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THE AMERICAN JEWISH COMMITTEE

National Affairs

B A C K G R O U N D E R

IRVING M. LEVINE

Director, National Affairs Department

REPARATIONS FOR INTERNED JAPANESE AMERICANS?

by Samuel Rabinove, Legal Director

Introduction

Last June 16, the National Commission on Wartime Relocation and Internment of Civilians recommended that the government pay \$20,000 to each of the 60,000 surviving Japanese Americans who were forced out of their homes on the West Coast and held in detention camps during most of World War II. The Commission also proposed that Congress pass a joint resolution, to be signed by the President, recognizing that a grave injustice was done to the Japanese Americans and offering the nation's apologies for removing and incarcerating them. Further, the Commission urged the President to pardon those who were convicted of violating the evacuation and curfew laws, and that Congress establish a special fund to encourage research and education concerning the wartime treatment of the Japanese Americans.

All of the recommendations were adopted unanimously by the nine-member Commission except the one for individual reparations of \$20,000 per person. The only member to oppose reparations was Congressman Daniel E. Lungren, Republican of California, who, while agreeing that the Japanese Americans had suffered a serious injustice, felt that they were no more entitled to individual financial redress than American blacks or American Indians. Other prominent members of the Commission were former United States Supreme Court Justice Arthur J. Goldberg, Father Robert F. Drinan and former United States Senator Edward W. Brooke of Massachusetts.

In announcing the Commission's recommendations, Joan Z. Bernstein, its chairperson, stated:

No amount of money can fully compensate the excluded people for their losses and sufferings. Two and a half years behind the barbed wire of a relocation camp, branded potentially disloyal because of one's ethnicity alone -- these injustices cannot neatly be turned into dollars and cents. Some find such an attempt in itself a means of minimizing the enormity of these events in a constitutional republic. Recalling the events of exclusion and detention, insuring that later generations of Americans know this history, is critical immunization against infection by the virus of



prejudice and the emotion of wartime struggle. "It did happen here" is a message that must be transmitted, not as an exercise in self-laceration but as an admonition for the future.

AJC Policy

AJC's Board of Governors considered this issue in 1979, based on the recommendations of the Japanese American Redress Committee of the Domestic Affairs Commission. During the Board's discussion, there was general agreement that although the Japanese American internment was a gross violation of the rights and dignity of American citizens, AJC could not support the concept of individual reparations. The Board did, however, endorse the following recommendations:

- (a) AJC should strongly support the Japanese American Citizens League's grant request to the National Endowment for the Humanities for a project to create literature and a film series (similar to "Roots" and "Holocaust") on the Japanese American World War II experience.
- (b) AJC should support creation of a Presidential Commission to investigate means of avoiding repetition of the Japanese American experience.
- (c) AJC should maintain close contact with the Japanese American Citizens League and join with it in coalition as future situations may warrant.

This past year AJC supported the Japanese American Citizens League in a brief amicus filed in U.S. District Court in San Francisco on behalf of the petition of Fred Korematsu to vacate his indictment and conviction for refusing to comply with the Government evacuation order in 1942. With the approval of the Department of Justice, Korematsu's petition was recently granted by Judge Marilyn Patel.

Historical Overview

In retrospect, the virtual imprisonment of the West Coast Japanese Americans was indeed a tragic and shameful episode. The American Civil Liberties Union, which at first equivocated when faced with this dramatic moment of truth in 1942, subsequently marked it "the worst single wholesale violation of civil rights of American citizens in our history." As a matter of fact, very few Americans did question it at that time. Almost everyone either endorsed or acquiesced in the internment of the 120,000 Japanese Americans, two-thirds of whom were American citizens and supposedly entitled to all of the civil liberties protections guaranteed by the United States Constitution. How could this have happened?

