

REDRESS

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Lawsuits Filed by Children of 'Voluntary Evacuees'

Written arguments are due by Oct. 5.

Two more Southern California residents have filed lawsuits claiming eligibility for redress under the Civil Liberties Act of 1988.

Sharon Tanihara and Grace Watanabe, both born to parents who had been released from relocation camps pursuant to the federal War Relocation Authority's "Indefinite Leave" program, contend that they were "deprived of liberty," one of the conditions for eligibility under the redress law.

Sharon Tanihara v. U.S.A. (case no. 94-404C) was filed on June 22, 1994, and *Grace Watanabe v. U.S.A.* (case no. 94-476C) was filed on July 25, 1994.

From 1943, the WRA created rules for so-called "indefinite leave," in which internees could apply for permission to leave camp if specific employment were available. The rules prohibited free movement of such persons, and applied to children born to persons released on the leave program. Leave could be revoked by the WRA at any time.

The government denied the claims of Ms. Tanihara and Ms. Watanabe on grounds that only per-

sons born in camp should be eligible under the law.

The new U.S. Court of Federal Claims lawsuits contend that in the 1944 decision of *Ex Parte Mitsuye Endo*, the United States Supreme Court unanimously held that the "indefinite leave" rules constituted an exercise of power beyond the lawful authority of WRA, and therefore subjected Japanese Americans to an illegal restraint of liberty.

Because Congress is presumed to be aware of federal court decisions when selecting language to be used in its laws, Tanihara and Watanabe contend that Congress intended persons who were subject to the "indefinite leave" rules to be included among eligible claimants.

Both lawsuits have been assigned to Judge Robert Hodges. Hodges is a former aid to Sen. Strom Thurmond. The judge has ordered all written arguments to be submitted to the court by Oct. 5, 1994.

Tanihara and Watanabe are represented by Sato & Henry in Westlake Village. The government is represented by Thomas Dinackus in Washington, D.C.