

COMMISSION ON WARTIME RELOCATION AND INTERN-
MENT OF LATIN AMERICANS OF JAPANESE DESCENT
ACT

NOVEMBER 30, 2010.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. CONYERS, from the Committee on the Judiciary,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 42]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 42) to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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THE AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Based on a preliminary study published in December 1982 by the Commission on Wartime Relocation and Internment of Civilians, Congress finds the following:

(1) During World War II, the United States expanded its internment program and national security investigations to conduct the program and investigations in Latin America.

(2) Approximately 2,300 men, women, and children of Japanese descent were relocated from their homes in Latin America, detained in internment camps in the United States, and in some cases, deported to Axis countries to enable the United States to conduct prisoner exchanges.

(3) The Commission on Wartime Relocation and Internment of Civilians studied Federal actions conducted pursuant to Executive Order 9066 (relating to authorizing the Secretary of War to prescribe military areas). Although the United States program of interning Latin Americans of Japanese descent was not conducted pursuant to Executive Order 9066, an examination of that extraordinary program is necessary to establish a complete account of Federal actions to detain and intern civilians of enemy or foreign nationality, particularly of Japanese descent. Although historical documents relating to the program exist in distant archives, the Commission on Wartime Relocation and Internment of Civilians did not research those documents.

(4) Latin American internees of Japanese descent were a group not covered by the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b et seq.), which formally apologized and provided compensation payments to Japanese Americans interned pursuant to Executive Order 9066.

(b) PURPOSE.—The purpose of this Act is to establish a fact-finding commission to extend the study of the Commission on Wartime Relocation and Internment of Civilians to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

SEC. 3. ESTABLISHMENT OF THE COMMISSION.

(a) IN GENERAL.—There is established the Commission on Wartime Relocation and Internment of Latin Americans of Japanese descent (in this Act referred to as the “Commission”).

(b) COMPOSITION.—The Commission shall be composed of 9 members, who shall be appointed not later than 60 days after the date of the enactment of this Act, of whom—

(1) 3 members shall be appointed by the President;

(2) 3 members shall be appointed by the Speaker of the House of Representatives, on the joint recommendation of the majority leader of the House of Representatives and the minority leader of the House of Representatives; and

(3) 3 members shall be appointed by the President pro tempore of the Senate, on the joint recommendation of the majority leader of the Senate and the minority leader of the Senate.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(d) MEETINGS.—

(1) FIRST MEETING.—The President shall call the first meeting of the Commission not later than the later of—

- (A) 60 days after the date of the enactment of this Act; or
- (B) 30 days after the date of the enactment of legislation making appropriations to carry out this Act.
- (2) SUBSEQUENT MEETINGS.—Except as provided in paragraph (1), the Commission shall meet at the call of the Chairperson of the Commission.
- (e) QUORUM.—Five members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.
- (f) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a Chairperson and Vice Chairperson from among its members. The Chairperson and Vice Chairperson shall serve for the life of the Commission.

SEC. 4. DUTIES OF THE COMMISSION.

- (a) IN GENERAL.—The Commission shall—
 - (1) extend the study of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act—
 - (A) to investigate and determine the facts and circumstances surrounding the relocation, internment, and deportation to Axis countries, by the United States, of Latin Americans of Japanese descent during the period beginning December 7, 1941, and ending February 28, 1948, and the impact of those actions by the United States; and
 - (B) in investigating those facts and circumstances, to review directives of the United States Armed Forces and the Department of State, and other relevant information and documents, relating to the relocation, detention in internment camps, and deportation to Axis countries of Latin Americans of Japanese descent; and
 - (2) recommend appropriate remedies, if any, based on the findings of the Commission and the preliminary findings by the Commission on Wartime Relocation and Internment of Civilians.
- (b) REPORT.—Not later than 1 year after the date of the first meeting of the Commission pursuant to section 3(d)(1), the Commission shall submit a written report to the Congress containing the findings resulting from the investigation conducted under subsection (a)(1) and any recommendations described in subsection (a)(2).

SEC. 5. POWERS OF THE COMMISSION.

- (a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this Act—
 - (1) hold such public hearings in such cities and countries, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such subcommittee or member considers advisable; and
 - (2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.
- (b) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—
 - (1) ISSUANCE.—Subpoenas issued under subsection (a) shall be approved by a majority of the members present at a meeting, shall bear the signature of the Chairperson of the Commission, and shall be served by any person or class of persons designated by the Chairperson for that purpose.
 - (2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the person who is served the subpoena resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence required by the subpoena. Any failure to obey the order of the court may be punished by the court as a contempt of that court.
- (c) WITNESS ALLOWANCES AND FEES.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or required by subpoena to appear at any hearing of the Commission. The per diem and mileage allowances provided under such section for witnesses shall be paid from funds available to pay the expenses of the Commission.
- (d) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to perform its duties. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.
- (e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. 6. PERSONNEL AND ADMINISTRATIVE PROVISIONS.

