoods were forever scarred by the "military necessity" of relocation. The persons who labored so loyally at the internment centers were, for all intents and purposes, civil servants who enjoyed neither fringe benefits nor retirement plans. It is time to extend to these people a small, but viable compensation for the injustice they suffered: Credit towards Federal Civil Service retirement for the years spent under Federal supervision in the detention camps. I am a cosponsor of this measure and was most gratified to note that a growing number of other Members are following Mr. Mineta's lead on this issue.

I therefore strongly urge that the Subcommittee look into the merits of this bill and report it favorably to the Full Post Office and Civil Service Committee, so that we may correct this grave error in the annals of our democracy. Our new Administration has begun to demonstrate an active concern for human rights around the world; it is indeed time that we add this small reparation to those whose civil liberties and human rights were so blatantly disposed of thirty-five years ago.

STATEMENT OF HON. GEORGE E. DANIELSON, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF CALIFORNIA

Madam Chairman, I appreciate this opportunity to add my support for the bill H.R. 6412, a bill authorizing retirement credit for civil service employees of Japanese-American extraction who were forced to relocate to and spend time in detention camps during World War II.

This bill, if enacted, would eliminate the arbitrary prerequisite of having to have been a civil service employee before July 16, 1952, in order to qualify for retirement credit as provided under present law. All detainees who joined the civil service would be able to receive the credit.

I believe that this is a fair and overdue improvement of the present law. Time spent in the detention camps would be counted as if the detainee had been employed in a civil service job.

The important point is that the retirement credit should be given to these former detainees without regard to when they later joined the civil service.

Although relatively few individuals—probably less than 1,000—may be affected by the operation of this bill, it is the obligation of the American people to recognize our debt to those unjustly deprived of liberty.

I note that retirement credit would be granted without regard to the age of the civil service employee at the time of his or her detention. Without a specific age provision, the civil service would, in some cases, be giving retirement credit

to some individuals who were below the minimum working age at the time of their detention. The subcommittee may wish to consider this fact.

I commend the members of this distinguished subcommittee for their attention to this matter. I am certain that enactment of this bill into law would be welcome news to many in my home state of California.

STATEMENT OF PATRICK J. NILAN, LEGISLATIVE DIRECTOR, AMERICAN POSTAL WORKERS UNION (AFL-CIO)

Mrs. Spellman and members of the subcommittee, my name is Patrick J. Nilan, Legislative Director for the American Postal Workers Union. I am accompanied here today by Legislative Aide, Edward L. Bowley.

Mrs. Spellman, we are pleased to be here this morning to testify in support of the enactment of H.R. 6412 and wish to take this opportunity to commend you and members of your staff for holding these hearings. We also wish to commend Congressman Norman Y. Mineta (D-Calif.) and some seventy Members of the House of Representatives, who have seen fit to introduce and cosponsor H.R. 6412, a bill that in a very small and insignificant way, amends a tragic mistake made by this nation again its citizens during World War II.

H.R. 6412 will give Civil Service retirement credit to Japanese Americans who are Federal employees and who were placed in internment camps during World War II. It has been estimated that only about 500 employees would be affected by the bill and that its cost is estimated at less than one-million dollars a year.

It is a worthwhile bill and a small price to pay in atoning for the ridicule and humiliation suffered by what history has proven to be loyal American citizens.

When the late President Franklin D. Roosevelt issued Executive Order 9066 which subsequently forced the removal of more than 100,000 persons of Japanese ancestry from their homes to incarceration and internment centers in the interior of the United States, it was probably one of the worst acts of Government abuse in this nation's history. Two-thirds of these uprooted persons were United States citizens by birth and the remainder were persons who had been denied citizenship for one reason or another.

In addition, the action was undertaken without benefit of jury trial but rather involved simply a military order of exclusion, removal and incarceration. In February of 1976, then President Gerald Ford terminated the scorned Executive Order, calling it a tragic mistake in U.S. history. While interned, these persons worked as teachers, cooks, policemen, doctors, nurses, laborers and the like, and for their efforts, they received the small sum of \$12.00 a month for non-professional work and \$19.00 a month for professional tasks. They were, for all practical purposes, Federal employees who were denied both fringe benefits and the opportunity to participate in any retirement plans whatsoever.

