

Asian American
Legal Defense and
Education Fund



February 10, 2022

The Honorable Bradley A. Freden
Interim Permanent Representative of the United States
U.S. Permanent Mission to the Organization of American States
U.S. Department of State
2201 C Street, NW
Room 5914
Washington, DC 20515

Erika L. Moritsugu
Deputy Assistant to the President and
Asian American and Pacific Islander Senior Liaison
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

RE: Redress for Japanese Latin Americans in light of the
Inter-American Commission on Human Rights (IACHR)
Decision in *Shibayama v. United States*, Case No.12.545

Dear Ambassador Freden and Ms. Moritsugu:

On behalf of the Asian American Legal Defense and Education Fund (AALDEF), a New York-based national organization founded in 1974 that protects and promotes the civil rights of Asian Americans, we are writing to support the Japanese Latin American plaintiffs in the case of *Isamu Carlos Shibayama versus United States*, and urge you to meet with them immediately to settle this decades-old injustice.

We have been involved in legal and congressional activities in support of Japanese American redress for over forty years, and celebrated like many others when the Civil Liberties Act of 1988 was passed. The CLA was a major civil rights victory, redressing American citizens and Legal Permanent Residents of Japanese ancestry, but its major flaw was that it did not redress Japanese Latin Americans.

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On the day after the CLA was passed in 1988, all of the supporters of that landmark bill should have seen 1988 as the end of Phase 1 of the Japanese American redress movement and started work on Phase 2: redress for the JLA members of the JA community. For a variety of reasons, that did not happen. However, thanks to the perseverance of the JLA community and their supporters, an international human rights tribunal has looked at the situation and decided that the United States owes redress to JLAs. Without the need for a congressional fact-finding commission or other congressional actions, the *Shibayama* case provides a clear opportunity for the Biden Administration to give JLAs the redress they were denied in 1988.

On December 7, 2018, the Inter-American Commission on Human Rights (IACHR) approved Merit Report 154/18, which recommended in the *Shibayama* case that the United States government:

1. "Make integral reparation for the human rights violations established in this report, including both the material and moral dimensions, and adopt measures for economic compensation and measures of satisfaction. In this regard, the State should take into account the specific reparations requested by the petitioners as the parties come to an agreement about what constitutes integral reparation in this case.
2. "Adopt the necessary measures to ensure full disclosure of government information relating to the program of deportation and internment of Japanese Latin Americans during World War II, as well as relating to the fates of the individuals subject to this program." [IACHR Merit Report 26/20, page 16]

After years of inaction by the United States government, the IACHR finally published Merits Report No. 26/20 on April 22, 2020. It concluded that the United States was "responsible for the violation of the rights to equality before the law and an effective remedy established in articles II and XVIII of the American Declaration, to the detriment of Isamu Carlos, Kenichi Javier, and Takeshi Jorge Shibayama." For more information, please see the OAS/IACHR website: <http://www.oas.org/en/iachr/decisions/merits.asp>

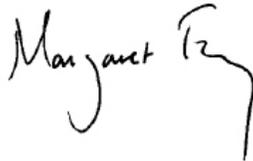
It has now been many months since that historic IACHR decision, and it is time for the United States to complete the redress process it started in 1988 with the Civil Liberties Act signed by President Reagan. We plan to work with the Japanese Latin American community throughout the coming year to publicize the World War II-era human rights violations committed against them, and to galvanize the support of the nationwide Asian American and Pacific Islander (AAPI) community, the Latinx community, the African

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American community, the human rights community, and all people of good will to support JLA redress. For more details about JLA history and background on this phase of the redress effort, please refer to: <https://jlacampaignforjustice.org>.

Please respond to let us know you are moving forward with Ms. Grace Shimizu of the Japanese Peruvian Oral History Project to discuss how the United States can retain its leadership on global human rights issues by resolving the violations of Japanese Latin American human rights that occurred eight decades ago.

Sincerely,

A handwritten signature in black ink that reads "Margaret Fung". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Margaret Fung
Executive Director
Asian American Legal Defense and Education Fund
99 Hudson Street, 12th floor
New York, NY 10013
212.966.5932 x201