(a) **TRAVEL EXPENSES.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of their duties for the Commission.

(b) **STAFF.**—

(1) **IN GENERAL.**—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate the employment of such personnel as may be necessary to enable the Commission to perform its duties.

(2) **COMPENSATION.**—The Chairperson of the Commission may fix the compensation of the personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(c) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any employee of the Federal Government may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(d) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) **OTHER ADMINISTRATIVE MATTERS.**—The Commission may—

(1) enter into agreements with the Administrator of General Services to procure necessary financial and administrative services;

(2) enter into contracts to procure supplies, services, and property; and

(3) enter into contracts with Federal, State, and local agencies, and private institutions and organizations, for the conduct of research or surveys, the preparation of reports, and other activities necessary to enable the Commission to perform its duties.

SEC. 7. TERMINATION.

The Commission shall terminate 90 days after the date on which the Commission submits its report to the Congress under section 4(b).

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

(b) **AVAILABILITY.**—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

PURPOSE AND SUMMARY

H.R. 42, the “Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act,” extends the study of the Commission on Wartime Relocation and Internment of Civilians to include a fact-finding Commission on the treatment of Japanese Latin Americans during World War II. The Commission will investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948. The Commission will also assess the impact of those actions, and recommend appropriate remedies, if any.

BACKGROUND AND NEED FOR THE LEGISLATION

The Commission on Wartime Relocation and Internment of Civilians Act established a commission to review the history of the internment and relocation of Japanese Americans and legal permanent residents.¹ In 1983, the Commission produced an extensive report of its findings and made a series of recommendations ranging

¹ Pub. L. No. 96-317, 94 Stat. 964 (1980).

from a formal apology to restitution payments.² While the Commission's report consisted of a thorough examination of the World War II internment of 120,000 Japanese Americans, the treatment of other populations during the same time period was either insufficiently examined, or not addressed at all.

The Commission did not thoroughly examine the treatment of thousands of Latin Americans of Japanese descent during World War II. During World War II, approximately 2,300 men, women, and children of Japanese descent were relocated from their homes in Latin America, detained in internment camps in the United States, and in some cases, deported to Axis countries to enable the United States to conduct prisoner exchanges.³

The Commission addressed the treatment of Japanese Latin Americans only in the appendix of its report.⁴ The report observes that these Japanese Latin Americans were forcibly relocated in order to "secure the Western Hemisphere from internal threats and to supply exchanges for American citizens held by the Axis."⁵ The appendix states that:

Normal legal proceedings were ignored. . . . On entering the United States, officials of Axis nations were placed in State Department custody and private citizens were sent to INS internment camps in Texas. In most cases passports had been confiscated before landing, and the State Department ordered American consuls . . . to issue no visas prior to departure. Despite their involuntary arrival, deportees were treated by INS as having illegally entered this country. Thus the deportees became illegal aliens in U.S. custody who were subject to deportation proceedings, i.e., repatriation.⁶

Representatives of the Japanese Latin American community have long advocated for an official government study of the treatment of their community in a similar manner as was conducted and completed for Japanese Americans interned during WWII. This community says that an appendix in the Commission report, without any recommendations, is insufficient.

HEARINGS

The Committee's Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law held 1 day of hearings on "The Treatment of Latin Americans of Japanese Descent, European Americans, and Jewish Refugees During World War II" on March 19, 2009. Testimony was received from Daniel M. Masterson, Professor of Latin American History, U.S. Naval Academy; Grace Shimizu, Director, Japanese Peruvian Oral History Project; Libia Yamamoto, former Japanese of Latin American Descent Internee; John Christgau, author of *Enemies: World War II Alien Internment*; Karen E. Ebel, President, German American Internee Coalition; Heidi Gurcke Donald, Board and Founding Member, German American Internee Coalition; John Fonte, Direc-

²The Commission on Wartime Relocation and Internment of Civilians, *Personal Justice Denied* (U.S. Government Printing Office 1983).

³*Id.* at 305.

⁴*Id.* at 305–14.

⁵*Id.* at 305.

⁶*Id.* at 308.

tor, Center for American Common Culture and Senior Fellow, Hudson Institute; David A. Harris, Executive Director, American Jewish Committee; Leo Bretholz, author of *Leap Into Darkness*; Valery Bazarov, Director, Location and Family History Service, Hebrew Immigrant Aid Society; and Michael Horowitz, Senior Fellow, Hudson Institute. Additional materials were submitted for the hearing and may be found in the Appendix to the Committee's report.