Therefore, Mrs. Spellman, while we could go on and on in support of H.R. 6412, the American Postal Workers Union merely wants to acknowledge that justice is long overdue these Japanese Americans and we are urging early consideration of this bill by the Congress of the United States to restore to these American citizens, their right to participate in a full and equitable retirement system.

STATEMENT OF VINCENT L. CONNERY, NATIONAL PRESIDENT, NATIONAL TREASURY EMPLOYEES UNION

The National Treasury Employees Union, representing over 97,000 Federal employees, fully supports enactment of legislation which would grant Civil Service Retirement credit to those Japanese-Americans who were the victims of internment during World War II.

Over the years, our union has never wavered in its determination to obtain passage of such legislation. Just last month, the Delegates to the 36th NTEU National Convention unanimously adopted a Resolution reaffirming their commitment to the principles of H.R. 6412 and their desire that this bill or similar legislation be enacted into law. (See attached Resolution.)

Clearly, the internment of Japanese-American citizens during World War II ranks as one of the most misguided and shameful actions ever taken by our government. Caught up in the hysteria that accompanied our entrance into this war, the Federal government uprooted many thousands of these loyal citizens

under the threat of physical force, deprived them of their freedom, property, and all civil rights, and then place them in internment camps far from their homes.

Nothing could ever compensate the victims of internment for the ordeal they were forced to undergo, just as nothing will ever wash away the blot this tragic incident has left on our nation's conscience. Nevertheless, we believe that fair-minded men and women across the country would agree that any measure, however small, to grant the victims of internment some form of relief is both right and just.

History shows that these citizens, even under the physical and emotional duress of imprisonment, found ways to serve the very government which had forsaken them. Many Japanese-Americans worked as doctors, nurses, laborers, teachers, and clerks in the camps to which they were consigned. Others volunteered to fight the war and formed one of the most decorated units to emerge from World War II.

It was in recognition of the value of the services performed by Japanese-Americans during that most trying of times, as well as a desire to compensate these men and women for the indignities which has been forced upon them, that led the 92d Congress to enact legislation providing them with some restitution. Specifically, the 92d Congress granted Social Security credit to all Japanese-Americans who were interned during World War II for the period in which they lived in the camps.

However, through an oversight in the law, a relatively small, but significant, group of employees received little or no benefit from its provisions. Those Japanese-Americans who entered the government service after World War II were excluded from this law since Federal employees receive no Social Security credit for the years spent in the Federal service.

The bills now before this Subcommittee, H.R. 6412, H.R. 3921, and others, seek to correct this oversight by extending to these employees credit in the Civil Service Retirement system. By adopting this legislation, Congress would simply provide Federal employees who were the victims of internment, the same benefits that were granted to their co-workers in private industry a number of years ago.

At a time when the President of the United States has called for a rededication to the cause of human rights, we would do well to remember this incident in our not-too-distant past and seek to remedy any of the residual effects that may remain. Yet, despite the President's often-stated commitment to human rights, there are those in the Administration who would continue the injustice against these Japanese-Americans by denying them this relief.

We were shocked to learn that, at recent hearings before this Subcommittee, a Civil Service Commission official opposed this legislation. The Director of the Commission's San Francisco region, Frank Yanak, even went so far as to state that if this legislation was enacted, the Civil Service Retirement System could "decline to the status of a pension plan for numerous types of non-Federal service."

Surely, this comment must rank as one of the most callous ever uttered by a Federal official. The internees did in fact perform valuable work for the government—for which they received little more than slave wages and no fringe benefits whatsoever. The bills now being considered by this Subcommittee merely seek to extend to Japanese-American internees who became Federal employees the same retirement credit that Congress has already granted to those who entered private sector employment. We find it abominable that the Civil Service Commission should exhibit such a cold, inflexible attitude on this matter of simple justice.

Other critics of this legislation have pointed to the expense it would entail, thus citing the same stale argument that has been used against many other worthwhile bills. In point of fact, however, current estimates are that the bills would affect only between 500 and 1,000 Japanese-Americans, at an approximate cost of \$500,000.

