

SUPPORTING THE GOALS OF THE JAPANESE AMERICAN, GERMAN AMERICAN, AND ITALIAN AMERICAN COMMUNITIES IN RECOGNIZING A NATIONAL DAY OF REMEMBRANCE TO INCREASE PUBLIC AWARENESS OF THE EVENTS SURROUNDING THE RESTRICTION, EXCLUSION, AND INTERNMENT OF INDIVIDUALS AND FAMILIES DURING WORLD WAR II

FEBRUARY 3, 2004.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H. Res. 56]

[Including Committee Cost Estimate]

The Committee on the Judiciary, to whom was referred the resolution (H. Res. 56) supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II, having considered the same, reports favorably thereon without amendment and recommends that the resolution be agreed to.

CONTENTS

	Page
Purpose and Summary	2
Background and Need for the Legislation	2
Hearings	4
Committee Consideration	4
Vote of the Committee	4
Committee Oversight Findings	4
New Budget Authority and Tax Expenditures	4
Committee Cost Estimate	4
Performance Goals and Objectives	4
Constitutional Authority Statement	4
Section-by-Section Analysis and Discussion	5
Changes in Existing Law Made by the Bill, as Reported	5
Markup Transcript	5

PURPOSE AND SUMMARY

H. Res. 56 provides that the House of Representatives recognizes the historical significance of February 19, 1942, the date Executive Order 9066 was signed by President Roosevelt. The resolution also supports the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of these events.

BACKGROUND AND NEED FOR THE LEGISLATION

On February 19, 1942, President Roosevelt signed Executive Order 9066. This Executive Order is among the most controversial in American history.¹ In the Executive Order, President Roosevelt stated:

I hereby authorize and direct the Secretary of War, and the Military Commanders whom he may from time to time designate, whenever he or any designated Commander deems such actions necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate Military Commanders may determine, from which any or all persons may be excluded, and with such respect to which, the right of any person to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate Military Commander may impose in his discretion. The Secretary of War is hereby authorized to provide for residents of any such area who are excluded therefrom, such transportation, food, shelter, and other accommodations as may be necessary, in the judgement of the Secretary of War or the said Military Commander, and until other arrangements are made, to accomplish the purpose of this order.²

Shortly thereafter, all American citizens of Japanese descent were prohibited from living, working or traveling on the West Coast of the United States. The same prohibition applied to the generation of Japanese immigrants who, pursuant to Federal law and despite long residence in the United States, were not permitted to become American citizens. Initially, this exclusion was to be carried out by “voluntary” relocation. That policy inevitably failed, and these American citizens and their alien parents were removed by the Army, first to “assembly centers”—temporary quarters at race tracks and fairgrounds—and then to “relocation centers”—barrack camps mostly in desolate areas of the West. Many of those removed from the West Coast were eventually allowed to leave the camps to join the Army, go to college outside the West Coast, or to whatever private employment was available. For a large number, however, the war years were spent behind barbed wire; and for those who were released, the prohibition against returning to their homes and occupations on the West Coast was not lifted until December, 1944. Executive Order 9066 ultimately led to the detention of 120,000 Japanese Americans and Japanese residents of the United States.

Executive Order 9066 also formed the legal basis for depriving Italian and German Americans and residents of their civil liberties.

¹E.O. 9066, 7 Fed. Reg. 1407 (1942), codified as 56 Stat. 173 (1942).

²*Id.*

Italian Americans were taken into custody following the attack on Pearl Harbor and prior to the United States declaration of war against Italy. While not interned in relocation centers, Italian Americans were expelled from designated areas under the United States Army's "Individual Exclusion Program," subject to curfews, and arrested for carrying items such as short wave radios. In addition, Italian American fishermen were prevented from fishing in prohibited zones and were therefore unable to pursue their livelihoods. German Americans suffered similar civil liberties violations.