COMMITTEE CONSIDERATION

On July 23, 2009, the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law met in open session and ordered the bill H.R. 42 favorably reported with an amendment by a vote of 7 to 2, a quorum being present. On October 21, 2009, the Committee met in open session and ordered the bill H.R. 42 favorably reported with an amendment by a rollcall vote of 22 to 10, a quorum being present.

COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that the following rollcall votes occurred during the Committee's consideration of H.R. 42:

1. An amendment by Mr. King to prevent Commissioners from considering all appropriate remedies by barring them from recommending monetary compensation. Defeated 14 to 16.

ROLLCALL NO. 1

	Ayes	Nays	Present
Mr. Conyers, Jr., Chairman		X	
Mr. Berman			
Mr. Boucher			
Mr. Nadler		X	
Mr. Scott		X	
Mr. Watt			
Ms. Lofgren			
Ms. Jackson Lee			
Ms. Waters		X	
Mr. Delahunt			
Mr. Wexler		X	
Mr. Cohen		X	
Mr. Johnson		X	
Mr. Pierluisi		X	
Mr. Quigley		X	
Ms. Chu		X	
Mr. Gutierrez			
Ms. Baldwin		X	
Mr. Gonzalez			
Mr. Weiner		X	
Mr. Schiff		X	
Ms. Sánchez		X	
Ms. Wasserman Schultz		X	
Mr. Maffei		X	
Mr. Smith, Ranking Member	X		
Mr. Sensenbrenner, Jr.			
Mr. Coble	X		
Mr. Gallegly			
Mr. Goodlatte	X		
Mr. Lungren	X		
Mr. Issa	X		
Mr. Forbes	X		

ROLLCALL NO. 1—Continued

	Ayes	Nays	Present
Mr. King	X		
Mr. Franks	X		
Mr. Gohmert	X		
Mr. Jordan	X		
Mr. Poe	X		
Mr. Chaffetz	X		
Mr. Rooney	X		
Mr. Harper	X		
Total	14	16	

2. An amendment by Mr. King to require the commissioners selected by the President and House and Senate leadership, in consultation with minority leadership, to be distinguished scholars and academic historians with relevant expertise, but who have made no prior judgments about the facts under examination. Defeated 14 to 17.

ROLLCALL NO. 2

	Ayes	Nays	Present
Mr. Conyers, Jr., Chairman		X	
Mr. Berman			
Mr. Boucher			
Mr. Nadler		X	
Mr. Scott		X	
Mr. Watt		X	
Ms. Lofgren			
Ms. Jackson Lee			
Ms. Waters		X	
Mr. Delahunt			
Mr. Wexler		X	
Mr. Cohen		X	
Mr. Johnson		X	
Mr. Pierluisi		X	
Mr. Quigley		X	
Ms. Chu		X	
Mr. Gutierrez			
Ms. Baldwin		X	
Mr. Gonzalez			
Mr. Weiner		X	
Mr. Schiff		X	
Ms. Sánchez		X	
Ms. Wasserman Schultz		X	
Mr. Maffei		X	
Mr. Smith, Ranking Member	X		
Mr. Sensenbrenner, Jr.	X		
Mr. Coble	X		
Mr. Gallegly			
Mr. Goodlatte	X		
Mr. Lungren	X		
Mr. Issa			
Mr. Forbes	X		
Mr. King	X		
Mr. Franks	X		
Mr. Gohmert	X		
Mr. Jordan	X		
Mr. Poe	X		
Mr. Chaffetz	X		
Mr. Rooney	X		
Mr. Harper	X		

ROLLCALL NO. 2—Continued

	Ayes	Nays	Present
Total	14	17	

3. Motion to report H.R. 42 favorably, as amended. Passed 22 to 10.

ROLLCALL NO. 3

	Ayes	Nays	Present
Mr. Conyers, Jr., Chairman	X		
Mr. Berman			
Mr. Boucher			
Mr. Nadler	X		
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren			
Ms. Jackson Lee			
Ms. Waters	X		
Mr. Delahunt			
Mr. Wexler	X		
Mr. Cohen	X		
Mr. Johnson	X		
Mr. Pierluisi	X		
Mr. Quigley	X		
Ms. Chu	X		
Mr. Gutierrez	X		
Ms. Baldwin	X		
Mr. Gonzalez			
Mr. Weiner	X		
Mr. Schiff	X		
Ms. Sánchez	X		
Ms. Wasserman Schultz	X		
Mr. Maffei	X		
Mr. Smith, Ranking Member		X	
Mr. Sensenbrenner, Jr.		X	
Mr. Coble		X	
Mr. Gallegly			
Mr. Goodlatte		X	
Mr. Lungren	X		
Mr. Issa	X		
Mr. Forbes		X	
Mr. King		X	
Mr. Franks			
Mr. Gohmert	X		
Mr. Jordan		X	
Mr. Poe		X	
Mr. Chaffetz		X	
Mr. Rooney	X		
Mr. Harper		X	
Total	22	10	

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 42, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 30, 2009.