We are aware of the practical problems faced by this Subcommittee in appropriating funds for this legislation because of the severe reduction in the amount approved for new legislative initiatives by the Congressional Budget Resolution. Nevertheless, we believe that the inherent justice of H.R. 6412 and the moral obligation of our Federal government to the victims of internment far outweighs the relatively small expenditure of funds that would be required by enactment of this bill.

In conclusion, we would like to thank Congressmen Robert Leggett (D-Cal.), Norman Mineta (D-Cal.), and the host of others who have cosponsored legislation to grant Civil Service Retirement credit to those Japanese-American civil servants who suffered through the internment camps of World War II. We reiterate our strong support for this legislation, and urge you to take this small but meaningful step to make amends for a tragic chapter in American history.

[Attachment A]

(Resolution passed by 1977 NTEU National Convention concerning Civil Service Retirement credit for Japanese-Americans interned during World War II.)

No. 25—CIVIL SERVICE RETIREMENT FOR INTERNED JAPANESE-AMERICANS

Whereas, American citizens of Japanese ancestry were unjustly interned during World War II solely because of their ancestry and without regard to their loyalty, and

Whereas, the Congress of the United States has recognized this injustice by giving Japanese-Americans Social Security credit for the period of internment but has not given similar credit to United States Civil Service employees so interned, and

Whereas, Congressman Leggett has introduced House Bill H.R. 3921, and Senator Inouye has introduced Senate bill S. 224 to give Japanese-Americans Civil Service retirement credit for time they spent in internment, therefore, be it

Resolved, that NTEU not only endorse H.R. 3921 and S. 224 but authorize its officers to take affirmative steps to have them enacted into law.

95TH CONGRESS
1ST SESSION

H. R. 6412

IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 1977

Mr. MINETA (for himself, Mr. PHILLIP BURTON, Mr. JENRETTE, Mr. COUGHLIN, Mr. BROWN of California, Mr. HUGHES, Mr. SCHEUER, Mr. WALGREN, Mr. ANDERSON of California, Mr. McCLOSKEY, Mr. MURPHY of New York, Mr. LEGGETT, Mr. PRITCHARD, Mr. FORD of Michigan, Mr. HARRIS, Mr. LUNDINE, Mr. KILDEE, Mr. WEISS, Mr. CORMAN, Mr. GILMAN, Mr. BONIOR, Mr. SIMON, Mr. FORSYTHE, and Mr. SOLARZ) introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To amend title 5, United States Code, to provide that Japanese-Americans shall be allowed civil service retirement credit for time spent in World War II internment camps.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That (a) section 8332 of title 5, United States Code, re-
- 4 lating to creditable service for civil service retirement pur-
- 5 poses, is amended by adding at the end thereof the follow-
- 6 ing new subsection:
- 7 “(1) (1) Any employee or Member who—

1 “(A) is of Japanese ancestry; and

2 “(B) while a citizen of the United States or an
3 alien lawfully admitted to the United States for per-
4 manent residence, was interned or otherwise detained at
5 any time during World War II in any camp, installation,
6 or other facility in the United States, or in any terri-
7 tory or possession of the United States, under any policy
8 or program of the United States respecting individuals
9 of Japanese ancestry which was established during
10 World War II in the interests of national security pur-
11 suant to—

12 “(i) Executive Order Numbered 9066, dated
13 February 19, 1942,

14 “(ii) section 67 of the Act entitled ‘An Act
15 to provide a government for the Territory of
16 Hawaii’, approved April 30, 1900 (chapter 539,
17 Fifty-sixth Congress; 31 Stat. 153);

18 “(iii) Executive Order Numbered 9489, dated
19 October 18, 1944;

20 “(iv) sections 4067 through 4070 of the Re-
21 vised Statutes of the United States; or

22 “(v) any other statute, rule, regulation, or
23 order;

24 shall be considered to have performed civilian service in
25 the Government, for which credit shall be allowed under this

1 subchapter, during any period during which such employee
2 or Member was so interned or otherwise detained.