While the constitutionality of Executive Order 9066 was subsequently upheld by the Supreme Court,³ President Gerald Ford formally rescinded Executive Order 9066 on February 19, 1976. Congress subsequently adopted legislation signed by President Jimmy Carter on July 31, 1980, establishing the Commission on Wartime Relocation and Internment of Civilians, to investigate the claim that the incarceration of Japanese Americans and legal resident aliens during World War II was justified by military necessity. The Commission conducted 20 days of hearings in and received testimony from over 750 witnesses, and published its findings in a report entitled "Personal Justice Denied." The Commission concluded that the Executive Order 9066 was not justified by military necessity, and that the decision to issue the order was shaped by race prejudice, war hysteria, and a failure of political leadership.⁴

President Reagan signed the "Civil Liberties Act of 1988," to formally acknowledge and apologize for "fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry."⁵ The Civil Liberties Act of 1988 established the Civil Liberties Public Education Fund to sponsor research and public educational activities and to publish and distribute the hearings, findings, and the recommendations of the Commission on Wartime Relocation and Internment of Civilians so the events surrounding the exclusion, forced removal, and internment of civilians and permanent resident aliens of Japanese ancestry will be remembered and understood.

In 2000, President Clinton signed the "Wartime Violation of Italian Americans Civil Liberties Act."⁶ This legislation required the Department of Justice to submit a detailed report on the types of civil liberties violations that occurred, as well as lists of individuals of Italian ancestry that were arrested, detained, and interned.⁷ The legislation also formally acknowledged civil liberties violations against Italian Americans committed during World War II. On November 7, 2001, the Attorney General submitted the report to Congress,⁸ detailing wartime restrictions on persons of Italian ancestry, and on November 27, the House Judiciary Committee released the report required by the legislation.

The Japanese American community presently recognizes a National Day of Remembrance on February 19 of each year to educate the public about the internment. H. Res. 56 reaffirms the impor-

³See *Korematsu v. United States*, 323 U.S. 214 (1944).

⁴See Personal Justice Denied: The Report of the Commission on Wartime Relocation and Internment of Civilians, Part 1 of 2 (Government Printing Office (1982).

⁵P.L. No. 100-383 (1988).

⁶P.L. No. 106-451 (2000).

⁷See *id.*

⁸See U.S. Department of Justice, Report to the Congress of the United States: A Review of the Restrictions on Persons of Italian Ancestry During World War II (November 2001).

tance of this day. Specifically, the resolution states that the House of Representatives recognizes the historical significance of February 19, 1942, the date Executive Order 9066 was signed by President Roosevelt. The resolution also supports the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of these events.

HEARINGS

No hearings were held on H. Res. 56.

COMMITTEE CONSIDERATION

On January 28, 2004, the Committee met in open session and ordered favorably reported the resolution H. Res. 56 by voice vote, a quorum being present.

VOTE OF THE COMMITTEE

In compliance with clause 3(b) of Rule XIII of the Rules of the House of Representatives, the Committee notes that there were no recorded votes during its consideration of H. Res. 56.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee reports 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.

COMMITTEE COST ESTIMATE

In compliance with clause 3(d)(2) of Rule XIII of the Rules of the House of Representatives, the Committee believes that the resolution will have no cost.

PERFORMANCE GOALS AND OBJECTIVES

H. Res. 56 does not authorize funding. Therefore, clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives is inapplicable.

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.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

H. Res. 56 states that the House of Representatives recognizes the historical significance of February 19, 1942, the date Executive Order 9066 was signed by President Roosevelt. The resolution also supports the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of these events.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of Rule XIII of the Rules of the House of Representatives, the Committee notes H. Res. 56 makes no changes to existing law.

MARKUP TRANSCRIPT

BUSINESS MEETING
WEDNESDAY, JANUARY 28, 2004

HOUSE OF REPRESENTATIVES,
 COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 10:04 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr. [Chairman of the Committee] presiding.

[Intervening business.]

Chairman SENSENBRENNER. The last item on the agenda, pursuant to notice, I now call up House Resolution 56, supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II.

For purposes of markup I move its favorable recommendation to the House.

Without objection, the resolution will be considered as read and open for amendment at any point.

