

Court Rejects Japanese Latin American Redress Case

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Federal judge rules that government does not have to replenish fund that would guarantee \$5,000 settlement to former internees.

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SAN FRANCISCO. - A federal judge is refusing to order the government to replenish a fund that would pay settlements of \$5,000 to hundreds of Japanese Latin Americans who were abducted to the U.S. during World War II and imprisoned without due process. U.S. District Judge Charles Legge denied the government's request Tuesday to dismiss the suit, which was intended to make sure the government had

enough money to pay the promised reparations.

The payments, offered by the government along with an apology in a June settlement, would come from a fund established by Congress in 1988 to pay reparations to Japanese Americans interned during the war.

Lawyers for 740 Japanese Latin Americans said they've been told the fund is now almost empty, because of more Japanese American claims than expected, and could dry up before all their \$5,000 settlements are paid.

Their suit accused the Treasury Department of losing \$200 million - which would have allowed much larger payments - by failing to invest the original fund of \$1.65 billion in interest-bearing securities as agreed upon.

Legge said it was premature to consider the issue of lost interest before a

U.S. Court of Claims judge decides next month whether to give final approval to the settlement for Japanese Latin Americans. Even then, Legge said, he may not be able to order the government to increase the reparations fund.

"It's quite clear that Congress has underfunded what has turned out to be necessary funds for reparations," the judge said.

More than 2,200 Japanese Latin Americans, most of them from Peru, were forcibly brought to the U.S. during the war and held in internment camps. Most were sent to Japan in exchange for prisoners of war, either during or after the war.

The Latin Americans were not covered by the 1988 reparations law for Japanese American internees but sued in 1996 for equal treatment. A settlement approved by the government in

June offered an apology and \$5,000 to surviving internees, and to the families of those who had died since August 1988.

Claims were filed by 740 internees and families by an Aug. 10 deadline. But others have rejected the settlement and are suing for the \$20,000 amount already paid to about 82,000 Japanese Americans.

"We suffered more than the Japanese Americans," who at least were released in their home country after the war, said Art Shibayama, a Peruvian native who plans his own suit.

He said he was released from U.S. internment after the war and wanted to return home but was barred by Peru. Unable to speak English and considered an illegal immigrant by the U.S. government, he remained in this country, was later drafted into the U.S. Army and eventually became a citizen after being

told to go to Canada and re-enter, he said.

Robin Toma, a lawyer for the internees in the class-action suit, said the Justice Department told them at the time of the settlement that the fund contained over \$6 million, enough for all the projected \$5,000 payments. Lawyers have since learned that the fund has dwindled and that the Treasury Department failed to invest it in interest-bearing securities for several years after its creation, he said.

Justice Department lawyer Elizabeth Strange said the internees had no legal right "to a grant of any amount." She noted that the June settlement specified the \$5,000 would be paid only if the money was available.

But Toma told Legge that the internees never agreed to allow the government to violate its legal obligation to invest the reparations fund.