3 “(2) For the purpose of this subsection, ‘World War
4 II’ means the period beginning on September 1, 1940, and
5 ending on July 24, 1947.”.

6 (b) Section 8333 (c) of title 5, United States Code,
7 relating to eligibility for annuity, is amended by inserting
8 “(assuming for purposes of this subsection that such amounts
9 were deducted or deposited with respect to all service de-
10 scribed in section 8332 (1)) ” after “civilian service”.

11 (c) Section 8334 (g) of title 5, United States Code,
12 relating to deposits, is amended—

13 (1) by striking out “or” at the end of paragraph
14 (4) ;

15 (2) by striking out the period at the end of para-
16 graph (5) and inserting in lieu thereof “; or”; and

17 (3) by adding at the end thereof the following
18 new paragraph:

19 “(6) any period for which credit is allowed under
20 section 8332 (1) of this title.”.

21 SEC. 2. (a) Except as provided in subsection (b), the
22 amendments made by the first section of this Act shall apply
23 with respect to annuities accruing under subchapter III of
24 chapter 83 of title 5, United States Code, for months be-
25 ginning after the month in which this Act is enacted.

1 (b) (1) Upon application therefor, the Civil Service
2 Commission shall recompute any annuity to which—

3 (A) any employee or Member referred to in sec-
4 tion 8332 (1) of title 5, United States Code, as added
5 by the first section of this Act, who retires before or
6 during the month in which this Act is enacted; or

7 (B) any individual surviving any such employee
8 or Member;
9 is entitled under subchapter III of chapter 83 of such title
10 5 to take into account any service for which such employee
11 or Member is allowed credit under such subchapter, deter-
12 mined as if the amendments made by the first section of
13 this Act had been in effect at the time of the retirement of
14 the employee or Member involved.

15 (2) Any recomputation of an annuity under paragraph
16 (1) shall apply with respect to months beginning more
17 than 30 days after the date on which application for such
18 recomputation is made.

19 (c) (1) The Civil Service Commission shall prescribe
20 such regulations and take such action as may be necessary
21 and appropriate to inform individuals entitled to have any
22 service credited under section 8332 (1) of title 5, United
23 States Code, is added by the first section of this Act, or to
24 have any annuity recomputed under subsection (b), of
25 their entitlement to such credit or recomputation.

(2) The Civil Service Commission shall, on request, assist any individual referred to in paragraph (1) in obtaining from any department, agency, or other instrumentality of the United States such information possessed by such instrumentality as may be necessary to verify the entitlement of such individual to have any service credited under such section 8332 (1) or to have any annuity recomputed under subsection (b).

(3) Any department, agency, or other instrumentality of the United States which possesses any information with respect to the internment or other detention of any employee or Member as described in such section 8332 (1) shall, at the request of the Commission, furnish such information to the Commission.

UNITED STATES CIVIL SERVICE COMMISSION
WASHINGTON, D.C. 20415

September 22, 1977

Honorable Robert N.C. Nix
Chairman, Committee on Post Office
and Civil Service
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This is in further reply to your request for the Commission's views on H.R. 2568, a bill "To amend title 5, United States Code, to provide that Japanese-Americans who were placed in internment camps during World War II shall be credited for civil service retirement purposes with the time they spent in such camps." The report also includes the Commission's views on a similar bill, H.R. 6412.

By way of background, the War Relocation Authority was established within the Office for Emergency Management by Executive Order 9102 of March 18, 1942, to formulate and effectuate a program for the removal, relocation, maintenance, and supervision of persons designated under authority of Executive Order 9066 of February 19, 1942, who were excluded by order of the Secretary of War or an appropriate military commander from designated military areas. The biggest single task of the Authority was the resettlement of 110,000 persons of Japanese ancestry who were evacuated from designated areas of California, Oregon, Washington and Arizona during the spring and summer of 1942.

Acting on the premise that the national interest would be best served by permitting those evacuees whose loyalty could be established to resettle in ordinary communities, the Authority in October 1942 announced procedures for establishing and maintaining relocation centers to house evacuees and relocation offices to aid in the placement of evacuees in productive jobs throughout the country outside of the evacuated zones. In September and October 1943, the Authority segregated those about whom security questions had been raised, and placed them at Tule Lake, California. Residents in all other relocation camps were permitted to leave the camps and obtain employment in public and private industry. The last of these camps was closed in the latter part of 1946.

