

VOX POPULI

Settle Offers Japanese Latin Americans Choice

By THE NATIONAL COALITION
FOR REDRESS/REPARATIONS,
Los Angeles Chapter

On June 11, 1998, the United States government and the plaintiffs in *Carmen Mochizuki v. United States* reached a historic out-of-court settlement. After a difficult two-year effort and a campaign of more than six years to seek redress for Japanese Latin American men, women and children, the survivors have been offered a government apology and compensation of \$5,000 per survivor until the funds provided by the Civil Liberties Act of 1998 are depleted.

The National Coalition of Redress/Reparations (NCRR) offers heartfelt congratulations to the named plaintiffs, Carmen Mochizuki, Alice Nishimoto, Henry Shima, Sumiko Tsuboi and Hasaji Sugimaru, for their courage in filing this lawsuit, their tenacity in their fight for justice, and for the courageous and difficult decision to accept the settlement offer. Under the settlement, Japanese Latin Americans have a choice: to accept an apology from President Clinton and \$5,000 or reject the settlement offer and pursue redress through the courts.

We also congratulate and thank their attorneys Robin Toma, Fred Okrand Paul Mills, Manju Kulkarni, Christopher Prince, Paul Hoffman and Mark Rosenbaum for their hard work and devotion to human and civil rights. Hundreds of hours of research, writing, meeting and traveling made this case and settlement possible. They have received no financial compensation.

It must be noted that the appointment of Bill Lann Lee as the Acting Assistant Attorney General of the Civil Rights Division of the Department of Justice was very fortuitous. His support and the support of Attorney General Janet Reno and Associate Attorney General Ray Fisher were key factors in this settlement. We feel certain that if it were not for their leadership, this offer would not have been made. We extend our thanks

to them.

Many Years of Effort

NCRR has been a redress advocate since 1980 and has continued to help groups win redress throughout the 90s. By June 1996, hundreds of Japanese Latin Americans had been denied redress under the Civil Liberties Act of 1988. Their administrative appeals to the Department of Justice were also turned down. Grace Shimizu of the Japanese Peruvian Oral History Project (JPOHP) joined NCRR in trips to Washington, D.C. in 1993 and 1994 to appeal directly to the Assistant Attorney General of Civil Rights on behalf of the Japanese Latin Americans. At this time, no government leader stepped forward to right this outrageous wrong.

The Japanese Latin Americans had no recourse. The lawsuit was filed in August 1996. The Campaign for Justice was formed to support the effort. It raised public awareness about the great wrong perpetrated against the 2,264 kidnapped from Latin America by the U.S. government, raised money to pay court and travel costs, and lobbied government officials. Members of the campaign went to Washington several times to urge President Clinton to settle the case and to lay the groundwork for possible legislation.

In February of this year, Campaign for Justice members and their supporters were fortunate to witness the hearing of *Mochizuki v. U.S.* in the Court of Federal Claims in Washington, D.C. The courtroom was packed as Judge Loren A. Smith offered his comments. In favor of the plaintiffs, he talked about the strong moral case that the Japanese Latin Americans had. In counterpoint, however, he also stressed his duty to uphold the law, with all its limitations, expressed in the Civil Liberties Act. Later, there were strong indications that the court would not uphold the plaintiff's case. Previously, too, the assessment of our friends "on the Hill" was that any new legislation including appropriations

would be extremely difficult to pass through the conservative Congress. Thus, Judge Smith's recommendation that the parties settle was welcome news.

Settlement Negotiations

After several months of negotiations with the Department of Justice, a settlement was offered. However, the disparity between the amount of reparations given to Japanese Americans and that offered to Japanese Latin Americans is a bitter and obvious inequity. The government refused to offer more. Early in the negotiations, there were indications that the government was willing to pay \$20,000 solely to the Japanese Latin Americans that had remained in the United States and had become U.S. citizens. Those that eventually settled in Japan or Latin America would be excluded. We know that Carmen Mochizuki and Alice Nishimoto refused. They and the other plaintiffs insisted that the class remain whole and that all receive redress no matter where they currently reside.

The decision to accept the government's settlement offer was extremely difficult. The plaintiffs had the opportunity to accept an offer that would give all Japanese Latin Americans a choice to accept or not; for those that accepted, it would bring a measure of closure to a painful episode in their history. Plaintiffs met with other members of the Campaign for Justice and its sponsoring organizations—the National Coalition for Redress/Reparations (NCRR), the Japanese American Citizens League (JACL), the American Civil Liberties Union (ACLU) of Southern California and the Japanese Peruvian Oral History Project (JPOHP).

The group met at each step of the negotiations process and spent dozens of grueling hours discussing the government's proposals and the group's counter offers. Weighing heavily over the discussions were the probabilities that 1) the court would rule against the plaintiffs and a long appeal process

would be necessary and 2) redress legislation for the Japanese Latin Americans was unlikely.

The Struggle Continues

Because the government was unable or unwilling to add more money to the funds provided by the Civil Liberties Act, the amount offered each Japanese Latin American is \$5,000. As it is, the funds may run out before each claimant is paid. If this occurs, we will insist that President Clinton and the Department of Justice do their part, as promised, to request more funds from Congress.

We in NCRR understand the feelings of those who may choose not to accept the terms of the settlement. Some even viewed the offer as a "slap in the face." The individuals opting out will pursue their lawsuits knowing full well that they may or may not win in court. NCRR fully supports them in their quest. At the same time, as Campaign for Justice pursues other avenues to achieve equal justice, NCRR will do all it can in that effort. We realize that it will take not only determination but also a movement of people to push the struggle ahead. We urge the community and all Americans to support them. This chapter in American history will not be fully closed until equal justice is obtained by all Japanese Latin Americans.

Japanese Latin Americans potentially eligible for redress must file their applications with the Office of Redress Administration (ORA) before Aug. 10, 1998. Even those that opt out of the settlement should file a claim with the ORA before Aug. 10; claimants should notify the ORA of their decision to be excluded from the settlement at either the same time or shortly thereafter.

Applications and information about the settlement can be obtained by calling the Campaign for Justice at (310) 473-6134. NCRR's phone number is (213) 680-3484.

Also, everyone is invited to the Community Forum to discuss these issues on Saturday, July 18, from 10 a.m., at the Japanese American Cultural and Community Center. Please join the continuing campaign!