It is comprehensible only in the light of the fierce and ugly temper of the time: the rage over the "sneak" attack on Pearl Harbor which crippled our Pacific Fleet, coupled with the deep-rooted racial hostility on the part of so many Americans toward the Japanese, particularly in California. Nobody even dreamed of according comparable treatment to the millions of American citizens of German and Italian descent, with whose home countries we were also at war. As groups, they were subjected to no restrictions whatsoever.

The fact is that the singular treatment of the Japanese Americans could never have occurred without the long history of pervasive racial prejudice and actual discrimination by law against them. The Asian Exclusion Act of 1924, for example, had barred all future Japanese immigration for permanent residence in

this country. And even before Pearl Harbor, the myth of the "yellow peril" was very much alive on the West Coast, reinforced by profound envy and resentment due to the highly visible success of the Japanese, both in agriculture and in business. Even former U.S. Supreme Court Chief Justice Earl Warren, as Attorney General of California in 1942, wholeheartedly supported the relocation and internment of the Japanese Americans because he saw them as dangerous.

In all fairness, however, it must be stressed that during the first several months after the attack on Pearl Harbor, the United States seemed to be losing the war in the Pacific. Hence a Japanese attack, or even invasion, of the West Coast was by no means unthinkable. Yet hindsight tells us that the fear and hysteria were unwarranted, in part because of the decisive victory won by the U.S. Navy over Japan at the battle of Midway in June 1942, but mainly because our government had overestimated Japanese military power and capabilities (just as they had underestimated ours). But the fear and the hysteria then were real nevertheless. Feelings ran high, and there was concern about violence against Japanese Americans by local vigilantes.

An interesting sidelight to the incarceration of the West Coast Japanese Americans is that there was no such massive confinement in Hawaii, where there were 160,000 people of Japanese descent, one-third of the population of the islands. Hawaii, of course, was far more vulnerable than the West Coast to invasion by Japanese forces, yet only about 1% of the Hawaiian Japanese were arrested as possible security risks and sent to the mainland for internment. The Hawaiian Japanese were left alone, not because they were not suspect, but essentially because they played such a major role in the economy of the islands and thus were vital to the maintenance of the huge American military build-up which was centered there. The truth of the matter was, that despite widespread suspicion of Japanese American disloyalty, not a single person of Japanese ancestry, either in Hawaii or on the United States mainland, was ever even accused of either espionage or sabotage on behalf of Japan.

On February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066 (supplemented by Congressional action the following month), which in effect authorized the military commander of the Western Defense Command to relocate and confine civilians of Japanese ancestry living in California, Oregon and Washington, for an indefinite period, without either charges or trials. This vast removal and detention took place over a period of five months. Families had to leave their homes on a few days notice, taking with them only what they could carry. Homes, farms and businesses had to be sold hurriedly for whatever they could get (other Americans profited heavily.) Crops were left unharvested, and those who were unable to dispose of their property by sale lost it because they could no longer pay taxes or mortgage payments.

The government quickly built ten mass detention camps in isolated areas of the western states, each of which held some 12,000 Japanese Americans. The camps were surrounded by barbed wire fences, with guard towers at strategic intervals. Living conditions were crowded and there was little privacy. The Japanese language was banned at public meetings and all incoming and outgoing communications were censored by the camp administrators.

By and large, the detainees tried to make the best of their wretched situation. They used scrap materials to make furniture and room partitions, planted crops and started schools for their children. Some of them who volunteered to relieve labor shortages on farms and in factories were released, and college students were granted educational leaves. But all persons who were allowed out had to report periodically to government officials. Approximately

two-thirds of the people remained in the camps for most of the duration of the war. It should be stressed that several thousand of them volunteered to serve in the U.S. armed forces, either in combat units in the European theater (where their heroism was outstanding) or as Japanese language specialists in the Pacific area. During the period in which the internment camps were in operation, eight detainees were killed by guards and dozens of others were wounded while seeking to escape from the camps.

