

Partial Justice with New Regulations on Redress

By KAY OCHI

On April 24, the Department of Justice (DOJ) published a change to the regulations governing redress provisions for persons of Japanese ancestry. Under these amendments to the Civil Liberties Act of 1988, children of evacuees born in the U.S. outside of prohibited military zones on the West Coast after their parents "voluntarily" relocated or after their parents were released from internment camps, have become potentially eligible.

Children of evacuees who left their homes in military zones to move inland, and children whose parents originally lived in those zones, then were interned and relocated outside of those zones, will be eligible for redress if 1) at least one parent lived in a prohibited military zone immediately preceding the evacuation, and 2) they were born before Proclamation 21 rescinded exclusion orders for the remaining six prohibited zones on the West Coast on midnight of **Jan. 20, 1945**.

Included under recently revised regulations are claimants whose parents originally lived in certain military areas of Hawaii and Alaska, where lifting of exclusion orders varied from area to area in Hawaii and Alaska, so the ORA (Office of Redress Administration) will make eligibility determinations on a case-by-case basis.

Due to recent decisions by the U.S. Court of Appeals in favor of redress for Douglas Ishida and Linda Kawabe Consolo (based on their being prohibited from resuming to their parents' original place of residence in military

zones), the Department of Justice has decided to conform to the court decisions and declare as eligible approximately 900 persons previously denied redress.

Not covered by Proclamation 21 were those people subject to individual exclusion orders. According to the DOJ, these individuals were not excluded from the West Coast solely because of their Japanese ancestry, but were individually excluded based on their "disloyalty" or "dangerousness" and had the right to individualized hearings and due process proceedings.

We in NCRP are disappointed and outraged that the DOJ only extended the birthdate of eligibility from Jan. 1, to Jan. 20, 1945. More than 500 persons born between Jan. 20, 1945 and June 30, 1946—the NCRP recommended cut-off—will not receive redress because of the new ruling. NCRP received numerous letters documenting the suffering, hardship and losses of the evacuation period from 1942 through 1946.

They say the "department recognizes there were hardships involved in the West Coast. However, it must determine which date is legally sufficient under [the court case of] *Ishida*."

In other words, the DOJ has abdicated its moral responsibility to examine these hardships suffered during the war, that they themselves acknowledge.

They are taking the narrow definition of what is "legally sufficient" to determine an eligibility birthdate. NCRP has always believed our community deserves much more.

We will continue to seek other

avenues to secure redress for those born after the Jan. 20, 1945 cutoff date.

While deploring the final eligibility birthdate, NCRP is relieved that the 900 individuals born prior to Jan. 21, 1945 will soon receive redress. We salute the plaintiffs and attorneys who forced the U.S. government to recognize the injustice of denying redress to those deprived of the right to return home during the period covered by the exclusion orders. The effective date of the amended standard is May 27, 1997. Applicants will be notified beginning in June.

We call upon the legal community for assistance in making justice a reality for all who were affected by this unjust episodes in American history.

In addition to children born after Jan. 20, 1945, there are other relatively large categories of Japanese Americans that have not received reparations. For example, NCRP is continuing to actively support Latin American Japanese and railroad workers in their quest for justice and redress.

For information on the newly-eligible categories, call the ORA toll free at (888) 219-6900. Ask for Tink Cooper or Emlee Kuboyama. To contact NCRP, call (213) 680-3484 and leave a message.

(Kay Ochi, vice president of the National Coalition for Redress/Reparations, writes this on behalf of the organization. Opinions expressed here do not necessarily reflect those of The Rafu Shimpo.)