



RAFU S

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Stakes Raised for Nikkei Latin Americans

Koshio Henry Shima opts out of U.S. government's plan for token compensation.

By JOHN LEE

RAFU STAFF WRITER

The first member of a class action lawsuit by Japanese Latin Americans taken hostage illegally during World War II has rejected the U.S. government's recent settlement offer, and filed claims for more than \$10 million in compensation.

Koshio Henry Shima, a 74-year-old native of Peru, is seeking full compensation for the loss of his freedom during wartime, permanent loss of citizenship in his native country, and the violation of equal protection rights when he and other Japanese Latin Americans were denied the same redress benefits granted Japanese Americans under the Civil Liberties Act of 1988. Shima's claim seeks \$10 million for these damages.

In addition, Shima is suing U.S. Attorney General Janet Reno; the director of the Office of Redress Administration,

Dede Greene; and the U.S. government for allegedly violating his civil rights and for alleged breach of their fiduciary duty, according to papers filed Tuesday in the Los Angeles U.S. District Court.

Shima also seeks full benefits under the Civil Liberties Act of 1988, which includes a presidential apology to internees, a token redress payment of \$20,000, and the proportionate benefits of a \$2 billion trust set up to cover redress payments and to establish various means of educating the public about the U.S. government's campaign to vilify and incarcerate Japanese Americans during the war.

Shima and most of the other Latin American internees have been excluded from settling under the Civil Liberties Act, which over the last decade has made payments to more than 81,000 Japanese Americans who were imprisoned.

In 1988, Congress deemed foreign-

born abductees ineligible for the \$20,000 reparations payments, despite the circumstances that brought them to the United States. Attorney General Janet Reno has denied Japanese Latin Americans redress on the rationale that they entered the country without proper immigration documentation and were considered illegal residents during wartime.

"It was like a trick they did to me," Shima said at a press conference Tuesday in his attorney's Mid-Wilshire office. "They put me in camp and told me I'm illegal. I was thinking Immigration was joking around."

A small group of those Japanese Latin Americans who succeeded in establishing permanent residency after the war were able to retroactively qualify for redress under the Civil Liberties Act. Although Shima became a permanent resident in 1955, and a U.S. citizen in

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a U.S. citizen in 1961, he has twice been denied requests for full redress.

On Tuesday, Shima told reporters of experiences over a half-century, from the moment he was abducted without explanation while visiting an uncle's coffee shop in Lima in 1943. Shima along with two uncles and an employee were arrested by armed government agents, and taken by truck to a detention center north of Lima. Shima was held for six weeks before being shipped to a Panama City labor camp.

Shima was then transferred between lockdowns in Long Beach; Kenedy, Texas; Kooskia, Idaho; and Crystal City, Texas, where his father and sister were imprisoned with other Japanese Latin Americans and Japanese Americans for the duration of the war.

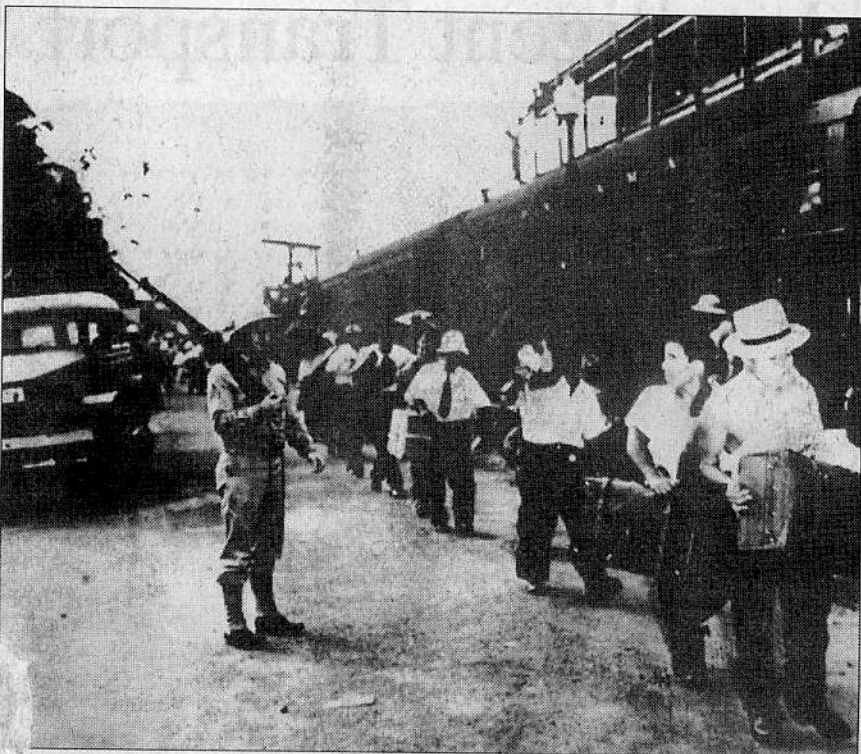
"I told them I was Peruvian," Shima said, recalling the early days of his ordeal with U.S. immigration and military authorities. "I was born there. They just said, 'We're going to check it out.' If everything was okay, they were going to release me. So I waited and waited."

After the war, Shima had difficulty maintaining factory and farming jobs in the United States, due largely to language barriers and the residual stigma against people of Japanese descent. After working for 40 years as a gardener, he made modest investments in real estate, and is now living in retirement.

More than 50 years of secrecy and obscurity around the subject of U.S. government-sponsored abductions in Latin America was lifted as a compromise settlement was reached with federal government. On June 12, President Clinton issued an official apology, and pledged payments of \$5,000 to each of the 2,264 Japanese Latin Americans abducted during the war.

About 640 applications from Japanese Latin Americans have been received by the Office of Redress Administration before the postmark deadline of Aug. 10, with an additional 70 expected to be received from abroad before the Sept. 4 deadline for receipt.

People who filed claims with the government before July 7 may choose to opt out of the settlement agreement until Sept. 10, by which time they must file a request for exclusion form. If claims were filed between July 7 and Aug. 10, the deadline to apply for a request for exclusion is Oct. 19. All applicants have until Oct. 26 to file written comments and objections regarding both settlements.



Courtesy NATIONAL JAPANESE AMERICAN HISTORICAL SOCIETY

Henry Shima, second from right, is herded to a Panama City labor camp in 1943.

Robin Toma, lead attorney in the class action suit, **Mochizuki v. the United States**, said efforts are underway to persuade President Clinton and Congress to appropriate money to cover the cost of all reparations payments, and possibly an additional \$15,000 for each Japanese Latin American recipient.

Although Toma is prevented from representing applicants who opt out of the class action, he said he supports them should they decide to object to the settlement agreement terms.

"Every internee should do what's in their conscience to get the justice they feel they deserve," Toma said.

About 10 people, of whom Shima is the first, have indicated they might opt out of the settlement agreement, according to the Campaign for Justice, a redress advocacy group.

"After waiting so long and they tell me it was going to be only \$5,000," Shima said, "I decided I'm not going to sign. I'm not a terrorist. I'm one of the innocent people. I'd like to get the same as others.... I'm going to be 75 years soon. I still have to finish this claim."

All persons eligible for reparations who missed the Aug. 10 deadline are still encouraged to contact the ORA at (888) 219-6900. For assistance call the Campaign for Justice: Julie Small (310) 473-6134 or Ayako Hagihara (213) 669-6442.