Not surprisingly, there were a number of legal challenges to the government's treatment of Japanese Americans during World War II. On December 18, 1944, in the case of Korematsu v. United States, the U.S. Supreme Court upheld the constitutionality of their exclusion from certain areas of the West Coast as a valid exercise of the war power. In a 6-3 opinion, delivered by Justice Hugo L. Black (normally a staunch libertarian and joined in by Justice William O. Douglas, who previously had been equally staunch in defense of civil liberties), the Court justified the government action in 1942, even as applied to a citizen of Japanese extraction whose loyalty to the United States was unquestioned, because of the risks of invasion, espionage and sabotage, and the lack of available time to separate the loyal from the disloyal Japanese. Justice Black noted also that several thousand Japanese Americans had refused to swear allegiance to the U.S. and that many had requested repatriation to Japan. In a sharply worded dissenting opinion, Justice Frank Murphy declared that the exclusion of the Japanese "falls into the ugly abyss of racism" and accused the Court of opening the door "to discriminatory actions against other minority groups in the passions of tomorrow." On the same day that the Supreme Court decided Korematsu, it also struck down unanimously the incarceration of admittedly loyal American citizens in the case of Ex parte Endo. But by then it was almost over.

Although the actual property losses of the Japanese Americans who were relocated were estimated by the Federal Reserve Bank at about \$400,000,000, under the Evacuation Claims Act passed by Congress in 1948 only about \$38,000,000 eventually was paid to those persons who were able to prove their claims for loss. These settlements were deemed to be final. No inmate of any of the detention camps was ever paid a penny for hardship, humiliation or for income that might have been earned during the years of confinement.

Arguments For Individual Reparation

- (1) The treatment of Japanese Americans during World War II was a national disgrace. Recompense of sufficient magnitude to create public awareness of the blatant violations of their constitutional rights is necessary to prevent similar outrages in the future.
- (2) The damage done to those who were confined - physical, psychological, financial - was so enormous that the survivors still bear the scars of their experience.
- (3) There is historical precedent for individual reparations to the Japanese Americans, i.e., West Germany has paid and continues to pay billions of dollars in reparations to Jewish victims of Nazi oppression.
- (4) Even in this country, American Indian tribes have been making legal claims for land that was taken from them, and are winning monetary settlements.
- (5) Japanese Americans, in overwhelming numbers, feel deeply that the detention camp survivors are entitled to financial compensation.

- (6) From the standpoint of good intergroup politics, as well as justice, Jews in particular should be supportive of Japanese American claims for restitution.

Arguments Against Reparation

- (1) If Japanese Americans were to be compensated for what was done to them during World War II, what about compensation for American blacks whose ancestors were slaves and who have suffered the most grievous injustices since emancipation, or American Indians for the virtual genocide perpetrated on their peoples during the past 300 years? Is it fair to pay reparations for a relatively small group injustice - and let huge ones remain unrecompensed because the sums required would be astronomical and politically impossible to pay?
- (2) Future generations of taxpayers should not be burdened with the cost of mistakes made due to the exigencies of war in 1942, at a time of understandable panic and hysteria.
- (3) The treatment of the Japanese Americans was in no way comparable to the treatment of Jews by Nazi Germany. Despite their privations, Japanese Americans were never slaughtered, tortured, enslaved, starved or subjected to hideous medical experiments.
- (4) What America did to the Japanese in Japan, e.g., Hiroshima and Nagasaki, was infinitely worse than what was done to Japanese Americans. Should we pay them reparations too?
- (5) Why \$20,000 for each survivor - why not \$2,000 or \$200,000? Why should the same amount be paid to a survivor who was an infant at the time and to a businessman who was ruined? Why no payment to the heirs of those survivors who have since died? And since some Japanese Americans already received payment under the Evacuation Claims Act of 1948, why should they be paid twice?
- (6) Cash payments to Japanese Americans would merely serve to trivialize their suffering. An official apology, pardons for those who were convicted of violating the evacuation and curfew laws, and a special educational fund to create public awareness of what happened to them would be preferable.