Hon. JOHN CONYERS, Jr., *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 42, the "Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act."

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford, who can be reached at 226-2860.

Sincerely,

DOUGLAS W. ELMENDORF,
DIRECTOR.

Enclosure

cc: Honorable Lamar S. Smith.
Ranking Member

H.R. 42—Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act.

H.R. 42 would establish a commission to investigate and determine the facts and circumstances surrounding the relocation, internment, and deportation from the United States of Latin Americans of Japanese descent from December 1941 to February 1948.

Under H.R. 42, nine commission members—three appointed by the President, three appointed by the Speaker of the House of Representatives, and three appointed by the President pro tempore of the Senate—would have one year to report to the Congress on their findings, recommendations, and possible remedies. Commission members would be reimbursed for travel expenses. In addition, the commission would be authorized to hire staff or use personnel detailed from other Federal agencies and would terminate 90 days after submitting its final report.

Based on the costs of similar commissions, CBO estimates that the commission would spend less than \$500,000 over the 2010-2011 period, subject to appropriation of the necessary amounts. Enacting the bill would not affect direct spending or revenues. The legislation would not authorize any payment of restitution; such authority would require a separate act of the Congress.

H.R. 42 would impose both intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) because it would establish a commission with the authority to subpoena information. State, local, and tribal governments as well as private-sector entities, if subpoenaed by the commission, would be required to provide testimony, documents, or other evidence. CBO expects that the commission would likely exercise this authority sparingly and the costs to comply with subpoenas would not be significant. Thus, we estimate that the costs to comply with the mandates would be small and well below the annual thresholds established in UMRA (\$69 million for intergovernmental mandates and \$139 million for private-sector mandates in 2009, adjusted annually for inflation). Furthermore, H.R. 42 would direct the commission to pay a per diem and mileage allowance to any witness who appears before the commission.

On February 13, 2009, CBO transmitted a cost estimate for S. 69, the “Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act,” as ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on February 11, 2009. The two bills are similar but have a different provision regarding the compensation of the commission members who are not Federal employees. CBO’s cost estimates reflect that difference.

The CBO staff contacts for this estimate are Matthew Pickford (for Federal costs), Elizabeth Cove Deslisle (for State and local impact), and Marin Randall (for the private-sector impact). This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 42 will establish a Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, to assess the impact of those actions by the United States, and to recommend appropriate remedies, if any. The Commission will submit a written report of its findings and recommendations to Congress not later than 1 year after the date of its first meeting.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8 of the Constitution.

ADVISORY ON EARMARKS

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 42 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of Rule XXI.

SECTION-BY-SECTION ANALYSIS

The following discussion describes the bill as reported by the Committee.

Sec. 1. Short title. Section 1 sets forth the short title of the bill as the “Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act.”

Sec. 2. Findings and Purpose. Section 2 sets forth several findings and purposes of Congress.

Subsection (a) sets forth the bill’s findings. Based on preliminary findings published in the December 1982 report by the Commission on Wartime Relocation and Internment of Civilians, Congress finds that approximately 2,300 men, women, and children of Japanese descent were taken from their homes in Latin America, detained in internment camps in the United States, and in some cases deported to Axis countries for the purpose of prisoner exchanges. Congress also finds that Latin American internees of Japanese descent were not covered by the Civil Liberties Act of 1988, which formally apologized and provided compensation to Japanese Americans interned pursuant to Executive Order 9066.

Subsection (b) sets forth the bill’s purpose. The purpose of the bill is to establish a fact-finding commission to extend the 1982 Commission’s study to investigate facts and circumstances surrounding the relocation, internment, and deportation of Latin Americans of Japanese descent and to recommend appropriate remedies, if any.

Sec. 3. Establishment of the Commission. This section establishes a Commission composed of nine members. The President, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall each appoint three members within 60 days of enactment. In both the House and Senate, the appointment shall be made upon the joint recommendation of the majority and minority leaders. A quorum shall consist of five Commission members, but a lesser number of members may hold hearings. The Commission shall elect a Chairperson and Vice Chairperson from among its members. Members of this Commission shall be appointed for the life of the Commission. The President shall call the first meeting of the Commission within 60 days of enactment or within 30 days after legislation making appropriations to carry out this Act is enacted.

