

Bittersweet Victory

Nikkei Latin Americans are disappointed \$5,000 settlement is one-quarter amount given to JAs.

By TAKESHI NAKAYAMA

RAFU ASSOCIATE EDITOR

Japanese Latin American former World War II hostages of the United States who settled a lawsuit Thursday against the government commented Friday morning that the compromise was a "bittersweet victory."

The plaintiffs, who filed the lawsuit, *Mochizuki v. United States* in 1996, sought reparations and a formal apology from the U.S. government for being removed from their homelands and imprisoned in the U.S. during the war.

After nearly four months of negotiations with the U.S. government, the plaintiffs in the class action lawsuit reached a settlement agreement to which Chief Judge Loren Smith of the U.S. Court of Federal Claims has given preliminary approval.

Attorneys and representatives from the American Civil Liberties Union of Southern California, the Japanese American Citizens League, the National Coalition for Redress and Reparations and the U.S. Department of Justice announced at a press conference Friday morning at the Japanese American Cultural and Community Center in Little Tokyo that the settlement provides a presidential apology and \$5,000 reparation payment to survivors of the ordeal or their heirs.

Bill Lann Lee, acting assistant attorney general for the Justice Department's Civil Rights Division, stated, "Today, I am glad to join in announcing this settlement that will bring an end to this inglorious chapter in our nation's history."

He noted that the story of what happened to Japanese Latin Americans is not well known. "In fact, when I started as head of the Civil Rights Division, even I was not familiar with all the details. When I heard the story, it was hard to believe ... Many of us can't believe this could happen in America, yet it did."

Lee commented that by settling this case, the United States govern-



Carmen Mochizuki, left, and Alicia Nishimoto are pleased with apology from Clinton but disappointed reparations is one-quarter of amount given to JAs.

ment is "doing the right thing, acknowledging a wrong and bringing closure to the uncertainties of litigation."

He explained that because of significant legal issues in the Civil Liberties Act of 1988, which did not cover Japanese Latin Americans, the parties involved in the lawsuit decided to compromise. "I believe it's a fair settlement," he said.

While acknowledging the significance of the formal apology, former internees and their supporters were disappointed that the settlement does not guarantee redress payment, which is one-quarter of the amount given to Japanese Americans who were interned at the same time. In addition, Nikkei Latin American former internees must apply for redress by

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—Carmen Mochizuki, former Japanese Latin American internee

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Apology from given to JAs.

Aug. 10.

Carmen Mochizuki, the named plaintiff, commented, "I'm happy that it's over, but on the other hand I'm disappointed we didn't receive the same amount of redress as the Japanese Americans (who each received \$20,000 in redress payments)."

She said it was "very difficult to relive the horrible memories we were trying to forget," but felt "victorious" because the United States government admitted responsibility for its actions. Mochizuki was one of 2,264 Nikkei Latin American citizens and legal residents taken from their homelands and shipped to the U.S. to be used in prisoner exchanges with Japan—more than 800 were exchanged for U.S. citizens during the war.

"From the start (of the redress campaign), my wish was to get redress for the people now living in Japan and the people now living in Peru. I was so happy to find out about that, but not the amount. You cannot

do anything about that. I think the letter of apology was more important," commented Mochizuki, who was 11 at the time she was deported from Peru.

"Now I can go to my parents' grave and tell them we did it for them and they can now sleep in peace," she said tearfully.

Alicia Nishimoto said of the settlement, "We are making history today. But I would be lying if I said I'm very happy. I have mixed feelings. I wanted justice equal to the Japanese Americans. I wanted dignity for my parents.

"We were kidnapped from another country and brought here against our will and put in camps. Our Peruvian citizenship was stripped from us and we were labeled illegal aliens. Even today, I can't believe this happened to us," said Nishimoto, a Gardena resident who was 9 years old when her family was rounded up and shipped to the U.S.

The lawsuit challenged the Office of Redress Administration's denial

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of reparations to Japanese Latin Americans under the Civil Liberties Act of 1988, which provides for a presidential apology and compensation to Nikkei who were deprived of freedom of movement by the U.S. government during World War II.

Robin Toma, lead counsel for the plaintiffs, called this settlement "a bittersweet victory. Bitter because the payment for redress is \$5,000, much less than the \$20,000 that was given to the Japanese Americans."