Public Law 82-545 (approved July 15, 1952) granted special benefits for pay purposes to certain of these Japanese-Americans who were employees of the postal field service or subject to the Classification Act of 1949 on the date of enactment. Such an employee who at any time during the period December 7, 1941, to September 3, 1945, by reason of the policy or program of the United States, or for purposes of entering the Armed Forces, (1) was separated from the Federal service, (2) lost opportunity for, or was denied, probational appointment from a civil service register, or (3) was denied reinstatement to such position, was given the grade, time in grade, and rate of compensation which he would have attained automatically if such program or policy had not been in effect. These dates cover the period during which the United States and Japan were officially engaged in war.

Public Law 86-782 (approved September 14, 1960) amended P.L. 82-545 to add a grant to such employees of credit for Civil Service Retirement and leave purposes for --

- (1) each period of internment;
- (2) each period during which any loss of opportunity for or denial of appointment occurred;
- (3) each period resulting from denial of reinstatement; and
- (4) each period resulting from separation from the service.

H.R. 2568 and H.R. 6412 propose to allow Civil Service Retirement credit, without qualification, for time spent by all Japanese-Americans in World War II internment camps. The bills would extend retirement credit to individuals who (1) were not separated from the Federal service (2) did not lose opportunity for or were not denied, appointment from a civil service register or (3) who were not denied reinstatement to such position, but who were simply detained in a camp during any period from September 1, 1940 to July 24, 1947. The bills would also extend retirement credit to an internee's survivor for purposes of increasing his or her annuity and, in addition would remove the requirement that these

individuals must have been employed in the postal field service or subject to the Classification Act of 1949 on July 15, 1952, the date of enactment of P.L. 82-545.

The Commission did not oppose enactment of Public Law 86-782. Our report to the Congress on that measure stated that ordinarily the Commission would strongly oppose any grant of service credit under the Civil Service Retirement System for periods of non-Federal service. However, it took account of the fact that Public Law 82-545 had adopted a particular public policy in the cases of certain Japanese-Americans who because of their internment, had been deprived of credit for time which otherwise would have been creditable. The Commission took the position that it would have no objection to the extension of that policy to the area of retirement if the Congress decided this should be done. This action was taken with the definite understanding, affirmed in Committee report, that crediting periods of non-Federal service toward retirement for this particular deprived group of Japanese-Americans would not be construed as precedent for allowing such credit to other groups.

There does not seem to be justification for extending Civil Service Retirement credit to Japanese-Americans who have neither been uprooted from their Federal jobs nor denied appointment from a civil service register as proposed by the bills. Therefore, we oppose removing the three criteria for retirement credit established by Public Law 82-545 for Federally employed Japanese-Americans and we also oppose extending such credit to their survivors. If it is decided that national policy requires that some form of restitution is due Japanese-Americans who were neither uprooted from Federal jobs nor denied Federal employment due to internment, then such restitution should be given all such persons and not just those who became Federal employees. We do not believe the Civil Service Retirement and Disability Fund is the proper source for compensating interned Japanese-Americans who were neither uprooted from Federal jobs nor denied a Federal appointment as a result of such internment.

We have no objection, however, to extending the period of time which may be credited under Public Law 82-545 from December 7, 1941 - September 3, 1945 to December 31, 1941 - December 31, 1946, if the employee can show that he or she met the established criteria that he or she was either uprooted from his or her Federal job or denied a Federal appointment during that period. These are the dates during which certain Japanese-Americans can receive official credit for periods of internment and they are reasonable because there were no internment camps prior to December 7, 1941 nor after late 1946. We have been unable to discover any significance to the dates (September 1, 1940 - July 24, 1947) given in the bills which would relate to the internment camps. Furthermore, we do not object to removing the limitation that an individual to be eligible for such benefits must have been employed in the postal field service or subject to the Classification Act of 1949 on the date of enactment of P.L. 82-545. These limitations appear to us to arbitrarily exclude certain Japanese-Americans who were also uprooted from their jobs or denied appointment from a civil service register, as a result of internment during World War II but were not Federally employed at that time.

