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REDRESS

Landmark Victory for Children of Voluntary Evacuees

The U.S. Court of Appeals rules in favor of Douglas L. Ishida, a Japanese American who was born in Ohio in 1942, after his parents were evacuated from California.

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WASHINGTON.—The U.S. Court of Appeals for the Federal Circuit ruled on July 6 that a Japanese American man born to parents who were evacuated from California in 1942 is indeed eligible for redress and reparations under the Civil Liberties Act of 1988, even though he himself was not born in an American concentration camp.

Douglas Ishida, who was born in Nov. 23, 1942 in Marion, Ohio, was previously denied reparations by the Office of Redress Administration (ORA), because his "losses were not the result of government action as defined in the act and the implementing regulations." The U.S. Court of Federal Claims upheld the ORA's decision on April 22, 1994.

However, the appeals court ruled, "We hold that such children are entitled to compensation because they were 'otherwise deprived of liberty' within the meaning of the act when they were excluded by law from their parents' original place of residence as a result of Executive Order 9066."

Redress activists described the decision as a "total victory." "We're extremely pleased

with the decision of the Court of Appeals and want to congratulate Douglas Ishida and his attorney Richard Halberstein for this momentous victory," stated Richard Katsuda, president of the National Coalition for Redress and Reparations (NCRR), Los Angeles.

"This decision has great significance for the hundreds of so-called 'voluntary evacuee' cases," said Katsuda. "We also commend Bruce Iwasaki and John Daum for writing the brief for *amicus curiae* (friend of the court) on behalf of NCRR."

"I feel very good about the decision," said Washington, D.C. attorney Halberstein, who has been friends with his client, Ishida, since they attended Harding High School together in Marion.

"I have not been able to locate Ishida yet," said Halberstein, "but I know this is going to make him feel that he was finally treated with justice. He felt bad that (the government) went to all that trouble to deny him the compensation."

The Court of Appeals ruling may go beyond just affecting Ishida. In a Los Angeles meeting on April 13 of this year, ORA officials said that they would not file an appeal if the court decisions in the cases of Ishida and another child of a voluntary evacuee, Linda Yae (Kawabe) Consolo, concluded in the favor of the Japanese American claimants.

As of press time, no decision was yet rendered in the Consolo case, which was heard on the same day as the Ishida appeal. However, legal observers feel that the court will rule in favor of a June 22, 1994 order to award redress to Consolo.

As a result, others who fall in the same category may be eligible for \$20,000 if adequate funding is available.

"In the narrowest sense, this is a victory for Ishida," said attorney Bruce Iwasaki, whose *amicus curiae* was written for both the Ishida and Consolo cases.

"But it also sets a precedent for all future decisions and effectively applies to everybody in similar situations," said Iwasaki.

In the April 13 meeting, the ORA stated that at least 900 children of "voluntary evacuees" had filed for redress. "Voluntary evacuees" are defined as those who evacuated from restricted zones on the West Coast to the U.S. interior after President Franklin D. Roosevelt's Executive Order 9066 was issued on Feb. 19, 1942.

Iwasaki, a member of NCRR, explained that there are two categories of "voluntary evacuees": those who left before the evacuation orders for the interior and those who left camps for the interior.

In terms of what categories will apply to the ruling, Iwasaki said, "it all depends what the ORA does," said Iwasaki.

The ORA could not officially comment on the Ishida decision as of press time.

"The language in the legislation (Civil Liberties Act of 1988) was designed not to be restrictive, but inclusive," concluded attorney Halberstein.

NCRR's Richard Katsuda encourages those who are children of "voluntary evacuees" to contact the non-profit group at (213) 680-3484.