

## U.S. Appeals Decision to Pay Child of 'Voluntary Evacuee'

The Department of Justice seeks reversal of redress award to Linda Consolo.

RAFU SHIMPO SPECIAL

The federal government has filed an appeal from a United States Court of Federal Claims, seeking to reverse a June 22 order by Judge James Turner which awarded redress to Linda Consolo under the Civil Liberties Act of 1988.

Turner found Consolo, a person born to Japanese American "voluntary evacuees" in 1943, to have suffered a deprivation of liberty caused by federal government actions during World War II.

However, federal government's appeal, filed with the approval of Attorney General Janet Reno, the Assistant Attorney General for Civil Rights Deval Patrick, contends that persons such as Consolo suffered no deprivation of liberty and that Congress never intended to compensate persons born outside of physical detention.

In their argument, the federal government offered the text of a speech on proposed amendments to the 1988 Civil Liberties Act by Congressman Robert Matsui, published in the Congressional Record of Sept. 14, 1992.

Gerald M. Sato, of Sato & Henry and Consolo's attorney, felt the government's interpretation of Matsui's speech was skewed.

"In the speech, Matsui was arguing for an increase in funding because he was afraid there will not be enough money to pay internees," said Sato to *The Rafu Shimpō*. "The government twisted what he said to

mean 'only internees' should be paid. I don't think what Matsui said could be used in that way. It just underscores how incorrect the government is."

Consolo regrets that the Attorney General has chosen to ignore the history of the federal government's unlawful actions against Japanese Americans during World War II. Although she did not begin this fight, she intends to finish it and is confident that the government's appeal will ultimately fail.

In two similar cases, both claimants had been denied redress. In *Suzuki v. United States*, although the claimant had been interned for a short period, the court ruled against granting redress to Suzuki because the claimant, who was a minor at the time, received permission to leave the camps for Japan to be with relatives.

In *Ishida v. United States*, the presiding judge ruled that the Civil Liberties Act "does not extend to individuals born after their parents relocated." The case was not appealed further by claimant Ishida, who, like Consolo, was born in camp.

In Consolo's case, however, Judge Turner ruled that Ishida's decision was "moot" and ruled in favor of granting Consolo redress money.

Sato said if Judge Turner's ruling is overruled, they plan to apply for a hearing with the U.S. Supreme Court.