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For Immediate Release:

Japanese-American Redress Case Scheduled in Supreme Court

In what promises to be a historic occasion, the class action lawsuit of Hohri et al. v. the United States has been scheduled for a hearing in the U.S. Supreme Court for April 20, 1987. The suit was filed in March 1983 on behalf of 125,000 Japanese-Americans who were excluded from the West Coast and detained during World War II. They seek redress for the government's denial of their constitutional and civil rights. In May 1984 the suit was dismissed in a U.S. district court for being filed beyond the six-year statute of limitations. The dismissal was reversed in January 1986 by the appeals court, which moved the commencement of the limitations clock to July 1980 and remanded the case to trial. The government requested a rehearing by a full panel of the appeals court and was rebuffed. Both sides subsequently filed separate appeals to the Supreme Court. In November 1986, the government's appeal was granted. Briefs by both sides have been submitted. The Court will now hear oral argument the day after Easter.

The briefs address critical issues concerning the wartime Court's decisions, including a vigorous dispute over whether the government committed fraud upon the Court in its arguments in the Hirabayashi and Korematsu decisions. According to William Hohri, the lead named plaintiff, this appeal provides the opportunity for the justices to review and overturn these decisions. Both Gordon Hirabayashi and Fred Korematsu, principals in the wartime cases, will attend the hearing, as well as most of the named plaintiffs, who serve as representatives of the class.

Also, according to Hohri, Justice Scalia may recuse himself from participating in the case, because he was a member of the full panel of the appeals court that earlier denied rehearing. This will leave eight justices to decide on the government's appeal, with five needed for the government to win.

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