
THE CONGRESS PROJECT

Assignment Prompt Sheet

Japanese-American Reparations Act of 1988

Overview

Act Title: The Civil Liberties Act of 1988

Congress: 100th Congress (1987-1988)

Session/Sessions: 1-2

Statute No: 102 Stat. 903

Public Law No: 100 PL 383

Eid: 1000383

Gid: 211-005

Bill: [HR 442](#)

Sponsor: Rep. [Tom Foley \(D-WA\)](#)

House Committees: Judiciary

Senate Committees: Governmental Affairs

Companion Bill: [S 1009](#)

Related Bills: HR 1631

House Rules: Hres 263

Past Bills: 96 HR 5977; 98 HR 4322; 98 S 2116; 99 HR 442; 99 HR 2415

Introduced Date- Law Date: January 6, 1987 – August 10, 1988

House Floor Days: 2

Senate Floor Days: 2

Roll Call Votes: 4 (3 in the House, 1 in the Senate on HR 442; 3 in the Senate on S 1009)



(Above) Former Senator Spark Matsunaga (D-HI). Initially detained in an internment camp, Matsunaga would go on to serve the United States in World War II, earning two purple hearts. He would later sponsor the Senate's Civil Liberties bill.

Photo: U.S. Congress.

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Legislative History Comments

[The Civil Liberties Act of 1988](#) (100 PL 383) provided up to \$1.25 billion dollars in reparations to Japanese Americans who were interned during World War II ([CQ Almanac 1988](#); [Saylor 1990](#)). The money was made available to roughly 65,000 surviving Japanese-Americans, a number CRS notes “represent[ed] half of the number whom the Federal Government during World War II forcibly evacuated, related, and detained in internment camps (Saylor 1990, 1).” In addition to the money, the measure also provided for an official apology on behalf of the nation. The bill, as first passed by the House, was opposed by President Ronald Reagan (R-CA) ([CQ Almanac 1987](#)). A compromise that further qualified eligibility of the reparations was reached in conference and the President signed the bill in August of 1988.

Passage of this bill was highly emotional. Senator Spark Matsunaga (D-HI), a camp survivor and the sponsor of the Senate bill, cried on the floor as “he recalled the internment camp incident. As Mr. Matsunaga faltered, Senator Stevens came to his rescue while Senator Matsunaga regained his composure and sipped a glass of water.”¹ Today the law is frequently cited as a precedent for arguments in support of reparations to “African-Americans for slavery and Jim Crow.”²

Commented [AJM1]: Senator Ted Stevens (R-AK) was an opponent of the bill.

From a process standpoint, this bill is remarkably straight-forward and manageable. It’s considered in the House under an open rule and passed [243-141](#). In the Senate, debate and floor consideration is on the Senate companion, S 1009, and confined to April 20, 1988. It passes that chamber [69-27](#). The conference report passed the Senate via voice and the House by a [257-156](#) vote. Opposition was largely confined to conservative Democrats and Republicans, though the measure had substantial support from both parties.

Don’t hesitate to e-mail me with questions! In addition to the cited CQ Almanac pieces and the CRS write-up above, the Hatamiya (1994) book cited in scholarly articles seems worth a look.

Assignments

For the sections below, you’re going to want to answer the questions and write-up the process sections that correspond to your assigned number. Here they are:

#1.

#2.

#3.

¹ Molotsky, Irvin. 1988. “Senate Votes to Compensate Japanese-American Internees.” *New York Times*, April 21. <https://www.nytimes.com/1988/04/21/us/senate-votes-to-compensate-japanese-american-internees.html>

² Matthews, Dylan. 2014. “Six Times Victims Have Received Reparations — Including Four in the US.” *Vox*, May 23. <https://www.vox.com/2014/5/23/5741352/six-times-victims-have-received-reparations-including-four-in-the-us>
See also Coates, Ta-Nehisi. 2014. “The Case for Reparations.” *The Atlantic*, June. <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>

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Background Questions

1. Discuss the broader political context this bill was considered in. Who controlled the House? The Senate? By how many? Who was President? Was this part of the President's agenda? What other pieces of legislation were being considered/passed in this Congress? The Stathis (2014) piece might worth a citation here.

Additionally, what was the administration's attitude on this measure? Why? Why did President Reagan eventually support the measure?

