

4/9/93

More Than 2,000 Denied Redress, Says NCRR

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The civil rights group, in conjunction with the Japanese American Bar Association (JABA), hold workshops.

Approximately 70 Nikkei received legal and political information and counseling at a redress appeals workshop sponsored by the National Coalition for Redress/Reparations (NCRR) and the Japanese American Bar Association (JABA) at the Little Tokyo Towers on April 3.

According to the NCRR, there are 2,048 applicants nationwide who have been denied redress, excluding those individuals who have abandoned their cases.

Among those participating at the workshop were Peruvian Japanese who were interned during the war, children of Japanese Americans sent to Japan in exchange for American P.O.W.s.

There were also Nikkei from Phoenix, Arizona, who were unable to attend schools located in areas in which Japanese were restricted and former railroad workers who were fired from worksites in Wyoming and Arizona.

"The FBI and military saw to it that we no longer work for the railroad. We were confined to our apartment complex for months and had to report to local authorities. We had to get written permission to travel which was restricted, and we lived under a curfew," said an elderly Union Pacific Railroad employee.

"We were never in camp, but losing your job, education, being held prisoner in an apartment and living under curfew and travel restrictions, well if that doesn't qualify you for redress, I don't know what does," the railroad employee said.

NCRR representative and JABA board member Bruce Iwasaki explained that there are three options open for those whose appeals for redress have been denied. "One can hire an attorney and sue the government, lobby Congress for new legislation or get the Justice Department to change it's current regulations," said Iwasaki.

Iwasaki commented that his strategy was to keep "all options open." However, he will first try to meet with Attorney General Janet Reno to change the regulations.

For the past few months, the Los Angeles and Bay area NCRR chapters have worked with Gen Fujioka of the Asian Law Caucus and others to develop strategy and identify what types of changes are needed in the ORA's interpretation of the Civil Rights Act of 1988 in order to ob-

ing to escape destitute living conditions. The group asserts that redress should be granted to all who were in camp, as the law states.

There are also a number of children who were born outside of camp, but whose families were forced to return. These families found it impossible to survive in the hostile environment outside of camp.

Another group are people who are being denied redress are those who were "repatriated" to Japan from camp as part of a prisoner exchange program.

In many cases, fathers were separated from their families until they agreed to participate in the exchange. The document states that these people should not be denied redress because they were transported to Japan by the U.S., rather than voluntarily repatriating to Japan.

The guidelines suggest that procedural reforms, such as providing reasons for denials in understandable language should be implemented.

It also proposed that those who

abandoned their claims after their initial denial should be allowed to reopen their cases.

Kay Ochi, president of NCRR-LA commented, "We need everyone's involvement again to write to Attorney General Janet Reno requesting a meeting with community organizations in order to open up dialogue about reforms in the redress program.

"NCRR and JABA will continue to follow up with those requesting assistance with individual appeals but no matter how well these appeals are written or how compelling they are presented, people will still be denied until the ORA implements a broader interpretation of the law," said Ochi.

"We cannot gauge the success of the individual appeals since most are still being adjudicated, so far only a very few have had their cases overturned by the Appellate Section once it was denied."

The group plans to hold community, educational and informational programs to gather support and aid with appeals.

Suggested form letters to Attorney General Janet Reno are available from NCRR (213) 680-3483 or other community centers in Southern California.

Self Help Tips for Writing Stronger Redress Appeals

Applicants must show that due to Executive Order 9066 and by other mandates of the federal government related to internment, loss of liberty and/or property was suffered.

Describe the loss of liberty suffered as a result of E.O. 9066:

- 1) Was a curfew imposed on you as a person of Japanese descent? If so, describe its enforcement and nature.
- 2) Were there any travel or movement restriction? If so, where did it apply, and what was the duration?
- 3) Were there requirements to report to local law enforcement or other agencies of the government? If so, when and how often?
- 4) Were there any mail, telephone or telegram restrictions? If so, describe the nature of it.
- 5) Were there restrictions preventing the use of school, medical or other necessary institutions?

6) Were jobs outside of camp (i.e. farming) in any way administered or contracted by the War Relocation Authority (WRA), U.S. Armed Forces or other branch of the government? Describe the nature of it.

Loss of personal and real property:

- 1) Describe what was lost, how it was lost and who took the property.

Describe compelling reasons to leave or reenter camp:

- 1) Separation from and necessity to reunite with spouse, children and/or family due to E.O. 9066.
- 2) Separation from home or domicile in an exclusion zone.
- 3) Financially destitute conditions such as a pregnant woman with limited means of support.
- 4) Special occupational necessity which required travel

types of changes are necessary. The ORA's interpretation of the Civil Rights Act of 1988 in order to obtain redress for those who are currently being denied.

Proposed guidelines which provide the beginnings of a package to present to the Justice Department have been drafted.

The guidelines suggests a change in interpreting the law for various categories of applicants who are being denied redress. One of the categories are children born in camp who are being denied redress due to the Office of Redress Administration's (ORA) claim that their mothers left camp at one point and reentered "voluntarily."

In most cases, these individuals were women who left camp to visit husbands in the service who were preparing to leave for war. Thus, the document states that the mothers should not be blamed for leaving to see their husbands and return-

3) Financially destitute conditions such as a pregnant woman with limited means of support.

4) Special occupational necessity which required temporary departure from camp, such as in the case of doctors and ministers.

5) Seeking refuge from a hostile and racist environment which jeopardized the security of family members.

Describe hardship and injury which resulted from E.O. 9066. Applicants should provide evidence of these damages if possible, such as report cards, medical reports, etc.

1) Setbacks in educational development.

2) Physical conditions from lack of adequate medical care.

3) Emotional and/or mental conditions which resulted from situation.

Those individuals born out of camp:

Pay special attention to describing conditions faced out of camp and the hardships which resulted. The relationship between E.O. 9066 and the damages and hardship sustained should be made in the letter(s). Arguments such as, "I deserve to get redress just as much as someone who was born in camp because we suffered just as much," are not legally persuasive, unless backed up with concrete descriptions.