Legislation has been introduced in both houses of Congress to pay individual reparations to the Japanese Americans. It remains to be seen whether it will pass and, if so, whether the President will approve it.

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Japan Society

333 EAST 47TH STREET, NEW YORK, NY 10017 (212) 832-1155 TELEX: 234450 JSNY FAX: (212) 755-6752



October 14, 1987

Mr. Morton Yarmon
American-Jewish Committee
165 East 56th Street
New York, NY 10022

Dear Mr. Yarmon:

The many recent publications on Jews appearing in the Japanese market has prompted much discussion. The Japan Society and the Associated Japan-America Societies are co-sponsoring a public meeting entitled "Japan's Perception of the Jews" on November 16 at 6:15 p.m. to address this issue and shed some light on Japan's historical interchange with the Jewish people, their culture and heritage.

As Steven Heiblem of our office mentioned to you, Masao Kunihiro, television and radio commentator and professor of anthropology at Tokyo International University and Sophia University has accepted our invitation to speak on this subject. Professor Andrew Goodman of the University of Illinois will be the discussant.

The audience will be comprised of Japan Society members, academics and journalists and we would very much like to include the Jewish community for this event. I have enclosed a flyer announcing the event. If you feel that members of your organization would be interested in attending, I would be happy to send you additional flyers for dispersment. I will call you in a few days to discuss our program further.

Sincerely,

A handwritten signature in cursive script that reads "Carol O'Donoghue".

Carol O'Donoghue
Program Officer

Encl.

Japan Society



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The Japan Society and the Associated Japan-America Societies cordially invite you to attend

"Japan's Perception of the Jews"

A Public Meeting with

Masao Kunihiro

Professor of Anthropology

Tokyo International University and Sophia University

Discussant

Andrew Goodman

Associate Professor

Japanese and Comparative Literature

Center for East Asian and Pacific Studies

University of Illinois

6:15 p.m.

Monday, November 16, 1987

Japan Society

Well-known television commentator and professor of anthropology at Tokyo International University and Sophia University, Masao Kunihiro, will discuss Japan's historical interchange with the Jews and their cultural heritage in this talk. Professor Kunihiro will address Japanese perceptions of the Jews in comparison with those of other minorities as well as the reasons behind the many recent publications on Jews appearing in the Japanese market.

Among his various activities, he hosts a radio talk show, has a daily program on national television, has written on a variety of subjects and has translated widely. Kunihiro holds an MA in Cultural Anthropology and American Regional Studies from the University of California, Berkeley.

Please complete the form below and send with check to: Japan Society, 333 East 47th Street, New York, NY 10017. The cost is \$5.00 for members of the Japan Society, \$8.00 for nonmembers. Tickets will be sent by mail for all orders accompanied by a self-addressed stamped envelope. Other tickets should be picked up prior to the event at the Japan Society reception desk during box office hours. For further information: (212)752-3015

Name(s) _____

Address _____

Daytime Tel. _____

JS Membership No. or Corporate I.D. _____

Enclosed is my check for: _____ (check payable to Japan Society, Inc.)

THE AMERICAN JEWISH COMMITTEE

date September 30, 1987
to Ernest Weiner
from George E. Gruen
subject Japanese Boycott of Israel

First of all, yeyasher kochacha for your successful efforts on the issue of Japanese compliance with the Arab boycott. As I mentioned to you, we had a meeting this morning of the special inter-organizational committee on this subject that is chaired by Wally Stern. I brought along copies of the letter of September 2, 1987 to you from Akio Morita, Vice Chairman of KEIDANREN and Chairman and Chief Executive Officer of Sony Corporation. The consensus was that you should welcome the positive elements in the letter, such as the fact that the KEIDANREN was now agreeing to host a reception for the Israeli delegation. The fact remains, however, that the KEIDANREN refused to be the official sponsor for the entire trip.

