

Campaign for Justice

Redress Now for Japanese Latin Americans!

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REDRESS NOW! - A Call to Action from Campaign for Justice

From 1988 to 1998, the redress program administered by the Office of Redress Administration (ORA) under the Civil Liberties Act of 1988 (the Act) has provided apology and compensation to the majority of persons of Japanese ancestry wrongfully imprisoned during WWII. But the chapter is not closed. On February 5, 1999 the ORA closed its doors. Despite community efforts beseeching administrative or Congressional intervention, hundreds of former internees will be denied redress and justice.

- 82,210 Japanese Americans each received a presidential apology and \$20,000 in reparations as was mandated by the Act.
- Several lawsuits that potentially represent hundreds of people are pending in the Federal Court of Claims.
- Japanese Latin Americans who accepted a class action settlement (*Mochizuki v. the US*) in 1998 may be deprived of reparation payments due to insufficient funds remaining in the Act.

Last year, the US Treasury and Department of Justice were charged with a breach of fiduciary duty in failing to invest redress monies of the Civil Liberties Act Fund. The Fund, explicitly mandated by Congress to be invested at 5%, was not invested until 1998. The estimated \$200 million dollar loss in interest cost the community \$45 million in education funding and may ultimately lead to hundreds of Japanese Latin American and possibly some Japanese American internees not receiving reparations.

Although the number of people still fighting for their redress rights is few when compared to the 82,000 who received the presidential letter of apology and \$20,000 compensation, we cannot allow the US government to deny them justice. It is even more important that the community supports the redress claimants to ensure that our legislators, our President and the Departments of Justice and Treasury act to resolve these claims.

Here are some ways you can support the remaining redress cases:

- Let your Congressional representatives know that you support a just resolution to the redress program
- Donate to Campaign for Justice to support redress for Japanese Latin Americans; to the National Coalition for Redress/Reparations (NCRR) to support the remaining redress claims being fought in court, amongst many others
- Join CFJ or NCRR and outreach to and assist remaining redress claimants and advocate for justice – call Julie Small of CFJ at (310) 473-6134 or Ayako Hagihara of NCRR at (213) 473-1697
- Sign the form letter to President Clinton (or write one of your own) urging him to resolve this injustice (send the letter to CFJ for transmittal).

REDRESS UPDATE

JAPANESE LATIN AMERICAN REPARATIONS AT RISK

On January 7, 1999, Judge Loren A. Smith of the US Court of Federal Claims approved a settlement of the class action lawsuit (*Mochizuki v. US*) filed by Japanese Latin Americans whom the US forcibly rounded up and imprisoned here during WWII for use in a prisoner exchange with Japan. The agreement was reached to provide survivors or their heirs each with a presidential letter of apology and a \$5,000 reparation payment.

Japanese Latin Americans had sued the US government in 1996 for inclusion in the Civil Liberties Act of 1988. Although the US apprehended, relocated and imprisoned 2,264 Japanese Latin Americans from 13 Latin American countries, the government denied them redress because they were not US citizens or legal permanent residents at the time of their imprisonment.

On June 12, 1998 the Department of Justice and attorneys for Japanese Latin Americans reached a provisional settlement agreement, in which a \$5,000 reparation payment is to be made from the Civil Liberties Act Fund to the extent that monies remain. While the majority of Japanese Latin American internees accepted the settlement, some internees opted to be excluded from the settlement and are pursuing further litigation and legislative efforts.

Today however, the DOJ projects that the Fund will not have enough money to pay as few as half of the 730 Japanese Latin Americans who accepted the settlement. The DOJ is also denying redress to 19 Japanese Latin Americans who missed the August 10, 1998 deadline, despite the fact that many of these internees live in Asia and Latin America and, due to the inadequate notification efforts of the US government, did not learn of the settlement in time to apply.

SUIT CHARGES GOVERNMENT FAILED TO INVEST THE CIVIL LIBERTIES ACT FUND RESULTING IN LOSS OF EDUCATION AND REPARATIONS MONIES

In a separate lawsuit (*NCRR v. US, US District Court*) filed in October 1998, NCRR and Japanese Latin Americans, represented by Joe Suzuki, charged that the shortfall results from the government's failure to follow a provision of the Civil Liberties Act of 1988. The Act mandates that the \$1.65 billion Fund be invested in interest-bearing treasury notes of at least 5 %. The suit seeks full recovery of an estimated \$200 million in lost interest, enough to cover all reparations payments to JLAs.

The Court approval of the *Mochizuki* settlement establishes that Japanese Latin Americans have a legal claim to compensation from the Civil Liberties Act Fund. However, these internees will receive no payment unless the government replenishes the Fund. President Clinton, in a press release on June 12, 1998, stated that he would support efforts to secure additional redress monies to ensure payments to the Japanese Latin Americans.

PENDING LAWSUITS

Rather than resolving the remaining issues for Japanese Americans and Japanese Latin Americans in the true spirit of the redress program, the US government continues to fight internees in the courts.

Shima v. the US - a Japanese Latin American who opted out of the *Mochizuki* settlement in favor of suing for the full redress payment

Yano v. the US - one of 7 Japanese American children born in camp after the CLA cut-off date of June 30, 1946

Higashi v. US, Song v. US, and Hirota v. US - three cases among hundreds of children born outside of camp after ORA's eligibility birthdate cut-off of January 20, 1945

Mr. Kato - one of hundreds of internees who did not have permanent residency or US citizenship during the 1941-1946 period but were affected by EO9066, will likely file along with an unknown number of former internees