Sec. 4. Duties of the Commission. This section sets forth the duties of the Commission. The Commission is to extend the study of the 1982 Commission to investigate and determine facts and circumstances surrounding the United States’ relocation, internment, and deportation of Latin Americans of Japanese descent, and the impact of those actions by the United States. Not later than 1 year after the date of the first meeting, the Commission is to submit to Congress a written report of the findings resulting from the investigation and appropriate recommendations. The Committee notes that it neither foresees, nor invites, a recommendation for monetary awards to any of the affected Latin Americans of Japanese descent. However, out of respect for the individuals who will serve on this Commission, the Committee allows them the ability to freely look at the entire picture, understanding that although it cannot

bind future Congresses, it is not anticipating or welcoming a recommendation for monetary reparations.

Sec. 5. Powers of the Commission. This section sets forth the powers of the Commission. The Commission may hold public hearings, receive testimony and evidence, and administer oaths. The Commission may also issue and enforce subpoenas requiring the attendance and testimony of witnesses, as well as producing other physical evidence and materials. Witnesses are to be compensated per diem and reimbursed mileage allowances from funds available to pay the expenses of the Commission. The Commission may secure information necessary to perform its duties from any Federal department or agency.

Sec. 6. Personnel and Administrative Provisions. This section provides that Commission members are to be reimbursed for travel expenses, including per diem in lieu of subsistence. Staff member compensation is to be fixed by the Chairperson and may not exceed the rate payable for level V of the Executive Schedule (\$145,700 in 2010).

Sec. 7. Termination. This section provides that the Commission terminates 90 days after the date on which the Commission submits its report to Congress.

Sec. 8. Authorization of Appropriations. This section authorizes such sums as may be necessary to be appropriated. Sums appropriated are to remain available, without fiscal year limitation, until expended.

DISSENTING VIEWS

We oppose H.R. 42 which establishes a “fact-finding Commission to extend the study of the Commission on Wartime Relocation and Internment of Civilians to investigate and determine facts and circumstances surrounding the relocation, internment and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.”¹

Section 4(a)(2) requires the Commission, as one of its duties, to “recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.”² Because there is no specific definition of “remedies,” such remedies can include reparations. During both Subcommittee and Full Committee markup of the bill, Subcommittee Ranking Member King offered an amendment to prevent “remedies” from including “monetary compensation.” The amendment was defeated both times despite assurances from many Members of the Majority that the bill was not intended to be a conduit for monetary compensation for those interned or their families.

Our concern is well warranted. The “Commission on Wartime Relocation and Internment of Civilians Act”³ enacted in 1980, established a commission to review the history of the internment and relocation of 120,000 Japanese Americans and legal permanent resi-

¹H.R. 42 (The Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act).

²*Id.*

³Pub. L. No. 96-317, 94 Stat. 964 (1980).

dents during World War II *and to recommend appropriate remedies*.⁴ One of the Commission's *recommended remedies* was for Congress to establish a fund which would provide a one-time per capita compensatory payment of \$20,000 to each of the approximately 60,000 surviving persons interned.⁵ Congress did so with the Civil Liberties Act of 1988.⁶

As noted by Rep. Dan Lungren, current Member of this Committee, and a member of the original Commission on Wartime Relocation and Internment of Civilians, concerns were raised during debate on the bill to create the Commission on Wartime Relocation and Internment of Civilians, that the Commission would recommend reparations. During a March 19, 2009, Immigration Subcommittee hearing, Rep. Lungren stated: "I do recall at the very first meeting that we had of the commission, one of the commissioners turned to us assembled and said, 'Okay, how much money are we talking about?' which, frankly, put off alarm bells in my head because I had promised Members [of Congress] that was not the purpose of it. Rather, I had thought it was important for us to investigate that period of time, since it was fairly well unknown about the treatment of fellow citizens and people who were here legally at that time."⁷

In addition, while some of the proponents of this legislation claim that the bill is about having their story heard and having the U.S. government acknowledge its actions, and not about reparations, one of the witnesses at the March 19, 2009, Subcommittee hearing is actually the coordinator for the Campaign for Justice: Redress Now for Japanese Latin Americans. She has indeed called for monetary reparations.

Thus, our concerns about future reparations are justified. It is one thing to require a Commission to investigate and report on U.S. government activities, and quite another to expect U.S. taxpayers to hand over perhaps millions of dollars to the people who felt that they were victims of injustice.