You may also note with pleasure that Mr. Hanamura was planning to go to Israel "with some members of KEIDANREN for promoting mutual understanding and building personal relationships." Our understanding is that this delegation, which is going to Israel on November 11, consists only of persons whose companies are already doing business with Israel. (Akio Morita and his Sony Corporation are among those who openly trade with Israel.) You should express the hope that the KEIDANREN delegation will include representatives of important companies who are not yet involved in any business relationships with Israel.

You should also indicate that we have high expectations for the success of the Israeli delegation to Japan and we appreciate whatever efforts he can make to ensure its success.

Best wishes for a healthy and happy New Year, and, as the British say, well over the fast.

GEG:mr



cc: M.H. Tanenbaum - B. Gold - W. Trosten - D. Harris
G. Rozanski - E. DuBow

KEIDANREN

< JAPAN FEDERATION OF ECONOMIC ORGANIZATIONS >

9-4, OTEMACHI 1-CHOME, CHIYODA-KU, TOKYO 100, JAPAN

Cable: KEIDANREN TOKYO
Telephone: 03-279-1411
Telex: 222-3188 KDR TOK J
Facsimile: 03-246-0574

September 2, 1987

Mr. Ernest H. Weiner
Executive Director
San Francisco Bay Area
The American Jewish Committee
San Francisco Bay Area Chapter,
121 Steuart Street, Suite 405,
San Francisco, CA 94105
U. S. A.

Dear Mr. Weiner:

I would like to thank you very much for your letter of July 13, which informed us of your deepest concerns about a current state of the relationship between Israel and Japan.

I am writing this letter as the vice chairman of KEIDANREN (Japan Federation of Economic Organizations) to clarify the matter of mutual concerns so that we can build up a better relationship without misunderstandings piling up.

First of all, I would like you to understand that KEIDANREN, not K-Deneran as referred in your letter, is a private business organization representing all branches of economic activities except agriculture, including manufacturing, mining, as well as finance, trade and other service industries. To my best knowledge, there is no such organization as the Japanese Manufacturers Association as you referred in your letter.

Secondly, I am pleased to tell you that KEIDANREN has been visited by many eminent leaders of Israel in recent years including H.E. Moshe Arens, Minister without portfolio (May 1986), and a group of parliament members, Mr. Abba Eban, Mr. Haim Kaufman, Mr. Geula Cohen (Sept. 1986), Mr. A. Tamir, Vice Minister, Minister of Foreign Affairs (May 1987) and representatives of the B'nai B'rith and so on.

I would not want you to continue to believe that KEIDANREN is unaware of the problems you are concerned with. KEIDANREN has also been in touch with the Israeli Embassy here in Tokyo in joint efforts to improve the bilateral relationship.

I am very glad to note that more and more Japanese companies have been interested in Israel. The latest statistics shows a significant increase in the volume of trade between our two countries. Furthermore, it has

Mr. Ernest H. Weiner
Page 2
September 2, 1987

been reported recently that several Japanese companies are planning to promote joint ventures, and exchanges of technical know-hows. We are certain that the Israeli Embassy here will share our observation.

Concerning the mission by the Israel Manufacturing Associations, we are shocked to hear from you that KEIDANREN has reportedly refused receiving the delegation. On the contrary, we have informed the Israeli Embassy here recently of our intention to have an opportunity to greet the delegation at KEIDANREN and host a reception at KEIDANREN for them if it's agreeable to the Israeli side:

Mr. Nihachiro Hanamura, Executive Vice Chairman and president of KEIDANREN and vice chairman of MIPRO (Manufactured Imports Promotion Organization) will be shortly communicating with Mr. D. Lautman, Chairman of the Board, Manufactures' Association of Israel on this matter. For your information, MIPRO was established in cooperation with both Japanese government and private business sector. Mr. Yoshihiro Inayama, Chairman of MIPRO is also honorary chairman of KEIDANREN, and most influential KEIDANREN executives are involved in the activities of MIPRO.

