

A Ruling Last Week Could Spur Restitution for Japanese-Americans

Settling a Debt From World War II

Feb. 16, 1998 - NY Times

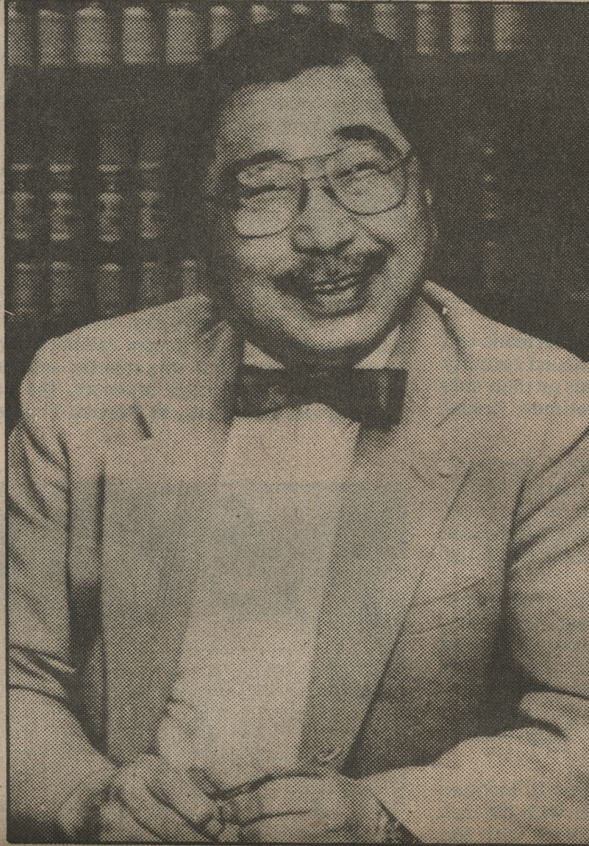
By KATHERINE BISHOP

SAN FRANCISCO — Gordon K. Hirabayashi refused to be evacuated to a wartime internment camp in 1942, was found guilty and has been fighting ever since. Last week, a Federal judge overturned his conviction and, Mr. Hirabayashi said, lifted a legal cloud that had hung over Japanese-Americans for more than 40 years.

The decision is viewed by Americans of Japanese ancestry as a vindication of their long-held belief that civil rights were violated during forcible relocation in internment camps after Pearl Harbor. Many of them also see the ruling by District Judge Donald S. Voorhees in Seattle as bolstering a multibillion-dollar class action suit seeking compensation for the internees.

For its part, Congress is again considering a bill that would provide monetary redress for those who lost homes, farms, businesses and jobs. Under the measure, first introduced in 1983 to carry out the recommendations of a Federal commission, the Government would pay \$20,000 to each of the estimated 60,000 survivors among the 120,000 people interned.

On March 19, a House subcommittee will hold hearings on whether money is the proper form of redress. But in the wake of the 1983 finding of the Federal Commission on Wartime Relocations and Internment of Civilians that internment had been "a grave injustice," state and local governments on the West Coast have already acted. In California, the cities and counties of San Francisco and Los Angeles, along with the counties of Sacramento, Santa Clara and Alameda, passed measures to pay \$5,000 apiece to public employees who lost wages when they were forced to take "involuntary leaves of absence." The state



Gordon K. Hirabayashi in Seattle last week. Associated Press

passed a similar measure in 1982. Both Washington State and the city of Seattle have also acted to reimburse public employees for lost wages; last week a bill authorizing all Washington cities to act on the claims of interned employees or their surviving spouses passed the State Senate.

San Jose, Calif., also created its own panel, the Commission on the Internment of Local Japanese-Americans, to document the experience of Santa Clara Valley residents who were interned. Its 134-page report, issued a year ago, has become part of the archives in the city library and has been used to develop a curriculum for the city's high schools on the history of the internment.

But according to San Jose's Vice Mayor, Susan Hammer, the city's panel has not yet taken a stand supporting either the legislation pending in Congress or the class-action suit because of "controversy within the Japanese-American community" over monetary redress. According to William Hohri, the head of the National Council for Japanese-American Redress, which brought the suit, "a lot of people don't quite understand what kind of rights they have under the law." However, he added, the costs of the suit, which is pending in Federal District Court in Washington, are being paid solely with Japanese-Americans' contributions, proving "the movement for redress is definitely grass-roots."

Benjamin L. Zelenko, the lawyer who filed the suit, said last week's finding of Government misconduct makes the Hirabayashi case an "out-of-town trout for ours." Mr. Hirabayashi, then a senior at the University of Washington and now a sociology professor at the University of Alberta, Canada, was one of the few Japanese-Americans who deliberately chose to contest Executive Order 9066. Signed by President Roosevelt in February 1942, it authorized Government officials to "prescribe military areas from which any persons may be excluded as protection against espionage and sabotage." Mr. Hirabayashi was convicted on charges of failing to register for evacuation to a camp and of violating curfew.

Evidence presented before Judge Voorhees showed that civilian and military authorities disagreed over the need to relocate Japanese-Americans as a group without hearings to determine their loyalty. Top Justice Department officials opposed a mass evacuation, for instance, while military officials maintained that it was needed to protect against sabotage.