In addition, we are concerned about the makeup of the Commission. Specifically it is made up of nine members, three of whom are appointed by the President, three appointed by the Speaker of the House in conjunction with the Majority and Minority Leaders and three by the President pro tempore of the Senate in conjunction with the Majority and Minority Leaders. They serve for the life of the Commission. There are no provisions preventing biased Commission members or ensuring that those appointed to the Commission would not benefit personally from the decisions of the Commission.

At the Subcommittee markup, Subcommittee Ranking Member King offered an amendment to require that the Commission members be unbiased. Specifically, the amendment required that members must be distinguished scholars or academic historians who can provide expertise on this issue and who are impartial. The mem-

⁴*Id.*

⁵U.S. COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS: PERSONAL JUSTICE DENIED 462-63 (University of Washington Press 1997) (1983).

⁶Pub. L. No. 100-383, 102 Stat. 903 (1988).

⁷Statement of Congressman Daniel Lungren, Hearing before the Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law, "Treatment of Latin Americans of Japanese Descent, European Americans, and Jewish Refugees During World War II," 111th Congress, Mar. 19, 2009.

bers must not have made any prior judgment about the fact to be reviewed and reported on by the Commission. This amendment was defeated.

In addition to the basic belief that we should not have to re-evaluate decisions made by Administrations nearly sixty years ago for national security reasons during a period of grave peril to our country, we oppose this bill because it may very well lead to reparations and could be made up of biased members who have a personal stake in the recommendations and remedies proffered by the Commission.

STEVE KING.
GREGG HARPER.

APPENDIX

The Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law received the following additional materials in connection with the March 19, 2009, hearing entitled: “The Treatment of Latin Americans of Japanese Descent, European Americans, and Jewish Refugees During World War II.”

Signatories to Scholars’ Letter of Support: Lane Hirabayashi, University of California, Los Angeles; Jerry Kang, University of California, Los Angeles; Tetsuden Kashima, University of Washington; Daniel Masterson, Naval Academy; Valerie Matsumoto, University of California, Los Angeles; Don T. Nakanishi, University of California, Los Angeles; Natsu Taylor Saito, Georgia State University; Robert L. Tsai, American University; Greg Robinson, Université du Québec A Montréal; Frank H. Wu, University of Maryland; Sumi Cho, DePaul University; Louis Fiset, University of Washington; Cynthia Lee, George Washington University; Judy Yung (Professor Emerita), University of California, Santa Cruz; Hiroshi Motomura, University of California, Los Angeles; Robert S. Chang, Seattle University School of Law; Lisa C. Ikemoto, University of California, Davis; Gerald P. Lopez, University of California, Los Angeles; Carol Izumi, George Washington University; Jeffrey A. Ow, Arizona State University; Roger Daniels (Professor Emeritus), University of Cincinnati; Craig D. Uchida, George Mason University; Rita Takahashi, San Francisco State University; Stephen Mastrofski, George Mason University; Tazuko Shibusawa, New York University; Jere Takahashi, University of California, Berkeley; Eric Yamamoto, University of Hawaii; Karen J. Leong, Arizona State University; Wayne H. Maeda, California State University, Sacramento; Roshni Rustomji-Kerns (Professor Emerita), Sonoma State University; R. Benedito Ferrao, Birkbeck College, University of London; Hatem Bazian, University of California, Berkeley; Satsuki Ina (Professor Emeritus), California State University, Sacramento; Roger B. Parks, Indiana University; Emily S. Ihara, George Mason University; Max Paul Friedman, American University; John E. Eck, University of Cincinnati; Bill Ong Hing, University of California, Davis; Jonathan Y. Okamura, University of Hawaii; David K. Yoo, Claremont McKenna College; Paul G. Clark, George Mason University; Stephen S. Fugita, Santa Clara University; Felix F. Gutierrez, University of Southern California; Sudarat Musikawong, Willamette University; Brad Yamauchi, Golden Gate University School of Law; Nelson Nagai, San Joaquin

