

Justice For All Or For Some?

Japanese Peruvian Is Tired Of Runaround

By John Ota

When Art Shibayama was young, he looked forward to growing up, going to college and eventually taking over the family business, a bustling shirt factory. Unfortunately, like many others of Japanese ancestry, his youthful dreams were irretrievably shattered when he was interned during World War II.

But unlike other internees, Art has received neither a government apology nor partial compensation in accord with the Civil Liberties Act of 1988, the Japanese American redress bill. Retired now and living in San Jose with his wife and son, he is not sure if he ever will receive redress.

Why? Because officials in Washington, D.C. are denying redress to him and a large majority of others like him who were brought here from Peru for internment.

A Nightmare

In March 1944, Art was 13 and lived in Lima, Peru when he was caught up in a bewildering and nightmarish swirl of events. He and his family were rounded up and forcibly sent, along with 1,800 other Japanese Peruvians, to this country. His family was transported on the American army ship, U.S.S. Cuba, and guarded by armed U.S. personnel.

The ship docked at New Orleans where the Peruvians were taken to a building and processed like a herd of animals. Men, women and children were forced to strip naked and then, in front of the others, were sprayed with what they think was DDT or disinfectant. After that, the group was whisked directly to a Department of Justice internment camp in Crystal City, Texas, where the Shibayamas spent the next two and a half years behind barbed wire and under armed guard.

In a calculated move, the U.S. State Department had ordered the American consulate in Peru not to issue visas to the Japanese Peruvians and U.S. officials confiscated their passports, according to the 1983 report "Personal Justice Denied" of the U.S. Commission on Wartime Relocation and Internment of Civilians. By these actions, U.S. officials knowingly ensured that the entry of the captive Peruvians would violate



Art Shibayama with parents and siblings in Lima, Peru, circa 1939. (Photo courtesy of Art Shibayama)

hostages— to trade for thousands of American prisoners of war captured by Japan in Asia.

"They wanted us for something to trade with," explains Art. Hundreds of Japanese Peruvians, including Art's grandparents, were in fact sent to Japan during the war as part of such exchanges. The United States also rounded up and traded to Japan hundreds of other Latin Americans of Japanese ancestry, but the largest group by far came from Peru, where there was a history of anti-Japanese agitation.

U.S. officials apparently hoped that use of foreign-born, rather than American-born, persons in the prisoner of war exchanges would entail fewer legal complications and sticky moral and constitutional questions.

Once the war was over, the prisoner exchanges ended. No longer of use to the United States, the remaining Japanese Peruvians abruptly became undesirable. Officials declared the Shibayamas and other Peruvians to be illegal aliens and ordered them deported. However, Peru would not accept them back.

Most were deported to Japan, the only country that would accept them. Several hundred others resisted deportation to that war-devastated country and eventually won the right to remain in the United States.

Lost Education

7 days a week, on rotating shifts.

As the oldest son and with a pregnant mother, Art went to work to help support the family of eight instead of going to school. He was 16 years old and spoke no English. When the family moved to Chicago in 1949, he got a warehouse job and continued to help support the family. The dream of going to college grew dimmer and dimmer and eventually faded out altogether.

Asked how the internment most affected him, Art, without hesitation, points to his education being cut short by the ordeal he and his family were put through. A good education, especially college, so highly valued by both Japanese Peruvians and Japanese Americans, was not a small sacrifice. "I lost my schooling," he says quietly, thinking back. "I don't have a good feeling about that."

Immigration Runaround

After winning the right to remain here, Art made several attempts to clear up his immigration status and later, to work toward citizenship. Between 1950 and 1952, he went to the Immigration and Naturalization Service several times for advice. But he only got the "runaround." "They knew that the government brought us here, but they didn't know what to do with us," he says.

ternment of Civilians. By these actions, U.S. officials knowingly ensured that the entry of the captive Peruvians would violate American immigration laws.

Years later, the American Civil Liberties Union, looking into the facts of this little-known wartime episode, said the actions of the U.S. government amounted to "legalized kidnapping."

Wartime Pawns

Why did the U.S. government pluck families out of their homes 6,000 miles away and use precious wartime resources to bring them to a prison compound in Texas? The answer is that the United States desperately wanted live bodies— some say

remain in the United States.

