

Down to Wire for Former Internee Denied Redress

Kay Kato, 89, spent his war years at Rohwer, but because of technicality, his claim has been turned down.

By MARTHA NAKAGAWA
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A bureaucratic technicality is preventing Kay Sadao Kato, 89, who was locked up in a U.S. concentration camp during World War II, from receiving redress.

The naturalized Issei in West Los Angeles operated a lucrative import/export business in Northern California—Kato Keitei Shokai (Kato Brothers and Company)—until the outbreak of World War II, when all West Coast residents of Japanese ancestry were forcibly evacuated by the U.S. government.

Kato spent four years at the Rohwer Relocation Center in Arkansas with his wife and son.

And he also had to register for the selective services in 1940, 1941 and 1945.

But because Kato was in the United States on a merchant trade visa and was not a permanent resident at the time of evacuation, relocation and the internment period, which is a stipulation of the Civil Liberties Act of 1988, Kato has been denied redress.

And because the Civil Liberties Act of 1988—the law which calls for an official government apology and compensation payment of \$20,000 to former camp internees—will “sunset” on Aug. 10, Kato’s case takes on an immediate urgency.

It’s not as if Kato has waited until the last minute to file for redress. Since the late 1980s, he’s written letters of support and filed with the Office of Redress Administration as soon as the bill was signed. But in 1992, Kato received a letter from ORA telling him he was being denied redress.

In 1993, Kato contacted Janet Saisho, who works at the San Fernando Valley Japanese American Community Center’s Senior Center and “fell” into assisting internees file for redress. With her help, he sent in a letter of

appeal. Two-and-a-half years later, he received another letter telling him he was again denied redress. Since then, Saisho and the Kato family have been discussing the matter with the ORA, particularly with Tink Cooper, who according to Saisho, empathizes with Kato but contends that they cannot get around the guidelines.

Kato came to the United States in 1928, four years after the United States had passed the stringent Immigration Act of 1924, barring virtually all immigration from Japan. Exceptions were made to clergy, students, educators and people like Kato, who received a merchant trade visa and had a sponsor in the United States.

Kato joined his brother in San Francisco to run the Kato Keitei Shokai, which had retail stores in San Francisco, Stockton, Oakland and Sacramento. During that time, Kato even received three U.S. patents on chinaware and traveled across the United States to market his products.

“Economically, we were doing very well,” Kato said, speaking in Japanese.

Right before the war broke out, he married American citizen Tomiko Ito and had a son, Douglas. Soon after, the family was herded into the Stockton Assembly Center before being carted off to Rohwer, Arkansas.

In camp, the FBI required all Issei to file an alien registration card, which allowed the FBI to identify illegal aliens in an effort to deport them. But Saisho noted that because so many Issei had come into the United States illegally even after passage of the Immigration Act of 1924 and that so many of these Issei had families, the FBI instead allowed the illegal aliens to apply for permanent residency status, Saisho said.

Kato remembers this, and he noted that when he talked to an FBI official at the time, he was told he did not have to apply for permanent residency because he had a legitimate passport and mer-



Photos by B

(Top) The former War II internee Kay Kato, shown with his wife Tomiko, will receive redress on Aug. 10 ap (Left) Kay Kato and his Selective Service registration

chant trade visa.

Two other technicalities working against Kato is that the treaty between the United States and Japan, which had allowed Kato to receive a merchant trade visa, had become null right before the war.

Secondly, Kato was told he would have a stronger case if he had applied for his American citizenship in 1952, when the McCarran Act was passed

allowing for Issei citizens to become citizens earlier than in 1957.

“I told them (ORA) that my wife came back from camp, having a hard time trying to get used to living and getting naturalized. The farthest thing from their minds was to get the farthest thing from their minds,” Saisho. “The government’s part of the responsibility.”

After being released fr

Please see



Kato

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the Kato family went to Omaha, Neb., where Kato worked for a Caucasian photographer for about three years. Since Kato had a relative in Los Angeles, the family moved out here and he worked for famed photographer Toyo Miyatake for a few years.

But wanting to start his own business, Kato left Miyatake and opened Japanese Arts and Gifts, a gift store, in Beverly Hills in 1952, which he operated for the next 30 years.

For Kato's son, who along with his mother had received redress, it's been a waiting game. Douglas Kato has attended a number of NCRR (National Coalition for Redress and Reparations) meetings on behalf of his father, and have hooked up with Alex Fukui, who,

through NCRR, is coordinating attorneys willing to work on internee cases pro bono.

According to Fukui, two immigration lawyers have studied Kato's case and felt it was geared more toward an equal protection and constitutional law case. As a result, they are currently looking for a lawyer whose expertise lies in that area, said Fukui.

Fukui added that attorneys familiar with Kato's case feel that he has legitimate grounds to contest the legislation that barred him from receiving redress.

"We just can't find anybody right now," said Fukui, who realizes that the Aug. 10 deadline is fast approaching.

Fukui is hoping that because Kato filed for redress years ago, his case will not be dismissed even after the Aug. 10 deadline date.



Photos by BRIAN MINAMI/
Rafu Shimpo

(Top) The prospects for former World War II internee Kay Kato, shown with wife Tomiko, to receive redress dim as Aug. 10 approaches. (Left) Kato shows his Selective Service registration cards.

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"I told them (ORA) that when families came back from camp, they were having a hard time trying to make a living and getting naturalized was the farthest thing from their minds," said Saisho. "The government should take part of the responsibility."

After being released from camp,

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