Delta College; C. Keith Wingate, University of California, Hastings College of the Law; Naomi Roht-Arriaza, University of California, Hastings College of the Law; Josephine Lee, University of Minnesota; Priscilla Wegars, University of Idaho; Joanne Doi, Franciscan School of Theology; Viet Thanh Nguyen, University of Southern California; Thomas Kim, Scripps College; Jane H. Yamashiro, Sophia University; Sue Chan, University of California, San Francisco; Janelle Wong, University of Southern California; Wayne H. Cole, Cape Breton University, Sierra Nevada College; Alan Nishio, California State University, Long Beach; Akemi Matsumoto, Bellevue Community College; Takeyuki (Gaku) Tsuda, Arizona State University; Bill Carpenter, City College of San Francisco; Sabrina Alimahomed, University of California, Riverside; Rebecca Alvarez, University of California, Riverside; Meghan Andrew, University of California, Riverside; Suzel Bozada-Deas, University of Southern California; Scott Brooks, University of California, Riverside; Amalia Cabezas, University of California, Riverside; Toi Carter, East Los Angeles College; Piya Chatterjee, University of California, Riverside; Mike Chavez, California State University, Los Angeles; Brianne Davila, University of California, Santa Barbara; Daniel Diaz, University of California, Riverside; Jesse Diaz, University of California, Riverside; Glenda Flores, University of Southern California; Linda Kim, University of California, Riverside; Zack Knorr, East Los Angeles College; Patrick Linder, University of California, Riverside; Alfredo Mirande, University of California, Riverside; Robert Perez, University of California, Riverside; Christine Petit, University of California, Riverside; Ellen Reese, University of California, Riverside; James Thing, University of Southern California; Shigueru Tsuha, University of California, Riverside; Jake Wilson, California State University, Long Beach; James McKeever, University of Southern California; Shinji Sakai-Egi, University of California, Riverside; Ming Tu, California State University, Fullerton; Dolores Ortiz, University of California, Riverside; Juan Pitones, University of California, Riverside; Jose Lopez, University of California, Riverside; Erika Gutierrez, University of California, Riverside; Roy Kwon, University of California, Riverside; Dennis Egi, Norte De Namur University; Henry Neiderneier, Colorado University, Boulder; Ruth Sison, San Jose State University; Vu Pham, University of California, Los Angeles; Paul Von Blum, University of California, Los Angeles; Steve On, University of California, Los Angeles; Pamela Hobbs, University of California, Los Angeles; Susumu Ito, Harvard University; Erin Hashimoto-Martell, Boston College; Christopher Martell, Boston University; Rick Bonus, University of Washington; Ben Kobashigawa, San Francisco State University; Wesley Ueunten, San Francisco State University; Linda Vo, University of California, Irvine; Claire Jean Kim, University of California, Irvine; Glen Mimura, University of California, Irvine; Sarah Park, College of St. Catherine; Ruben Rumbaut, University of California, Irvine; Russell Jeung, San Francisco State University; Eiichiro Azuma, University of Pennsylvania; Dana Nakano, University of California, Irvine; Dean Adachi, Claremont Graduate School; Diana Pan, University of California, Irvine; Kathy Rim, University of California, Irvine; Rose Cuison Villazor, Southern Methodist University Dedman School of Law; Donna H. Lee, City University of New York School of Law; Thomas W. Joo, University

of California, Davis School of Law; Keith H. Hirokawa, Texas Wesleyan School of Law; Wendy Ho, University of California, Davis; Andrew Chin, University of North Carolina School of Law; Isao Fujimoto, University of California, Davis; Taunya Lovell Banks, University of Maryland School of Law; Carwina Weng, Indiana University Maurer (Bloomington) School of Law; Cecilia M. Tsu, University of California, Davis; Roy Yoshio Myose, Wichita State University; Song Richardson, DePaul University; Gabriel “Jack” Chin, University of Arizona, James E. Rogers College of Law; Jan Ting, Temple University Beasley School of Law; Mark A. Chinen, Seattle University School of Law; Margaret Chon, University of Michigan Law School.

Signatories to Organizational Letters of Support: American Friends Service Committee; American Jewish Committee; American-Arab Anti-Discrimination Committee; Anti-Defamation League; Asian American Bar Association of the Greater Bay Area; Asian American Justice Center; German American National Congress; Asian American Legal Defense and Education Fund; Asian Law Alliance; Asian Pacific American Bar Association of Los Angeles County; Asian Pacific American Bar Association of South Florida; Asian Pacific American Labor Alliance; AFL-CIO; Association of Humanitarian Lawyers; Berkeley Fellowship of Unitarian Universalists; Campaign For Justice: Redress Now For Japanese Latin Americans!; Congressional Asian Pacific American Caucus; Council on American-Islamic Relations; Friends Committee on National Legislation; Global Rights; Human Rights First; International Association of Official Human Rights Agencies; Japanese American Bar Association; Japanese American Citizens League—Berkeley Chapter; Japanese American Citizens League—Honolulu Chapter; Japanese American Citizens League—National; Japanese American Citizens League—NCWMP District; Japanese American Citizens League of San Jose; Japanese American Citizens League—Pacific Southwest District; Japanese American Citizens League—San Diego Chapter; Japanese American Citizens League—Seattle Chapter; Japanese American Citizens League—SELANOCO Chapter; Japanese American Citizens League—Ventura County Chapter; Japanese American Living Legacy; Japanese Peruvian Oral History Project; Korean American Bar Association of Southern California; Korean American Coalition—DC Chapter; Korean American Resource & Cultural Center; Korean Resource Center; Leadership Conference on Civil Rights; League of United Latin American Citizens; Manzanar Committee; Mennonite Central Committee Washington Office; Mexican American Legal Defense and Education Fund; National Advocacy Center of the Sisters of the Good Shepherd; National Asian Pacific American Bar Association; National Asian Pacific American Women’s Forum; National Association of Japanese Canadians; National Coalition for Redress/Reparations—San Francisco; National Council of La Raza; National Korean American Service & Education Consortium; NETWORK: A National Catholic Social Justice Lobby; Nihonmachi Outreach Committee; Nikkei for Civil Rights & Redress; Orange County Korean American Bar Association; Organization of Chinese Americans; Presbyterian Church (U.S.A.) Washington Office; Sikh American Legal Defense and Education Fund; South Asian Americans Leading Together; Southern California Chinese Lawyers Association;

