

certain sums for deposit into War Claims Fund, prior to repeal by Pub. L. 100-418, title II, § 2501(a)(1), Aug. 23, 1988, 102 Stat. 1371. See section 4336(b) of this title.

CODIFICATION

Section was formerly classified to section 2017p of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

CHAPTER 52—RESTITUTION FOR WORLD WAR II INTERNMENT OF JAPANESE-AMERICANS AND ALEUTS

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CODIFICATION

Pub. L. 100-383, Aug. 10, 1988, 102 Stat. 903, comprising this chapter, was formerly set out in the Appendix to this title, prior to the elimination of the Appendix to this title and the editorial reclassification of the Act as this chapter. For disposition of sections of the former Appendix to this title, see Table II, set out preceding section 1 of this title.

§ 4201. Purposes

The purposes of this chapter are to—

- (1) acknowledge the fundamental injustice of the evacuation, relocation, and internment of United States citizens and permanent resident aliens of Japanese ancestry during World War II;
- (2) apologize on behalf of the people of the United States for the evacuation, relocation, and internment of such citizens and permanent resident aliens;
- (3) provide for a public education fund to finance efforts to inform the public about the internment of such individuals so as to prevent the recurrence of any similar event;
- (4) make restitution to those individuals of Japanese ancestry who were interned;

(5) make restitution to Aleut residents of the Pribilof Islands and the Aleutian Islands west of Unimak Island, in settlement of United States obligations in equity and at law, for—

(A) injustices suffered and unreasonable hardships endured while those Aleut residents were under United States control during World War II;

(B) personal property taken or destroyed by United States forces during World War II;

(C) community property, including community church property, taken or destroyed by United States forces during World War II; and

(D) traditional village lands on Attu Island not rehabilitated after World War II for Aleut occupation or other productive use;

(6) discourage the occurrence of similar injustices and violations of civil liberties in the future; and

(7) make more credible and sincere any declaration of concern by the United States over violations of human rights committed by other nations.

(Pub. L. 100-383, § 1, Aug. 10, 1988, 102 Stat. 903.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 1989 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

§ 4202. Statement of the Congress

(a) With regard to individuals of Japanese ancestry

The Congress recognizes that, as described by the Commission on Wartime Relocation and Internment of Civilians, a grave injustice was done to both citizens and permanent resident aliens of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II. As the Commission documents, these actions were carried out without adequate security reasons and without any acts of espionage or sabotage documented by the Commission, and were motivated largely by racial prejudice, wartime hysteria, and a failure of political leadership. The excluded individuals of Japanese ancestry suffered enormous damages, both material and intangible, and there were incalculable losses in education and job training, all of which resulted in significant human suffering for which appropriate compensation has not been made. For these fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry, the Congress apologizes on behalf of the Nation.

(b) With respect to the Aleuts

The Congress recognizes that, as described by the Commission on Wartime Relocation and Internment of Civilians, the Aleut civilian residents of the Pribilof Islands and the Aleutian Islands west of Unimak Island were relocated during World War II to temporary camps in isolated regions of southeast Alaska where they remained, under United States control and in the care of the United States, until long after any

potential danger to their home villages had passed. The United States failed to provide reasonable care for the Aleuts, and this resulted in widespread illness, disease, and death among the residents of the camps; and the United States further failed to protect Aleut personal and community property while such property was in its possession or under its control. The United States has not compensated the Aleuts adequately for the conversion or destruction of personal property, and the conversion or destruction of community property caused by the United States military occupation of Aleut villages during World War II. There is no remedy for injustices suffered by the Aleuts during World War II except an Act of Congress providing appropriate compensation for those losses which are attributable to the conduct of United States forces and other officials and employees of the United States.

(Pub. L. 100-383, §2, Aug. 10, 1988, 102 Stat. 903.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 1989a of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

SUBCHAPTER I—UNITED STATES CITIZENS OF JAPANESE ANCESTRY AND RESIDENT JAPANESE ALIENS

§ 4211. Short title

This subchapter may be cited as the “Civil Liberties Act of 1988”.

(Pub. L. 100-383, title I, §101, Aug. 10, 1988, 102 Stat. 904.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 1989b of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-371, §1, Sept. 27, 1992, 106 Stat. 1167, provided that: “This Act [see Tables for classification] may be cited as the ‘Civil Liberties Act Amendments of 1992’.”

§ 4212. Remedies with respect to criminal convictions

(a) Review of convictions

The Attorney General is requested to review any case in which an individual living on August 10, 1988, was, while a United States citizen or permanent resident alien of Japanese ancestry, convicted of a violation of—

(1) Executive Order Numbered 9066, dated February 19, 1942;

(2) the Act entitled “An Act to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, leaving, or committing any act in military areas or zones”, approved March 21, 1942 (56 Stat. 173); or

(3) any other Executive order, Presidential proclamation, law of the United States, directive of the Armed Forces of the United States, or other action taken by or on behalf of the United States or its agents, representatives, officers, or employees, respecting the evacuation, relocation, or internment of individuals solely on the basis of Japanese ancestry;

on account of the refusal by such individual, during the evacuation, relocation, and internment period, to accept treatment which discriminated against the individual on the basis of the individual’s Japanese ancestry.

(b) Recommendations for pardons

Based upon any review under subsection (a), the Attorney General is requested to recommend to the President for pardon consideration those convictions which the Attorney General considers appropriate.

(c) Action by the President

In consideration of the statement of the Congress set forth in section 4202(a) of this title, the President is requested to offer pardons to any individuals recommended by the Attorney General under subsection (b).

(Pub. L. 100-383, title I, §102, Aug. 10, 1988, 102 Stat. 904.)

Editorial Notes

REFERENCES IN TEXT

Executive Order Numbered 9066, dated February 19, 1942, referred to in subsec. (a)(1), is not classified to the Code.

The Act entitled “An Act to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, leaving, or committing any act in military areas or zones”, approved March 21, 1942 (56 Stat. 173), referred to in subsec. (a)(2), is act Mar. 21, 1942, ch. 191, 56 Stat. 173, which was classified to section 97a of former Title 18, Criminal Code and Criminal Procedure, and was repealed by act of June 25, 1948, ch. 645, §21, 62 Stat. 868 and reenacted as section 1383 of Title 18, Crimes and Criminal Procedure. Section 1383 of Title 18 was repealed by Pub. L. 94-412, title V, §501(e), Sept. 14, 1976, 90 Stat. 1258.

CODIFICATION

Section was formerly classified to section 1989b-1 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

§ 4213. Consideration of Commission findings by departments and agencies

(a) Review of applications by eligible individuals

Each department and agency of the United States Government shall review with liberality, giving full consideration to the findings of the Commission and the statement of the Congress set forth in section 4202(a) of this title, any application by an eligible individual for the restitution of any position, status, or entitlement lost in whole or in part because of any discriminatory act of the United States Government against such individual which was based upon the individual’s Japanese ancestry and which occurred during the evacuation, relocation, and internment period.

(b) No new authority created

Subsection (a) does not create any authority to grant restitution described in that sub-