Lost Education

Finally released from camp in September 1946, the Shibayamas joined a number of other internees at Seabrook Farms in New Jersey. The family remained there for over two years while they waited to find out if they could return to Peru or if they would be forced to go to Japan, a country Art and his family had never seen.

Seabrook Farms was also like an internment camp, "except no fences or guards," remembers Art. "We lived in barracks and had communal showers." The work was backbreaking— packing frozen vegetables 12 hours a day,

brought us here, but they didn't know what to do with us," he says.

The confusion on his immigration status did not prevent him from being drafted. While serving in the Army during the Korean War, his warrant officer tried unsuccessfully to help him get citizenship. The government, however, maintained that he had illegally entered the country and therefore did not qualify for citizenship.

He went back to the INS in 1956, and this time they advised him to go to Canada and re-enter the country as a means of establishing a legal entry into the United States. He and others in

OVER

Runaround

From page 32

his family did so, as did many other Japanese Peruvians.

Little did he know that following the government's advice would decades later call into question his eligibility for redress.

2,000 Denied Redress

In October 1990, almost 50 years after the fact, the U.S. finally began sending out letters of apology and partial compensation to those whose basic rights had been violated during the internment. The formal apologies and the payments have helped the sense of shame and stigma felt by many internees for having been falsely labeled as potential spies or saboteurs, although redress came too late for tens of thousands who had already passed away.

As did thousands of others, Art and his family contacted the Office of Redress Administration in Washington, D.C. to establish eligibility for redress. Since 1990, close to 75,000 have received redress with Art's mother among them. For most of those 75,000, the redress program has proceeded remarkably smoothly.

On June 29, Art received notice from the Office of Redress Administration that he is ineligible for redress. His sisters Fusa and Rose, and his brother Ken have received similar notices. Over 2,000 individuals, including almost 300 Japanese Peruvians, have been ruled ineligible for redress, according to Paul Suddes, administrator with the Office of Redress Administration.

Many organizations, including the National Coalition for Redress/Reparations, Japanese American Citizens League, Asian Law Caucus, and others, believe

that the Office of Redress Administration is wrongly denying redress to many of these 2,000.

The office does not dispute that they were interned, but asserts that the Peruvians are ineligible because they were not U.S. citizens or permanent legal residents at the time of the internment. Only those who were able to win permanent resident status retroactive to their wartime entry date, and those born in the camps, are eligible. Peruvians represented by attorney Wayne Collins were able to win such retroactive status in the 1950s, but no one knew then what that would mean decades later.

Unfair And Arbitrary

Unfortunately, Art was not among those granted retroactive permanent resident status. The government maintains that he did not become a legal resident until he went to Canada and re-entered the United States. "They claim we were illegal aliens, but I have a card that says 'Alien Registration Card' from Crystal City. If I have that, how can I be an illegal alien?" Art asks pointedly.

Redress advocates argue that since the U.S. government was responsible for bringing the Japanese Peruvians here in the first place, deliberately admitting them in violation of immigration laws and incarcerating them for years, it has no justification to claim that they were here illegally and therefore deny them redress.

Furthermore, they argue, it is unfair and arbitrary to deny redress to some Peruvians, while granting redress to others who, only by chance were able to win retroactive permanent resident status.

They say eligibility should hinge on whether or not they were interned, not on a technical-

ity such as retroactive status. Unfortunately, due to this technicality, some Peruvian families have been divided into the eligible and the ineligible, even though the entire family was together throughout the entire internment.

"We all came in the same boat. Why should they deny one person but another qualifies?" asks Art.

Many have hoped that the redress bill would finally heal the wounds of the internment and allow both the internees and the country as a whole to put the tragedy behind them once and for all.

However, the government's continuing unwillingness to redress the deliberate and egregious injustices committed against the Japanese Peruvians and others during the internment, threatens to taint the record of the otherwise outstanding and almost unprecedented redress program. For, if not reversed, the denial of redress to hundreds of Japanese Peruvians will add yet one more act of gross bureaucratic callousness to an already shameful history of abuses.

The National Coalition for Redress/Reparations is currently conducting a letter writing campaign in support of those who have been wrongly denied redress. For info, contact NCRR at (415) 922-1543, 1911 Bush St., #1-G, San Francisco, CA 94115. ■