[The resolution, H. Res. 56, follows:]

108TH CONGRESS
1ST SESSION

H. RES. 56

Supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2003

Mr. HONDA (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ANDREWS, Mr. ABERCROMBIE, Mr. CROWLEY, Ms. LOFGREN, Mr. WU, Mr. MATSUI, Mr. INSLEE, Mr. KILDEE, Ms. NORTON, Mr. FALEOMAVAEGA, Ms. CARSON of Indiana, Ms. DELAURO, Mr. FOLEY, Mr. McDERMOTT, Mr. WEXLER, Mr. BACA, Ms. BERKLEY, and Ms. LEE) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II.

Whereas President Franklin Delano Roosevelt signed Executive Order 9066 on February 19, 1942, which authorized the exclusion of 120,000 Japanese Americans and legal resident aliens from the West coast of the United States and the internment of United States citizens and legal

permanent residents of Japanese ancestry in internment camps during World War II;

Whereas the freedom of Italian Americans and German Americans was also restricted during World War II by measures that branded them enemy aliens and included required identification cards, travel restrictions, seizure of personal property, and internment;

Whereas President Gerald Ford formally rescinded Executive Order 9066 on February 19, 1976, in his speech, “An American Promise”;

Whereas Congress adopted legislation which was signed by President Jimmy Carter on July 31, 1980, establishing the Commission on Wartime Relocation and Internment of Civilians to investigate the claim that the incarceration of Japanese Americans and legal resident aliens during World War II was justified by military necessity;

Whereas the Commission held 20 days of hearings and heard from over 750 witnesses on this matter and published its findings in a report entitled “Personal Justice Denied”;

Whereas the conclusion of the Commission was that the promulgation of Executive Order 9066 was not justified by military necessity, and that the decision to issue the order was shaped by “race prejudice, war hysteria, and a failure of political leadership”;

Whereas Congress enacted the Civil Liberties Act of 1988, in which it apologized on behalf of the Nation for “fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry”;

Whereas President Ronald Reagan signed the Civil Liberties Act of 1988 into law on August 10, 1988, proclaiming that day to be a “great day for America”;

Whereas the Civil Liberties Act of 1988 established the Civil Liberties Public Education Fund, the purpose of which is “to sponsor research and public educational activities and to publish and distribute the hearings, findings, and recommendations of the Commission on Wartime Relocation and Internment of Civilians so that the events surrounding the exclusion, forced removal, and internment of civilians and permanent resident aliens of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood”;

Whereas Congress adopted the Wartime Violation of Italian Americans Civil Liberties Act, which was signed by President Bill Clinton on November 7, 2000, which included provisions which resulted in a report containing detailed information on the types of violations that occurred, as well as lists of individuals of Italian ancestry that were arrested, detained, and interned;

Whereas the Japanese American community recognizes a National Day of Remembrance on February 19th of each year to educate the public about the lessons learned from the internment to ensure that it never happens again; and

Whereas the Day of Remembrance provides an opportunity for all people to reflect on the importance of justice and civil liberties during times of uncertainty and emergency: Now, therefore, be it

- 1 *Resolved*, That the House of Representatives—
- 2 (1) recognizes the historical significance of Feb-
- 3 ruary 19, 1942, the date Executive Order 9066 was
- 4 signed by President Roosevelt, restricting the free-

1 dom of Japanese Americans, German Americans,
2 and Italian Americans, and legal resident aliens
3 through required identification cards, travel restric-
4 tions, seizure of personal property, and internment;
5 and

6 (2) supports the goals of the Japanese Amer-
7 ican, German American, and Italian American com-
8 munities in recognizing a National Day of Remem-
9 brance to increase public awareness of these events.

○

Chairman SENSENBRENNER. The Chair recognizes the gentleman from Ohio, Mr. Chabot, the Chairman of the Subcommittee on the Constitution, for a brief 5 minutes to summarize his explanation of the bill.

Mr. CHABOT. Mr. Chairman, I will be brief.

