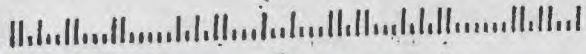


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REDRESS

Judge Rules in Favor of Child of 'Voluntary Evacuee'

Linda Yae Consolo, born in Utah, is determined to be eligible for redress.

RAFU SHIMPO SPECIAL

WASHINGTON.—In a landmark decision filed yesterday, the Japanese American daughter of a "voluntary" evacuee was determined to be eligible for World War II redress, ruled Judge James Turner of the United States Court of Federal Claims.

In his decision, Turner overturned the Justice Department's denial of \$20,000 in redress to Linda Yae Consolo, the daughter of Dr. Arthur and Josephine Kawabe, who was born in Fielding, Utah. In October of 1992, the Justice Department informed Consolo that she was not eligible for payment because her "losses were not the result of government action as defined" in the Civil Liberties Act of 1988.

An earlier case, *Ishida v. United States*, which was decided on April 22, 1994, was similar to Consolo's. In both, the plaintiff was born outside of concentration camps in the interior of the U.S. to parents who were forced to relocate from West Coast due to Executive Order 9066.

However, in Ishida's case, redress was denied by the Federal Claims Court because the judge felt

that the redress law did not extend to individuals born after their parents' relocation.

"We are mindful that the dispositive legal issue in Ishida and in the instant case is identical, yet we reach an opposite result," stated Judge Turner.

"We conclude that plaintiff has satisfied the conditions of eligibility as set forth in the act," stated Judge Turner in his decision.

"She is an individual of Japanese ancestry and was living on the date of the enactment of the act. During the evacuation, relocation and internment period, she was a United States citizen, and was, by being excluded from her domicile, deprived of liberty as a result of the laws and orders in effect during that period. Therefore, we conclude that plaintiff is entitled to compensation under the act," he stated.

"I think that the decision is very gratifying," said attorney Gerald M. Sato, whose offices are based in Westlake Village in Ventura County. "I think he understood the spirit and intent of redress, that the law awarded all Japanese Americans who were deprived of liberties during wartime."

Sato said that he had spoken to Consolo this summer, who "was very happy" with the decision. "I hope the government won't waste money appealing the decision," he added.