2. What motivated consideration of this legislation in this specific Congress? Specifically, what was Japanese internment? Why did it occur? What impact did it have on those interred?
3. What does this act actually do? What are reparations? Who has been pushing for them (in addition to Japanese-Americans)? What is the history behind reparation policies?

What were the problems this bill was trying to rectify? Had Congress attempted to redress this issue beforehand? Why did this measure succeed when other reparation proposals failed?

Process Sections

Please write-up the sections that correspond to your number. Feel free to incorporate any notes I might have dumped in the margins.

#1. House Consideration of HR 442 (September 17, 1987)

On September 17, 1987, Rep. David Bonior (D-MI) called up Hres 263. Bonior noted the rule was "an open rule [that allowed] for the consideration of germane amendments [to HR 442] (*Congressional Record*, 100th Congress, September 17, 1987, 24274)."

HR 442 passed the House [243-141](#).

#2. Senate Consideration of S 1009 & HR 442 (April 20, 1988)

Probably the most controversial amendment was Hect's (R-NV) proposal to remove authorization to pay former internees. It was defeated by a [67-30](#) vote on a tabling motion.

Helms also had two amendments defeated. One would have barred funding in years a deficit was being run and a second sought to require Japan to pay reparations to the families of the soldiers who had died in the bombing of Pearl Harbor. Both were defeated.

HR 442 passed [69-27](#).

Commented [AJM2]: From CQ: "The Reagan administration opposed HR 442. In a June 16 letter to Chairman Peter W. Rodino Jr., D-N.J., Assistant Attorney General John R. Bolton said previous legislation and presidential declarations already had achieved the purposes of HR 442."

Commented [AJM3]: Four pages of speeches on the rule. It passes via voice vote on 24278.

Commented [AJM4]: <https://www.nytimes.com/1988/04/21/us/senate-votes-to-compensate-japanese-american-internees.html>

"Tears rose in Mr. Matsunaga's eyes as he recalled the internment camp incident. As Mr. Matsunaga faltered, Senator Stevens came to his rescue while Senator Matsunaga regained his composure and sipped a glass of water."

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#3. Senate Consideration of the Conference Report on HR 442 (July 27, 1988)

On July 27, 1988, Senate Majority Leader Robert Byrd (D-WV) submitted the conference report on HR 442 and asked “for its immediate consideration (Congressional Record, 100th Congress July 27, 1988, 19117).” This was agreed to without objection.

The conference report was agreed to by voice vote.

#3. House Consideration of the Conference Report on HR 442 (August 3-4, 1988)

The House adopted the conference report on HR 442 by a [257-156](#) vote. Democrats broke 186-56 in favor, and Republicans voted 73-101 against.

Member Spotlight

Choose one of the following for your member spotlight:

#1. Rep. Tom Foley (D-WA); Rep. Barney Frank (D-MA); Rep. Hamilton Fish (R-NY); Rep. Norman Mineta (D-CA); Rep. Bill Frenzel (R-MN); Rep. David Bonior (D-MI); Rep. Connie Morella (R-MD)

#2. Sen. Spark Matsunaga (D-HI); Sen. Fritz Hollings (D-SC); Sen. Chic Hecht (R-NV); Sen. Jesse Helms (R-NC); Sen. Daniel Inouye (D-HI); Sen. Alan Simpson (R-WY); Sen. Ted Stevens (R-AK); Sen. Pete Wilson (R-CA)

#3. Sen. Robert Byrd (D-WV); Sen. John Glenn (D-OH); Rep. Robert Matsui (D-CA); Rep. Dan Lundgren (R-CA); Rep. Peter Rodino (D-NJ); Rep. Clay Shaw (R-FL); Sen. Orrin Hatch (R-UT); Rep. Daniel Akaka (D-HI)

Aftermath Questions

1. How was this act viewed upon passage? What did the newspapers say? How did the final measure differ from the one reformers were pushing? Was Reagan’s support for it in doubt at any point?
2. How has this law evolved over time? Has it been featured in any major Supreme Court cases? Significantly altered by subsequent legislation? How is it viewed by scholars? Did it achieve its stated goals?

Additionally, how relevant is this law currently? Are there additional issues related to it that reformers have been pushing to change?

3. Discuss the relevance of this act as it pertains to contemporary policy. Specifically, what does this law mean for those arguing for reparations to African-Americans for slavery and Jim Crow? Evaluate that broader reparations debate. What do scholars say about it? Who supports them? Who opposes them? As discussed above, [this Coates \(2014\) piece](#) might be worth a look here.

