

Torrance Woman Wins Court Decision for Redress

Federal judge rules that U.S. government kept effective barriers to family's return to California from camps in Arkansas during WWII.

A Torrance woman who was born after her parents had relocated to New Jersey from Jerome and Rohwer concentration camps during World War II has won her lawsuit seeking redress under the Civil Liberties Act of 1988 (CLA88).

Judge Marian Blank Horn of the U.S. Court of Federal Claims, in a 38-page decision, ruled in favor of plaintiff Carole Seno Song, whose application for redress was originally denied by the Department of Justice.

The Department of Justice had argued that Song, who was born June 5, 1945 in Bridgeton, N.J., was not eligible under the terms of the CLA88 because she was born after Jan. 20, 1945, the date that the government supposedly rescinded all legal barriers to the return of most Japanese Americans to the Military Exclusion Zone—which comprised the western half of the states of Washington and Oregon, all of California and the southern half of Arizona.

But in her interpretation of the CLA88, Horn agreed with Song that the federal government had maintained effective barriers to the Seno family's return to California from the camps in Arkansas.

Horn found that the U.S. government's resettlement policies encouraged Japanese Americans to move east on indefinite leave from the camps and that when Public Proclamation 21 was issued, the government failed to provide adequate notice to the Senos, who lived in government-owned housing at Seabrook Farms in New Jersey, so that they could return to their former home on the West Coast.

The court also ruled that in the Senos' case, the statutory date of Jan. 20, 1945 selected by the ORA in the revised regulations, was "incongruous" with the date of June 30, 1946, that Congress had identified in the Civil Liberties Act. Under the act, all eligible former internees are given a national apology and \$20,000.

"I was definitely surprised and happy," Song said of the ruling. "I wanted to pursue the lawsuit for my uncle, who was active early in the redress struggle through the JACL [Japanese American Citizens League], but who died prior to the passage of the Civil Liberties Act of 1988."

Song was represented by attorney



JANICE YEN

Carole Seno Song, left, is shown with her attorney Lisa Ikemoto.

"We applaud Judge Horn's courage in awarding redress to Carole Song. She thoroughly researched the historical documents and legal precedents applicable to this case and reach a just decision."

The issue of redress eligibility for individuals born outside of camps was first raised in court by individuals who were born to parents who either "voluntarily" moved outside of the Military Exclusion zones just before the forcible internment of Japanese Americans or who relocated out of the camps to communities outside the Military Exclusion zones.

In the 1995 landmark Ishida/Consolo decision at the U.S. Court of Appeals, a three-judge panel decided that Douglas Ishida and Linda Consolo had been deprived of liberty because they were prevented by federal action from returning to their parents' original domicile.

The Department of Justice instructed the Office of Redress Administration (ORA) to redress all claimants in the same category as "Consolo/Ishida." The ORA, however, chose a narrow interpretation of the appellate court ruling and redressed only those born prior to Jan. 21, 1945.

In 1996, before the ORA had decided on the cutoff birthdate for redress eligibility and during the public

president of JABA, agreed to coordinate the efforts of a group of pro bono lawyers," said Yen.

Besides the Song case, three other lawsuits are pending at the U.S. Court of Federal Claims.

Attorneys Julia Harumi Mass and Scott Yamaguchi traveled to Washington, D.C., on March 23 to present oral arguments in Carol Judy Higashi v. U.S. Higashi, whose father was released on work furlough from Tule Lake, was born in Boise, Idaho, on Feb. 6, 1945.

Wendy Hiroto, who was born in Colorado on Feb. 3, 1946, is represented by Alex Fukui and Patrick Hattori. Hiroto's father was issued an individual exclusion order which kept him at the Tule Lake camp until the fall of 1945.

San Francisco attorney John Ota represents Robert Murakami, whose parents lived on Terminal Island prior to the war and who were sent to Manzanar. Murakami's parents moved to Chicago in 1944, where he was born on Aug. 23, 1945. Murakami was issued an individual exclusion order which was rescinded by the U.S. military on July 21, 1945.

"I wonder, too, what's going to happen now?" said Song. "I hope this victory will have a positive effect on

to pursue the lawsuit for my uncle, who was active early in the redress struggle through the JACL [Japanese American Citizens League], but who died prior to the passage of the Civil Liberties Act of 1988."

Song was represented by attorney and Loyola Law School Professor Lisa Ikemoto.

National Coalition for Redress and Reparations (NCCR) president Richard Katsuda said, "It's exciting for Carole Song and Lisa Ikemoto to win their case, and it's a reaffirmation too, of NCCR's belief that most Japanese Americans, whether interned or not in a concentration camp, suffered from deprivation of liberty, economic loss and/or psychological damages which did not end on Jan. 20, 1945."

"Executive Order 9066 signed by President Roosevelt on Feb. 10, 1942 led directly to the removal of nearly 120,000 Japanese Americans living on the West Coast, justified racism against persons of Japanese ancestry nationwide, and caused untold hardships, which in many cases have taken decades to overcome.

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In 1996, before the ORA had decided on the cutoff birthdate for redress eligibility and during the public comment period, NCCR invited former evacuees living outside of camp in 1944 and 1945 to give their recollections about the December 1944 to June 1946 period.

"The response was overwhelming. There had been no formal notification that former internees could return to their homes and to return on such short notice would have been an extraordinary hardship on them," said Janice Harumi Yen, co-chair of the NCCR legal committee.

"Racism existed on the West Coast, most resettlers had moved two or three times in the last few years, housing on the West Coast was in short supply, and personal funds were meager at best. That's why NCCR felt it was necessary to support as many redress lawsuits as possible and why we were so grateful when Alex Fukui, current

born on Aug. 23, 1945. Murakami was issued an individual exclusion order which was rescinded by the U.S. military on July 21, 1945.

"I wonder, too, what's going to happen now?" said Song. "I hope this victory will have a positive effect on others in the same category as me."

The Department of Justice has 60 days in which to file an appeal to the Song decision. Regarding the hundreds of other persons who were born inland between Feb. 21, 1945 and June 30, 1946 and who were denied redress by the ORA, Fukui remarked, "At this point, the ORA is no longer functioning and the funds appropriated by the CLA88 are supposedly depleted.

"For now, we're waiting for the government to decide whether it's going to appeal and if it does, to prepare a vigorous defense of the summary judgment. If ultimately the Song ruling is upheld, we will urge Congress to appropriate more money and reconstitute the ORA."

For more information, call the NCCR office at (213) 680-3484 and leave a message.