MIPRO is no less important organization than KEIDANREN on the subject of trade expansion being a more specialized organization for the promotion of manufactured goods import into our country.

Furthermore, I am very happy to inform you that Mr. Hanamura is planning to visit Israel shortly with some members of KEIDANREN for promoting mutual understanding and building personal relationships.

I hope you will appreciate our organization's stance towards trade with Israeli people.

Sincerely yours,



Akio Morita
Vice Chairman
Keidanren

Chairman and Chief Executive Officer
Sony Corporation

cc: Mr. Nathaniel Schmelzer, Chairman
Foreign Affairs Committee

OCT 20 1987

Japan Society



333 EAST 47TH STREET, NEW YORK, NY 10017 (212) 832-1155 TELEX: 234450 JSNY FAX: (212) 755-6752

October 26, 1987

Rabbi Mark Tannenbaum
American-Jewish Committee
165 East 56th Street
New York, NY 10022

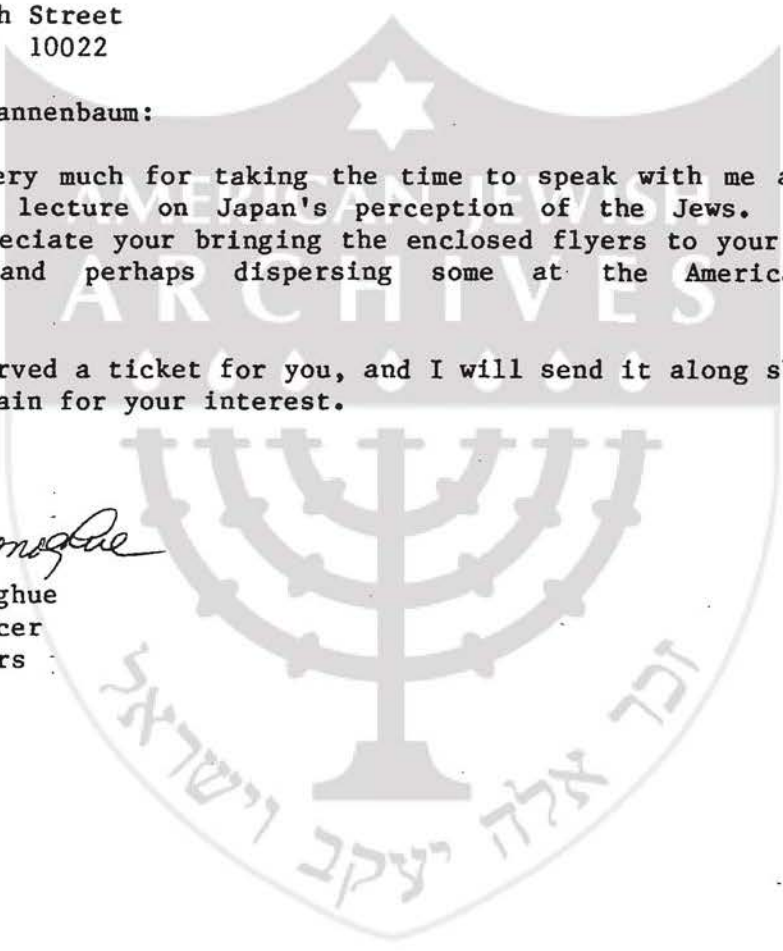
Dear Rabbi Tannenbaum:

Thank you very much for taking the time to speak with me about our November 16 lecture on Japan's perception of the Jews. I would greatly appreciate your bringing the enclosed flyers to your upcoming conference and perhaps dispersing some at the American-Jewish Committee.

We have reserved a ticket for you, and I will send it along shortly. Thank you again for your interest.

Sincerely,

Carol O'Donoghue
Program Officer
Public Affairs



FO/SFB

THE AMERICAN JEWISH COMMITTEE

date October 23, 1987
to George Gruen
from Ernest H. Weiner
subject Japanese boycott of Israel

Nat Schmelzer, our Foreign Affairs Committee Chairman; Steve Swig, our Chapter Chairman; and I appreciate your recent memo and your suggestions for responses to Sony Corporation Chairman Akio Morita.