Commented [AJM5]: Floor discussion is confined to a John Glenn speech. Newspaper coverage over the content of the conference report would be useful here.

Commented [AJM6]: <https://www.nytimes.com/1990/04/16/obituaries/spark-m-matsunaga-dies-at-73-senator-led-fight-for-reparations.html>

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Suggested Sources

Scholarly Articles

Brew, Sarah L. "Making Amends for History: Legislative Reparations for Japanese Americans and Other Minority Groups." *Law & Ineq.* 8 (1989): 179.

Kessler, Lauren. "Fettered Freedoms: The Journalism of World War II Japanese Internment Camps." *Journalism History* 15.2-3 (1988): 70-79.

Hatamiya, Leslie. *Righting a wrong: Japanese Americans and the passage of the Civil Liberties Act of 1988*. Stanford University Press, 1994.

Hatamiya, Leslie. "Righting a Wrong: The Passage of the Civil Liberties Act of 1988." *US-Japan Women's Journal. English Supplement* 2 (1992): 63-76.

Mauro, Joseph C. "Wartime Prejudice against Persons of Italian Descent: Does the Civil Liberties Act of 1988 Violate Equal Protection." *Mich. J. Race & L.* 15 (2009): 445.

Kashima, Tetsuden. *Judgment without Trial: Japanese American Imprisonment during World War II*. University of Washington Press, 2011.

Laremont, Ricardo Rene. "Jewish and Japanese American reparations: political lessons for the Africana community." *Journal of Asian American Studies* 4.3 (2001): 235-250.

Yamamoto, Eric K. "Racial Reparations: Japanese American Redress and African American Claims." *BC Third World LJ* 19 (1998): 477.

Saylor, James. 1990. "Redress for Japanese Americans Under the Civil Liberties Act of 1988: Questions and Answers." *Congressional Research Service*, 90-488.
https://evols.library.manoa.hawaii.edu/bitstream/10524/59675/DI_JL9_F5_OCRCcombined.pdf

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Newspaper Pieces

- <https://www.nytimes.com/1990/04/16/obituaries/spark-m-matsunaga-dies-at-73-senator-led-fight-for-reparations.html>
- <https://theconversation.com/why-japanese-americans-received-reparations-and-african-americans-are-still-waiting-119580>
- <https://www.vox.com/policy-and-politics/2019/3/11/18246741/reparations-democrats-2020-inequality-warren-harris-castro>
- <https://www.vox.com/2014/5/23/5741352/six-times-victims-have-received-reparations-including-four-in-the-us>
- <https://www.vox.com/2015/11/24/9787144/internment-japanese-data>
- <https://www.npr.org/sections/codeswitch/2013/08/09/210138278/japanese-internment-redress>
- <https://slate.com/news-and-politics/2014/06/japanese-internment-camp-reparations-activist-yuri-kochiyama-dies-at-93.html>
- <https://www.theatlantic.com/business/archive/2014/06/the-radical-practicality-of-reparations/372114/>
- <https://www.nytimes.com/2019/12/04/learning/does-the-united-states-owe-reparations-to-the-descendants-of-enslaved-people.html>
- <https://www.npr.org/sections/codeswitch/2020/03/24/820181127/the-unlikely-story-behind-japanese-americans-campaign-for-reparations>
- <https://www.nytimes.com/2019/12/04/learning/does-the-united-states-owe-reparations-to-the-descendants-of-enslaved-people.html>
- <https://www.nytimes.com/2018/08/17/obituaries/isamu-shibayama-dies-at-88-his-quest-for-reparations-unfulfilled.html>
- <https://www.nytimes.com/2019/06/19/us/reparations-slavery.html>
- <https://www.washingtonpost.com/graphics/2020/business/reparations-slavery-japanese-american-internment/>
- <https://www.washingtonpost.com/archive/politics/1990/10/10/delayed-reparations-and-an-apology/bed88529-ba5d-41de-a913-48362ec779bc/>
- https://www.washingtonpost.com/national/lillian-nakano-dies-helped-japanese-americans-get-redress-for-internment/2015/03/09/c7557cc4-c67c-11e4-a199-6cb5e63819d2_story.html
- <https://www.washingtonpost.com/history/2020/02/19/japanese-americans-were-sent-camps-with-californias-help-now-state-apology-is-coming/>
- <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>
- <https://www.washingtonpost.com/news/made-by-history/wp/2018/06/25/the-trauma-of-internment/>