In connection with employment the bills propose to consider these periods of internment as fully covered Federal employment. While it is true that many internees did perform some chores or other services in the camps, these services were performed for the benefit of the internees and not

as employees of the Federal Government. Such services, for which they received token payment, met none of the tests of Federal employment outlined in 5 U.S.C. 1205(a). Furthermore, many of the individuals who would be affected by enactment of the bills were infants or very young children at the time and could not because of their age have been Federally employed even if they had not been interned.

The national policy which led to the internment camps was very regrettable. While the loyalty and citizenship of those Japanese-Americans has been more than proven, this nation has also tried to make amends. Public Law 82-545 and later Public Law 86-782 were enacted for the benefit of those individuals who were uprooted from Federal jobs or denied Federal appointment. As discussed earlier in this report we would not object to extending the period covered by those laws to December 31, 1946 nor to removing the requirement that the individual be employed in the postal field service or subject to the Classification Act of 1949 on July 15, 1952.

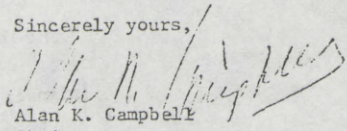
The Commission, however, has consistently opposed proposals to credit service under the Civil Service Retirement System which does not meet the tests of Federal employment and during which no employee-employer relationship existed between the individuals and the United States. The system's effectiveness as a staff retirement system would be severely reduced if it were to decline to the status of a pension plan for numerous types of non-Federal service or time-periods, or as a means of indemnifying persons who have endured hardships or financial loss because of government action. As stated before, if it is decided that further restitution is due certain of these individuals we do not believe the Civil Service Retirement and Disability Fund is the proper source for compensating them.

In connection with cost, the Commission does not have adequate data as to the number and characteristics of employees of Japanese ancestry who entered Federal employment for the first time after the date of enactment of Public Law 82-545 (July 15, 1952). We estimate, though, that for a typical Federal employee of Japanese ancestry who spent 2 1/2 years in a relocation center, providing retirement credit for the time he spent in that center would increase the unfunded liability of the Civil Service Retirement and Disability Fund by about \$13,600. For each 1,000 such employees, therefore, the added unfunded liability would be \$13.6 million. This amount would be amortized by 30 equal annual installments of approximately \$843,000.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,


Alan K. Campbell
Chairman

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

Honorable Robert N. C. Nix
Chairman, Committee on Post Office
and Civil Service
Suite 209 Cannon House Office Building
House of Representatives
Washington, D.C. 20515

SEPTEMBER 22, 1977

Dear Mr. Chairman:

This is in reply to the Committee's request for the views of this Office on H.R. 2568, "To amend title 5, United States Code, to provide that Japanese-Americans who were placed in internment camps during World War II shall be credited for civil service retirement purposes with the time they spent in such camps."

H.R. 2568 would allow Japanese-Americans in Federal service to credit the time spent in World War II internment camps in computing annuities under the civil service retirement system. Under existing law, Japanese-Americans employed in 1952, who were Federal employees -- or who lost opportunity for Federal appointment from civil service registers -- at the time of such internment, and who would have lost service credit, tenure and status as a result, are already entitled to credit the internment period for retirement, leave, and other purposes where length of service is a factor in Federal employment.

H.R. 2568 would extend the service credit privilege to individuals who were not Federal employees or candidates for Federal service at the time of internment and who, therefore, incurred no loss of Federal service credit, status or tenure because they were interned. In its report, the Civil Service Commission states a number of reasons for opposing the grant of credit on such basis. The Commission indicates, however, that it would not oppose extension of the benefits of present law to all Japanese-Americans who become Federal employees, whether or not they were employed in 1952, or expansion of the credit period if the criteria of present law are met.

We concur in the views expressed by the Civil Service Commission and, accordingly, would not object to enactment of H.R. 2568 provided it is amended as suggested by the Commission.

Sincerely,

(signed) James M. Frey

James M. Frey
Assistant Director for
Legislative Reference

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