The Episcopal Church; The United Church of Christ, Justice and Witness Ministries; Union for Reform Judaism; Unitarian Universalist Association of Congregations; United Methodist Church, General Board of Church and Society; Washington Office on Latin America; Young Korean American Service and Education Center; Asian Pacific Islander Justice Coalition; Asian American Recovery Services; Asian American Women's Alliance; Asian Law Alliance; Asian Pacific American Leadership Institute; Asian Pacific Bar Association; Cambodian American Resource Agency; Contemporary Asian Theatre Scene; Filipino National History Society, Santa Clara Chapter; Filipino Youth Coalition; Japantown Community Congress of San Jose; Korean American Bar Association of Northern California; Korean American Community Services, Inc.; Maitri; MALAYA; Organization of Chinese Americans; Silicon Valley; South Bay First Thursdays; Southeast Asia Community Center; Vision New America; Vietnamese Voluntary Foundation; Yu-Ai-Kai; International Children Assistance Network; Akbayan; Vietnamese American Bar Association of Northern California.

Stories: Ursula V. Potter, *Searching for Erich Braemer—Interned Father of Fred Braemer, Jimmy Doolittle's Navigator*; Paul Grayber, *The Grayber Family Story*; Guther Graber with assistance from Karen Ebel, *The Graber Family Story*; Arthur D. Jacobs, Major, USAF Retired, *The Prison Called Hohenasperg: An American Boy Betrayed By His Government During World War II*; Max Paul Friedman, Department of History, American University, *The Deportation and Internment of Germans, Japanese, and Italians from Latin America During World War II*; John Heitmann, Ph.D., *World War II German Enemy Alien Case Study: Alfred and Caroline Heitmann*; Deborah McCarty Smith, *Internment: German Americans*; John Eric Schmitz, *Enemies Among Us: The Relocation, Internment, and Repatriation of German, Italian, and Japanese Americans During the Second World War*; John Schmitz, *The Schmitz Family Story*; Kimberly Contag, Ph.D., *The Relocation of a German-Ecuadorian Family in World War II: The Americans Clean House*; Rudy A. Dimmling; *The Reseneder Family Internment Story*; Lawrence DiStasi, Project Director, *Una Storia Segreta: When Italian Americans Were "Enemy Aliens,"* Gertrude Anna Schneider and Paul Schneider, as told to Vilma Schneider Ralston, *A Mother Interned, A Family Left Behind*; Jo Anna Wartemann, *The Internment of Wilhelm and Anna Wartemann and Family*; Bob Wilbanks, *Last Man Out: Glenn McDole, USMC, Survivor of the Palawan Massacre in World War II*; Heidi Gurcke Donald, author of *We Were Not the Enemy: Remembering the United States' Latin-American Civilian Internment Program of World War II*; Anneliese "Lee" Krauter, *From the Heart's Closet: A Young Girl's World War II Story*; David D. Lowman, *Magic: The Untold Story of U.S. Intelligence and the Evacuation of Japanese Residents from the West Coast during WWII*; John Christgau, *Enemies: World War II Alien Internment*.

Testimonies: Josef Baumgartner; Hildegard Maria Mantel Gordon; Theodore A. Eckardt; Frieda Ahrens; Shirley A. Weiss; Eileen P. Kelly; Lothar Eiserloh; Helga (Renner) Emde; José Antonio Gómez Iturralde; Pietro Tosi.

Editorials and Op-Eds: Hon. Xavier Becerra and Hon. Dan Lungren, *Justice for the Forgotten*, WASHINGTON POST, Feb. 19, 2007 at

A19; *Japanese Latinos: The Forgotten Internees*, LOS ANGELES
TIMES, Mar. 18, 2007.

