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**REDRESS**

# Office of Redress Administration Official Responds to Questions About Eligibility Determination

ORA director Paul Suddes addresses issues regarding Los Angeles residents denied redress.

RAFU SHIMPO SPECIAL

The twists and turns in the lives of North and South Americans of Japanese ancestry during World War II were related in a Los Angeles redress appeals workshop last month with Paul Suddes, head of the Justice Department's Office of Redress Administration (ORA).

Emotions were high as more than 100 persons filled the cafeteria of Little Tokyo Towers on May 16 to receive clarification on why they were denied redress.

Many of the cases involved one of the following scenarios:

- Japanese Latin Americans, a majority Peruvian who were forcibly taken from their homes to be interned in U.S. concentration camps, with the intent that they may be part of a prisoner of war exchange with Japan;

- Children of women who had left camp to see their husbands before they went off to war with the 442nd Regimental Combat Unit;

- Children of internees who traveled to Japan on the Gripsholm ship during World War II.

It is estimated that approximately 2,200 applicants have been denied redress, and must go through an appeals process with the Department of Justice. A total of 75,000 have received redress, and some 4,000 more have been approved for payment in October.

"Why can't you look at the spirit of the law?" asked Kei Utsumi after various individuals such as Linden Nishinaga, Reiko Nimura, and Kimiye Yoshida publicly related individuals cases of being denied. In response, Suddes stressed that he and his staff had to implement the provisions of the Civil Liberties Act of 1988, and that certain "compromises were made" by Congress for easier passage of the bill.

"Where the statute is unclear, we have to depend on legislative history," said Suddes. "I hope that we will continue to open up the dialogue."

The ORA official admitted that they have, at times, "made mistakes, no doubt about it," and in cases when a denial had been overturned, payments have been made quickly.



MASAKO TOYODA/Rafu Shimpu

ORA director Paul Suddes explains details of redress eligibility, as those denied—Linden Nishinaga, Reiko Nimura, Chieko Kamisato, Duane Sanchez, Kimiye Yoshida, Anita Oshiro, and Kay Kataoka Franke look on. The redress workshop was sponsored by the National Coalition for Redress and Reparations (NCRP).

come forward.

## Japanese Latin Americans

Under the Civil Rights of 1988 statute, only those who were U.S. citizens or permanent resident aliens during the war are eligible for redress. As a result, certain Japanese Latin Americans are ineligible because they were considered "illegal aliens" at the time of their incarceration.

"The U.S. government financed the transportation (of Japanese Peruvians) over international borders and their incarceration in U.S. Department of Justice internment camps," explained Chieko Kamisato, who was denied redress even though her younger siblings were eligible.

"Our families went through these dramatic experiences because of the action of the United States government," said Kamisato. "A vast majority of persons of Japanese ancestry taken from Latin America are not eligible for redress, so there are cases in one family that some are eligible, and some are not."

When the war ended, the Japanese Peruvians were officially declared "illegal aliens," and were told that they had to leave the U.S. How-

denied redress.

"We had not committed any crime or broken any laws," said Kamisato.

"As much as I deplore the treatment of Japanese Americans in this country," said Suddes, "I doubly deplore that we had to go abroad to treat other people unfairly."

Suddes agreed that he was "troubled" by the term, "illegal alien," in the classification of Japanese Peruvians. "I don't understand how they could say that with a straight face."

The ORA director presented two concrete options in terms of the Japanese Latin Americans:

- 1) Placing pressure on the Immigration and Naturalization Service (INS) to give permanent residency status to those incarcerated and

- 2) Legislation to make that provision for Japanese Latin Americans.

"I pledge that I will pursue it when I return to Washington," said Suddes.

## "Voluntary" entrants

Another term that is problematic are the "voluntary" entrants. These comprise the wives of sol-

As a result, those who traveled on the Gripsholm ship on a circuitous route from New York to Africa to Southeast Asia and finally Japan have been denied their \$20,000. A total of 107 individuals are in this category.

The children who traveled on the Gripsholm with their parents, however, argue that they had no choice in this decision. Fourteen Japanese Americans who were minors at the time, have filed a lawsuit against the U.S. government.

## Dissension

Although the meeting was for the most part amiable, there were times when certain individuals expressed frustration about the eligibility rules and appeals process.

"If you are White, you have a better chance for justice," one Nikkei man declared during the end of the program. He was referring to the recently passed amendment that non-Japanese spouses who were interned could receive redress. "Our cases are more compelling than theirs."

The man went on to ask how many in the ORA were of Japanese descent.

Suddes explained that at least

they have, at times, "made mistakes, no doubt about it," and in cases when a denial had been overturned, payments have been made quickly.

Suddes dispelled any rumors that the ORA would go out of business in 1994. "We are required to be open until 1998," he said. "It is best to get individuals paid as soon as possible."

Still, several thousand people have not yet been accounted for, explained Suddes, and the ORA is going through INS records to find the individuals who have not yet

eligible, and some are not.

When the war ended, the Japanese Peruvians were officially declared "illegal aliens," and were told that they had to leave the U.S. However, their home country, Peru, refused to readmit the Nikkei, and between 1945-46, 800 Japanese Peruvians were deported to Japan. About 300 remained in the U.S. with relatives and in the early 1950s, were granted permanent residency status.

However, not all received their legal status retroactively, like in Kamisato's case, and thereby were

### **"Voluntary" entrants**

Another term that is problematic are the "voluntary" entrants. These comprise the wives of soldiers in the Armed Forces who left camp to be with their husbands and later reentered one of the 10 Japanese American concentration camps.

In about 30 cases, children born in camp were ruled ineligible because their mothers were classified as "voluntary" entrants and had signed a waiver that they were entering camp on their own volition.

However, if an internee was given a temporary leave for up to several months and then returned to camp and gave birth, her child would be eligible for redress.

### **Minors on Gripsholm**

The Civil Rights of 1988 statute also excludes redress payments to internees who relocated to a country that the U.S. was at war with, namely Japan.

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The man went on to ask how many in the ORA were of Japanese descent.

Suddes explained that at least three Japanese Americans had worked at the ORA at one time. "I am not Japanese American, but I would be proud to be if I were," he said, later pledging to be sensitive to each case.

Kei Ochi, head of National Coalition for Redress and Reparations in Los Angeles, concluded the meeting by encouraging everyone denied to go through the appeals process, while attorney Bruce Iwasaki told people to send letters to Attorney General Janet Reno to "press these issues."

"I believe all of you should get redress," said Ochi.

For redress assistance, call NCRR at (213) 680-3484. The Office of Redress Administration can be reached at (202) 219-6900, and the Appeals Section, (202) 514-3430.