On February 19, 1942, President Roosevelt signed Executive Order 9066. Shortly afterward, American citizens of Japanese descent and Japanese residents of the United States were prohibited from living, working, or traveling on the west coast of the United States. Executive Order 9066 ultimately led to the detention of 120,000 Japanese Americans and residents, most of whom did not see freedom until the closing days of World War II.

Executive Order 9066 also resulted in restrictions upon the civil liberties of Italian and German Americans residing in the United States during World War II, including Government-imposed curfews, prohibitions on items considered to be contraband by military authorities, and seizures of personal property.

President Ford formally rescinded Executive Order 9066 in 1976. In his proclamation repealing this Executive Order President Ford stated, "I call upon the American people to affirm with me this American promise: that we have learned from the tragedy of that long-ago experience, forever to treasure liberty and justice for each individual American, and resolve that this kind of action shall never again be repeated."

President Reagan signed the Civil Liberties Act of 1988 to formally acknowledge and apologize for fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry. When signing the legislation, President Reagan stated, "Here we admit a wrong. Here we affirm our commitment as a Nation to equal justice under the law."

In 2000, President Clinton signed the Wartime Violation of Italian American Civil Liberties Act which formally acknowledged civil liberties violations against Italian Americans committed during World War II.

The Japanese American community presently recognizes a National Day of Remembrance on February 19 of each year to educate the public about the internment. House Resolution 56, this resolution, reaffirms the importance of this day. The resolution also supports the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding this period of our Nation's history.

I urge support of this resolution, and I yield back the balance of my time.

Chairman SENSENBRENNER. The gentleman from New York, Mr. Nadler.

Mr. NADLER. Thank you, Mr. Chairman.

I rise in strong support of this resolution. I think it is excellently taken. I would note that it is part of a pattern, an unfortunate pattern in American history.

During World War II, which was without question a terrible threat to the national security of the United States, perhaps the worst in our history, we had to fight that threat, we did; we beat the Fascists, the Nazis, the Japanese, but we also trampled on the civil liberties of Americans of different groups at the time of doing

so in an attitude of somewhat hysteria. We trampled on civil liberties of American citizens of Japanese descent, Italian Americans, and German Americans.

This is part of a long tradition. From the Alien Sedition Act of 1798 to the misuse of power during the Civil War that the Supreme Court had to address after the Civil War, to the Espionage Act of 1917. I would add the McCarthy depredations of the early years of the Cold War, the operations against the Vietnam War, opponents of the FBI during the Vietnam War. I would just say, as we somewhat belatedly, decades after the event when people lost their civil liberties, as we go about our business of apologizing and recommending and denoting these things, we realize that it is easier to do these things after the events.

But we are going through another war now, a war which may last decades, against the Islamic terrorists, and we are showing disturbing signs and more of reacting in similar ways and trampling civil liberties at home, especially among members of certain ethnic groups exactly as we did in World War II.

So I hope that as we now remember some misdeeds of ours during what was a very worthy effort to beat the Nazis and the Japanese in World War II, that we give similar thought to avoiding repetition of similar actions as we debate civil liberties and the PATRIOT Act and the detention of people of various ethnic groups in the United States today.

So I hope we can avoid the necessity, 30 years hence, of enacting similar resolutions with regard to what we are doing today and next year and last year.

Chairman SENSENBRENNER. Without objection, all Members' opening statements will be placed in the record at this point.

Are there amendments? Hearing none, the Chair notes the presence of a reporting quorum. The question occurs on the motion to report the resolution, House Resolution 56, favorably.

All in favor will say aye.

Opposed, no.

The ayes appear to have it. The ayes have it. And the motion to report favorably is agreed to.

Without objection, the staff is directed to make any technical and conforming changes, and all Members will be given 2 days as provided by the rules in which to submit additional dissenting supplemental or minority views.

Thank you, everybody, for speeding this along. That means everybody gets to go home earlier tonight. And this markup is adjourned.

[Whereupon, at 11:52 p.m., the Committee was adjourned.]