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Landmark Victory for Children of Voluntary Evacuees

The U.S. Court of Appeals rules in favor of Douglas L. Ishida, a Japanese American who was born in Ohio in 1942, after his parents were evacuated from California.

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ENGLISH EDITOR

WASHINGTON.—The U.S. Court of Appeals the Federal Circuit ruled on July 6 that a Japanese American man born to parents who were evacuated from California in 1942 is indeed eligible for redress and reparations under the Civil Liberties Act of 1988, even though he himself was not born in an American concentration camp. Douglas Ishida, who was born in Nov. 23, 1942 in Marion, Ohio, was previously denied reparations by the Office of Redress Administration (ORA), because his "losses were not the result of government action as defined in the act and the implementing regulations." The U.S. Court of Federal Claims upheld the ORA's decision on April 22, 1994. However, the appeals court ruled, "We hold that such children are entitled to compensation because they were 'otherwise deprived liberty' within the meaning of the act when they were excluded by law from their parents' original place of residence as a result of Executive Order 9066." Redress activists described the decision as "total victory." "We're extremely pleased

with the decision of the Court of Appeals and want to congratulate Douglas Ishida and his attorney Richard Halberstein for this momentous victory," stated Richard Katsuda, president of the National Coalition for Redress and Reparations (NCRR), Los Angeles.

"This decision has great significance for the hundreds of so-called 'voluntary evacuee' cases," said Katsuda. "We also commend Bruce Iwasaki and John Daum for writing the brief for *amicus curiae* (friend of the court) on behalf of NCRR."

"I feel very good about the decision," said Washington, D.C. attorney Halberstein, who has been friends with his client, Ishida, since they attended Harding High School together in Marion.

"I have not been able to locate Ishida yet," said Halberstein, "but I know this is going to make him feel that he was finally treated with justice. He felt bad that (the government) went to all that trouble to deny him the compensation."

The Court of Appeals ruling may go beyond just affecting Ishida. In a Los Angeles meeting on April 13 of this year, ORA officials said that they would not file an appeal if the court decisions in the cases of Ishida and another child of a voluntary evacuee, Linda Yae (Kawabe) Consolo, concluded in the favor of the Japanese American claimants.

As of press time, no decision was yet rendered in the Consolo case, which was heard on the same day as the Ishida appeal. However, legal observers feel that the court will rule in favor of a June 22, 1994 order to award redress to Consolo.

As a result, others who fall in the same category may be eligible for \$20,000 if adequate funding is available.

"In the narrowest sense, this is a victory for Ishida," said attorney Bruce Iwasaki, whose *amicus curiae* was written for both the Ishida and Consolo cases.

"But it also sets a precedent for all future decisions and effectively applies to everybody in similar situations," said Iwasaki.

In the April 13 meeting, the ORA stated that at least 900 children of "voluntary evacuees" had filed for redress. "Voluntary evacuees" are defined as those who evacuated from restricted zones on the West Coast to the U.S. interior after President Franklin D. Roosevelt's Executive Order 9066 was issued on Feb. 19, 1942.

Iwasaki, a member of NCRR, explained that there are two categories of "voluntary evacuees": those who left before the evacuation orders for the interior and those who left camps for the interior.

In terms of what categories will apply to the ruling, Iwasaki said, "it all depends what the ORA does," said Iwasaki.

The ORA could not officially comment on the Ishida decision as of press time.

"The language in the legislation (Civil Liberties Act of 1988) was designed not to be restrictive, but inclusive," concluded attorney Halberstein.

NCRR's Richard Katsuda encourages those who are children of "voluntary evacuees" to contact the non-profit group at (213) 680-3484.

I called that - they said they consider both groups in "voluntary" category.

Business Court Upholds Consolo Decision The U.S. Court of Appeals for the Federal Circuit rules in favor of another voluntary evacuee.

11/1/95

BY SHINOBU SUGIYAMA

WASHINGTON.—In another landmark decision supporting wartime reparations for Japanese American children of "voluntary evacuees," the U.S. Court of Appeals for the Federal Circuit upheld a ruling that Linda Yae (Kawabe) Consolo is entitled to receive \$20,000 under the Civil Liberties Act of 1988.

"The decision affirmed the opinion of Judge (James) Turner," said Gerald Sato, Consolo's attorney, "that, as in the Ishida case, Consolo was deprived of liberty when she was prohibited from returning to her family home because of military order."

The decision was dated Monday, July 10, 1995. Last week Douglas Ishida, another child of a "voluntary evacuee" also won his case against the government after being denied redress and reparations because he had been born in Marion, Ohio, in 1942, instead of a wartime concentration camp.

Attorneys for the plaintiffs maintained that the Japanese Americans, although not incarcerated, were victims because they were born during wartime to individuals who were forced from their homes on the West Coast because of Executive Order 9066.

As of press time, Consolo had not yet heard of the decision in her favor. "I left a message on her machine," said Sato. "She'll be very excited about that."

Consolo was born in Utah in 1943 to Dr. Arthur and Josephine Kawabe, who lived in Los Angeles. Consolo's father, who was forced to work odd jobs in agriculture and herd cattle in Utah.

"This is now the state of law, unless government goes to the United States Supreme Court. This is the final word of this subject," said Sato.

The Office of Redress Administration (ORA) is currently reviewing how the Ishida and Consolo cases will affect other cases of children of voluntary evacuees.

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Richard Katsuda, president of the National Coalition for Redress and Reparations, which sponsored the meeting, said he hoped the decision would come within three to six months.

If the court rules in Consolo's favor, said Cooper, all affected individuals will be informed and redress will be paid.

Japanese Americans who were minors when they traveled with their parents on the Gripsholm prisoner-of-war ship also received good news. ORA administrator Greene revealed that movement was being made to pay restitution to individuals in that category. "I'm very optimistic," said Greene.

According to the ORA, 131 individuals who were minors at the time have petitioned to receive redress. When asked to clarify the age of such "minors," Cooper confirmed that age 21 was considered the legal limit at that time, and that numerical definition has been approved by Department of Justice head Deval Patrick.

"You hope that a decision will be issued in the next four to six weeks," said Cooper.

Those who traveled to Japan on the Gripsholm were previously denied but they had "relocated to an enemy country during the war."

"Our contention is that we had no choice," said Reiko Rikimaru Nimura, who was in her teens at the time.

Nimura explained that her father Isamu, one of the partners of Rikimaru Produce Market, in Los

Other questions emerged involved workers on the Union Pacific railroad who were released from their jobs because they were of Japanese ancestry; children of World War II veterans who were born outside of camp; and individuals in Nevada who faced curfew restrictions.

Such individuals should contact the ORA directly, said officials. "We're trying to create a partnership," said Greene, who is working for money to be available for all eligible internees. "We want you to be comfortable calling us."

Kei Ochi, former NCCR president, agreed, concluding the meeting with the comment, "We want to discuss all these cases."

Who to Call for Redress Help

Individuals denied redress can call the Office of Redress Administration (ORA) in Washington, D.C. directly. The telephone number is (202) 219-6900. Please leave your name and phone number at the recording, and a representative should call you back.

For local help, contact the National Coalition for Redress and Reparations at (213) 680-3484. The non-profit group has no paid staff members, but volunteers will return your call.

Another meeting may be held this summer.