Last week, Judge Voorhees found that the Government had in a 1944 hearing improperly concealed from the defense and from the Supreme Court testimony and documents challenging the military necessity for internment. Federal District Judge Marilyn Hall Patel in San Francisco reached the same conclusion two years ago, overturning the conviction in the other well-known internment resistance case, that of Fred T. Korematsu, found guilty of refusing to obey evacuation orders.



A Japanese-American family at dinner in a World War II internment camp at Manzanar, Calif.

Haiti Looks To the U.S. For Aid and Comfort

By JOSEPH B. TREASTER

PORT-AU-PRINCE, Haiti — In the wildest moments of stampeding and looting that preceded Jean-Claude Duvalier's flight to France, Haitians often paused to smile, wave and even shake hands with American on-lookers. "Vive l'Amérique!" they would call.

Haitians have long had a fondness for Americans and things American. The feeling was strengthened recently by the impression that the United States was on their side against the neglectful, cruel and sometimes violent dictatorship of Mr. Duvalier.

President Reagan and the United States Embassy here say the only United States role in the fall of the Duvaliers nine days ago was providing the Air Force jet that took the family to France, where the Government tried last week to ship him to asylum in Africa or the United States.

But many Haitians believe differently. "The Americans decided to push him away," said Gregoire Eugène, a 60-year-old lawyer and prominent Duvalier foe who is preparing to run for President when the new interim Government holds the elections it has promised.

"Duvalier would never have decided by himself to leave without very hard pressure from the biggest country in the region," he added.

The United States Ambassador, Clayton E. McManaway Jr., who had a number of exchanges with the Haitian Foreign Minister and met at least twice with Mr. Duvalier before he left, has refused to discuss his role. Jeffrey Lite, the Embassy spokesman, said only that the United States did not discourage the departure.

Customers for Coffee

For years, Haitians had accused Washington of overlooking Mr. Duvalier's abuses and propping him up with aid because he portrayed himself as anti-Communist and kept this small, nearby country quiet and apparently stable. They were heartened when the United States began to gently nudge him four years ago to take steps toward democracy.

And they were delighted when Washington began backing away in December, making cautious statements about possibly reducing aid. Mr. Eugène and others note that the Americans shifted only as it became clear that the opposition had extensive support and was rapidly gaining momentum. But Mr. Duvalier's opponents were encouraged nevertheless.

Then, when Larry Speakes, the White House spokesman, announced prematurely on Jan. 31 that the Government had fallen and that Mr. Duvalier had fled, Haitians, who thrive on rumor and gossip, strongly doubted that this could be an innocent mistake. They were pleased again when Secretary of State George P. Shultz said three days later that Washington would prefer to see a democratically elected government in Haiti.

American influence is pervasive in Haiti, as it is in much of the Caribbean. The United States buys most of the principal crop, coffee, and sells Haiti everything from shaving cream to cement. Most tourists and foreign investors are American. Washington is by far the largest provider of foreign aid, about \$53 million last year. Most Haitians see Americans as their ultimate protectors. Mr.



Lieut. Gen. Henri Namphy, the new leader of Haiti; anti-Duvalier demonstrators raising the American flag in Saint Marc earlier this month; soldiers arresting a member of the Tontons Macoute, the personal police force of the Duvaliers, in Port-au-Prince last week.



Syigma / Alain Keler (Namphy and arrest); J.B. Pictures



Eugène recalls that he was able to return from exile in 1984 because of United States pressure for improved human rights.

Haitians remember without particular rancor, it seems, that United States Marines invaded the country to restore order after a revolution in 1915 and remained as an occupation force for 19 years. As the anti-Duvalier demonstrations spread in December and January and casualties mounted, there were persistent rumors, translating hopes into assertions of presumed fact, that United States warships were just beyond the horizon.

"Haitians know that if the bloodshed gets too bad, the Americans will come in as they did before," said Ghislaine Stecher, whose family owns several stores in the capital.

The United States is the favorite destination for the many Haitians who leave their impoverished country. More than 500,000 are believed to live in New York, Boston, Philadelphia, Chicago and Miami. The money they regularly send home is one of the country's greatest sources of income.

Four years ago, United States Coast Guard vessels were deployed near the island country to block the creaky wooden boats that had been flooding Florida with

illegal immigrants. Many Haitians die of starvation at the Duvaliers.

"The Americans would not have intervened without the authorization of the Government," said a Haitian journalist. "The people said they were selling the rights of Haitians so that they could keep giving them aid."

The Coast Guard rescued many Haitian immigrants whose boats had capsized. Many of the run to Miami said they felt safe because Americans were nearby. Some who had been told neighbors they had been given asylum and were generally treated well.

Now that Mr. Duvalier is gone, the number of Haitian immigrants and most Haitians hope that U.S. immigration will be significantly increased. And the Haitian journalist, Aublein Jolicoeur, says he is pleased to attract American visitors. Washington will respond immediately, he adds, by sending sailboats to Haitian ports.

"Haiti cannot live without United States aid," said Ivan Morris, a 65-year-old Haitian who has lived in the United States for everything."