

# Justice Fulfilled

Gerald Sato is honored by NCCR for winning redress for Linda Yae Consolo.

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Attorney Gerald Sato was brought into this world on Aug. 10, 1951 by Dr. Arthur Kawabe. Forty four years later, Sato showed his appreciation by fighting for and winning the case for redress on behalf of Kawabe's daughter, Linda Yae Consolo, a child of a voluntary evacuee during World War II.

And though Kawabe, who passed away in July 1980, was not alive to see either the signing of the 1988 Civil Liberties Act that called for redress or his daughter's victory, both Sato and Consolo know the doctor would have been proud. In fact, Consolo said she took up the fight in memory of her father, whom she described as a "proud but broken man" after the war.

Her father, according to Consolo, had been an ambitious physician with two medical offices before the outbreak of World War II. When talks of relocation arose, Consolo said her father's friend in the state department had told him to leave the West Coast, whereupon her father, who was promised housing and food, had made arrangements to move to Garland, Utah.

However, when the family arrived in Garland, they discovered there was nothing there. The family then traveled northward to Fielding, Utah, where Kawabe's only means of income came from working at a ketchup cannery, picking sugar beets and herding cattle.

It was here that Consolo was born, and on a recent visit to her birthplace, Consolo said the one room shack that she was born in is now being used as a tool shed.

Later, when Kawabe and his family returned to Los Angeles, he resumed his private medical practice

by opening up an office on First and San Pedro Streets in Little Tokyo. Consolo said although her father did not get paid very much from his private practice, their family was "rich in family friends and friends of the community."

"I remember at Christmas time, we had many boxes of produce under the tree," said Consolo.

On May 11, 1993, Sato took on Consolo's case and filed a lawsuit in the United States Court of Federal Claims to reverse a decision by the Office of Redress Administration denying Consolo's eligibility for redress under the Civil Liberties Act of 1988.

Consolo's suit alleged that her parents "voluntarily" left Los Angeles in March 1942 after the federal government had designated that people of Japanese ancestry be excluded from the West Coast.

The suit also claimed that because Consolo and her family were prohibited by federal law to return to Los Angeles, they had suffered deprivation of liberty at the hands of the federal government.

On June 23, 1994, the Federal Claims Court Judge James Turner agreed with Sato and Consolo's argument, but on August 16, 1994, the U.S. Department of Justice appealed the decision. It was at this time that attorney Bruce Iwasaki filed an *amicus curiae* (friends of the court) brief, which swayed the U.S. Court of Appeals for the Federal Circuit to affirm Judge Turner's decision this July, and at the same time, reverse a ruling in a similar case dealing with "children of voluntary evacuee" in *Douglas Ishida v. United States* in which the lower court had initially denied Ishida redress.

Sato and Consolo's victory is far reaching, the attorney said.

It is estimated that more than 900 "children of voluntary evacuees" had initially filed for redress under the 1988 Civil Liberties Act and had been denied redress. Members of the National Coalition for Redress and Reparations (NCCR)

estimate that perhaps another three or four thousand may have never filed.

NCCR president Richard Katsuda said after the initial 1988 Civil Liberties Act was passed, it was difficult even for their members to become re-energized to continue to battle for those who were being denied redress.

"It was tough to get people moving again," said Katsuda. "And this is when Gerald Sato came forward and showed his stuff."

"Gerry did a terrific job," said attorney Mark Kiguchi. "And I haven't seen Bruce's *amicus curiae*, but it must have been very well done because not only did it convince the Appellate Court, but I understand that the Department of Justice is not going to appeal the decision, so they must have covered all the bases."

An *amicus curiae*, according to attorney and JABA president Michael Yamamoto, is crucial in "bringing in the outside point of view to the judge to help him decide an issue that looks ostensibly between two parties."

Yamamoto said the *amicus curiae* brief outlines how the decision will affect people who are in similar situations outside of the lawsuit.

When Consolo first began her fight, she said she was unsure whether she would win the case but she said she went ahead regardless because "I would rather go down fighting and lose than to have never tried."

Consolo's husband, Bobby, who was very supportive of his wife, said honestly he did not believe they would win. "I didn't think we had a chance, but I told her I'd back her 100 percent," said Bobby Consolo, who as an Italian American, remembers having the FBI come and search their home at the outbreak of the war. "When Gerry came back and said we're in appeal and Linda asked if we should quit, I told her no. I told them, we're going all the way or nothing. I never wavered about that."

Sato, on the other hand, said he was confident from the very beginning that he had a winning case.

"I started from the gut level that what her family had experienced was wrong, and I don't know why



JIN SHIHI/Rafu Shimpo

NCCR president Richard Katsuda, left, honors attorney Gerald Sato for his victory in the *Consolo v. United States* case.

the government contested it as long as they did," said Sato.

Sato's partner Lou Henry also thought Sato had a good case. During the course of the case, Henry said Sato would come to bounce ideas off of him to get a different perspective.

"I think it was important to bounce off those ideas because he was going to be judged by a non-Japanese American," said Sato's partner.

Henry said he was the one who first told Sato that he had won the Consolo case. "I got a call from Gerry's old law firm, saying they got a document from the Court of Claims. I guess they sent it to the wrong address. I asked them what it said, and she said, 'You've won.' When Gerry came back, I told her won, and Gerry was so thrilled."

Sato, who has been involved in the redress and reparation movement from the very beginning, said the experiences of his own family during World War II influenced his decision to pursue a legal career. During the war, his mother's family was interned first at Rohwer (Arkansas), then transferred to Tule

Lake (California), and his father, a voluntary evacuee like Consolo's family, ended up working for the U.S. Army's Military Intelligence Service.

"As long as I can remember, I've known something about the relocation experience, and when I was growing up, it was during the civil rights movement, so that experience had a lot to do with my pursuing a career in law," said Sato.

Sato's mother, Kay, said she is very proud of her son. Although her son never talks about pending cases with her, she said she was aware about her son's fight on behalf of Consolo. "He was really excited when he called me to tell me he won," said Kay Sato.

As for Gerald Sato, who, along with Consolo was honored yesterday at a reception sponsored by NCCR, said it was his privilege to work on a historic case like *Consolo v. United States*.

"I think I went into law like a lot of other people and that is the belief in justice," said Sato. "You get this vision of it and you just can't let go of it. And not to take cases that help fulfill that vision is unthinkable."