Japanese Latin Americans were denied redress because they weren't U.S. citizens or legal permanent residents at the time they were forcibly brought over, they were classified as illegal aliens, Toma noted.

"I don't understand what the justification is for denying Japanese Latin Americans redress based on the fact they weren't from this country when the reason they weren't from this country is because of U.S. government's own actions," Toma added.

"I think many people feel it is a bitter pill to swallow to take so much less than the Japanese Americans received," he said.

"We are accepting settlement for less because we recognize that getting an apology from the president of the United States to every single member of this group is very significant. It is the acknowledgment that the United States did wrong and is willing to admit it," he explained.

The legal team also recognized that time was running/ out—the redress law was set to sunset in Aug. 10 and most of the people who are alive are now in their 70s or older. "We did not want to prolong it any longer than necessary," Toma said.

Those who truly feel this is not an acceptable settlement have the option of excluding themselves from this settlement and pursuing their own lawsuit, he explained.

Sharon Tanihara, representing NCR, which played a major role in the struggle to win redress for more than 120,000 Nikkei interned in America's concentration camps during World War II, said, "Today there is much bitter with the sweet. As Japanese Americans, we are painfully aware of the disparity in the measure of justice offered to Japanese Latin Americans. At the same time, NCR is proud to have been part of the Campaign for Justice. We applaud the tremendous efforts of the plaintiffs and attorneys in the Mochizuki case. Without their courage and tenacity, this redress settlement would not have been won."

"This acknowledgement is long overdue and very hard-won, and could not have been achieved without the significant contributions of American Civil Liberties Union of Southern California, the Japanese American Citizens League, the National Coalition for Redress and Reparations, the Japanese Peruvian Oral History Project, supporters and especially the former internees and their families, who have worked very hard to tell their stories to the world and to fight for the apology they deserve," stated Julie Small, co-chair of the Campaign for Justice.

"The National Japanese American

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Citizens League applauds our U.S. government and the U.S. Department of Justice for recognizing a wrong from 58 years ago," stated Helen Kawagoe, national president of the JACL, which, she added, "is fully committed to (the Campaign for Justice)."

This settlement "teaches our government and all the people of the U.S. that this injustice happened. People need to be aware of that," she added.

Internees who have not yet applied for redress under the Civil Liberties Act of 1988 must do so by Aug. 10, 1998. Claims must be postmarked by that date and received by the ORA no later than Sept. 4. The Department of Justice will contact Nikkei Latin American former internees who have already applied for reparations.

Activists said the difficulty lies in locating an estimated 400 survivors or their heirs in time for the Aug. 10 deadline. Survivors are believed to be concentrated in Japan and Latin America, but could be living anywhere in the world. The government has agreed to publish the settlement agreement in two major newspapers, one in Japan and one in Peru, within 25 days. Campaign for Justice, the coalition supporting Japanese Latin American former internees, will continue efforts to locate former internees.

After satisfying the remaining eligible claims from Japanese Americans, the Office of Redress Administration, which processes claims under the Civil Liberties Act of 1988, expects the funds to drop from \$11.4 million to \$4.4 million, enough money for 880 payments of \$5,000 each.

Advocates for the Nikkei Latin Americans say the funds will not cover the 1,200 Japanese Latin American former internees who may apply. The Clinton administration has promised to support legislative efforts to ensure the payment to all Japanese Latin Americans who apply and to extend the life of the Civil Liberties Act until December 1998, should the money run out.

For information on claims, call Ayako Hagihara at (310) 344-1893 (Japanese language), or Robin Toma at (213) 974-7640 (Spanish or English).

President's Letter of Apology

More than 50 years ago, the United States government unjustly interned, evacuated, relocated, or otherwise deprived you of liberty. Today, on behalf of all Americans, I offer a sincere apology for the actions that unfairly denied you fundamental liberties during World War II.

"We recognize the wrongs of the past and offer our profound regret to those who endured such grave injustice. We understand that our nation's actions were rooted in racial prejudice and wartime hysteria, and we must learn from the past and dedicate ourselves as a nation to renewing and strengthening equality, justice and freedom."

President Bill Clinton