I have finally received the enclosed letter and suggested responses from David Kimche and shall respond to Morita, essentially using Kimche's letter which picks up your themes.

Should you have any problems with Kimche's analysis, please let me know immediately.

Best regards,



enc:

cc: Marc Tanenbaum
Bert Gold
William Trosten
David Harris
Geri Rozanski
Eugene DuBow



12 October 1987

Mr. Ernest H. Weiner
Executive Director
San Francisco Bay Area
The American Jewish Committee
San Francisco Bay Area Chapter
121 Steuart Street, Suite 405
San Francisco, CA 94105
U.S.A.

Dear Mr. Weiner,

I read with great interest the letter you received from Mr. Morita. I believe that the fact that he found it necessary to reply to you proves that the effort we made was worth-while and I would like once more to thank you for your role. It is only in this manner that we will be able to change the negative policy of Japan.

Enclosed is a proposed answer to Mr. Morita's arguments which, I can assure you, do not reflect the true situation that exists between Japan and Israel. Naturally, you can re-write the letter as you see fit.

Finally, I would like to wish you and Mr. Schmelzer a Shana Tova. Please continue the good work.

Yours sincerely,


D. Kimche

Encl.

12 October 1987

Mr. Akio Morita
Vice Chairman
Keidanren
Japan Federation of Economic Organizations
9-4, Otemachi 1-Chome,
Chiyoda-Ku, Tokyo 100
Japan

Dear Mr. Morita,

I would like to thank you for your letter of Sept. 2, which was deeply appreciated by my colleagues and by me. We value this opportunity to conduct a dialogue with the Vice Chairman of Keidanren and would like to comment in a frank and friendly manner on some of the points made by you. We feel this is the more valuable because we understand the importance of Keidanren. The fact that it is a private business organization representing all branches of economic activities except agriculture, including manufacturing, mining, as well as finance, trade and other service industries.

As you pointed out in your letter, underlines its importance and power which is precisely the reason that our Israeli colleagues were so interested to be connected with it.

We thank you for your clarification regarding Mipro. However, I am sure you will agree with me, Mr. Morita, that Mipro does not represent manufacturers, and that it is not the custom for Mipro to invite manufacturers. It is the usual practice for manufacturers to be invited by manufacturers who are mostly represented by Keidanren and not by Mipro, and, we cannot but reach the sad conclusion that as most of the large manufacturers associated with Keidanren have surrendered to the threats of the Arab boycott committee, therefore Keidanren did not want to be hosts of the Israel Manufacturers Association and asked Mipro to be hosts instead. To put it with the utmost frankness, we would like to see Israel treated in exactly the same manner that other countries are treated, and this, unfortunately, because of the Arab boycott is at present not so. Indeed, if I may say so, at present Japanese companies enjoy an unfair advantage over American companies which, as you know, contravene American law if they bow to the blackmail of the boycott committee.

Let us be frank between ourselves. Keidanren cannot invite its Israeli counterpart because it feels it has big problems with the Arab boycott and therefore had to switch the invitation over to Mipro.

Naturally, we are happy that Mr. Nihachiro Hanamura is visiting Israel. But we must respectfully point out that we should also like to see Japanese manufacturers visiting Israel. Only by getting to know Israel can they become friends and cooperate. Unfortunately to date no important business mission from Japan, such as the one Israel is sending to Japan this year, has come to Israel.

We have the sad example of Zeno (we know they are not a member of Keidanren) which for 25 years bought potash from Israel but ceased to buy because of pressure from the boycott committee. This is an example which, I believe, typifies relations today, and we, with your cooperation, would like to change it. You are known as a champion of the ideals of the universality of trade, and I am sure we can count on your friendship, understanding and cooperation.

Yours sincerely,

