

Daughter sues to get reparations extended for Japanese-Americans

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GRANADA HILLS — A San Fernando Valley schoolteacher is embroiled in a federal case that could pave the way for at least 900 Japanese-Americans to receive compensation because their families were forced to leave their homes or face internment during World War II.

Linda Kawabe Consolo, 52, believes that her family members were robbed of their liberty when they — like hundreds of other

Japanese-Americans on the West Coast — left their Los Angeles home and moved to another part of the country rather than go to a relocation camp.

Although Consolo and her family never were interned, and she was born after her parents relocated to Utah, she is arguing that she is eligible for redress payments because they were “deprived of liberty” as U.S. citizens based only on their Japanese ancestry.

“It’s a matter of principle,” said
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Suit demand

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Consolo, as she discussed the case from her Granada Hills home.

“My parents followed the rules. They left and did what the American government told them to do. They left everything behind,” she said. “People the same age as me were given restitution and I wasn’t. My parents were taken off the West Coast just the same.”

Consolo’s case, which centers on those Japanese-Americans born to wartime evacuees, treads in a gray area of the Civil Liberties Act of 1988 and raises questions about the legal definition of eligibility under that act.

The act authorized a total of \$1.2 billion for redress payments of \$20,000 each, but was geared toward the 60,000 Japanese-Americans who had been interned between Dec. 7, 1941, and June 30, 1946, and still were living at the time the act took effect.

Yet, the act further grants eligibility to a person of Japanese ancestry who was a U.S. citizen or permanent resident alien during World War II and who was “confined, held in custody, relocated or otherwise deprived of liberty or property” as a result of a government action motivated solely on the basis of their ancestry.

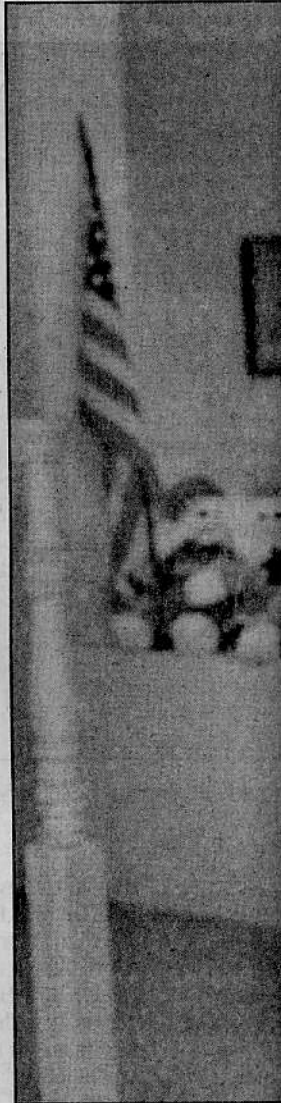
Consolo filed her lawsuit against the government in 1993 in Washington, D.C., and the court ruled in her favor in June 1994.

The government appealed that decision, sending the case to the U.S. Court of Appeals for the Federal Circuit in Washington, D.C., where a decision is expected to be rendered in the coming months.

Attorney Dean Grayson, who is representing the Department of Justice in this case, said there are seven similar legal cases waiting for the outcome of the Consolo case.

“The issue in all of these cases is the same. The issue is whether or not these individuals were otherwise deprived of liberty. Under the statutory language, the government does not deny that these people were adversely affected. But the issue is, rather, whether they are entitled to compensation pursuant to the statute,” Grayson said.

According to the lawsuit, Consolo’s family left its Los Angeles home in March 1942 under threat of Executive Order 9066, which excluded people of Japanese ancestry from living on the West Coast and made it a crime for them to remain in or commit any act within



Linda Consolo is suing the designated West Coast zone.

Consolo said her mother, born in Riverside, and who was born in the then Hawaii, took only what she threw in the back of the car when they relocated to Utah.

Consolo was born in Fielding, Utah, on April 1, 1943.

“I was born into a house. I was deprived of things. My parents had a car, but my dad had his (medical) insurance and they had to leave it behind,” Consolo said.

Consolo’s quality of life during her family’s exile was particularly difficult, bordering on desperation, as a result of the federal government’s racial exclusion,” she said.

The restrictions were lifted in 1945, and Consolo, then 2, came to Los Angeles with her family.

But Consolo contends

Demands more war reparations



David Sprague/Daily News

Consolo is suing the United States for reparations because her parents had to move from L.A. during World War II or face internment.

designated West Coast military
Consolo said her mother, who was
in Riverside, and her father,
was born in the then-territory of
California, took only what they could
fit in the back of their car and
moved to Utah.

Consolo was born there, in
Salt Lake City, Utah, on April 11, 1943.
She was born into a one-room
apartment. "I was deprived of a lot of
things. My parents had a home and
my father had his (medical) practice
and they had to leave it all behind,"
Consolo said.

Consolo's quality of life during
her family's exile was "extraordi-
narily difficult, bordering at times
on desperation, as a result of the
federal government's policy of
exclusion," the lawsuit says.
When restrictions were lifted in
1945, Consolo, then 2 years old,
moved to Los Angeles with her family.
Consolo contends that her life

was adversely affected because of
the impact the move had on her
parents, particularly her father, who
at one point had to herd cattle to
support his family.

"My father was a young practicing
doctor with two offices before they
left California and my mother said
that when he came back, he was a
broken man," Consolo said.

The government did give
Consolo's mother the \$20,000
redress payment and the standard
letter of apology. Consolo's father
died in 1980, before he could receive
his redress payment, she said.

If Consolo prevails now, that
could mean the government may
have to open its pocketbook and pay
the hundreds of other claims for
redress that were filed by Japanese-
Americans in similar
circumstances.

"The impact of this case will affect
potentially 900 or more claims that
have similar facts. The government

knows about claims that are filed
and there are over 900 claims that
have been filed that allege the cir-
cumstances like Ms. Consolo's,"
Grayson said.

Gerald Sato, Consolo's attorney,
said his client clearly qualifies for
restitution.

"(Consolo) was deprived of lib-
erty because of Japanese national
origin. This does not mean you have
to be interned. In being excluded,
they were prohibited from returning
to their home — they were denied of
their liberty," Sato said.

Sato said that although most
Japanese-Americans alive during
wartime already are eligible because
they had been interned, he believes
hundreds of others will qualify if he
prevails in court.

"I hope that our case can serve as
precedent for these other cases and
resolve the point that deprivation of
liberty means exactly that," Sato
said.

"The most important point is that
we want this case out there. We want
a correct understanding of what
happened to people," he said.

Should Consolo lose at the appeal
stage, she could ask the U.S.
Supreme Court to hear it, but that
court has no obligation to do so.

"It seems like it's been going on
forever," she said. "I hope that those
that deserve it do receive it. I would
tell other people who may be in a
similar position to just hang in
there," Consolo said.

For now, she remains pensive
about the issue, as she sits in her
living room against the backdrop of
miniature American flags and the
red, white and blue decorations that
have lingered from the Memorial
Day holiday — a decorating tradi-
tion she says she has carried out for
years.

"I have no other home except
America. This is my home. This is all
I know," she said.