

Judge OKs Ex-Slave Laborer's Lawsuit

Court: The ruling rejects a Japanese firm's motion to dismiss the case of a Korean American who was forced to work at a quarry in World War II.

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Koreatown resident Jae-Won Jeong, 79, was studying economics at a Tokyo university in 1943 when he was forcibly taken to a slave labor camp for refusing to be drafted into the Japanese imperial army.

Because he was a Korean national, Jeong was not obligated to serve in the Japanese military, he said. But his resistance won him hard labor breaking limestone by hand at a quarry for Japan's Onoda

Cement Manufacturing Co. in the northeastern tip of the Korean peninsula. Korea was a Japanese colony until the war ended in 1945.

Two years ago Jeong, now a U.S. citizen, sued the company and its successor entities and affiliates in Japan and in the United States under a 1999 state law that says wartime European and Asian forced-labor victims can bring cases in California until 2010.

On Monday, Jeong learned that Los Angeles Superior Court Judge Peter D. Lichtman had rejected the company's motion to dismiss his lawsuit. It was the first procedural victory for a plaintiff in any U.S. case seeking redress from a Japanese company for forced labor.

"It's ironic that we have to seek justice for crimes committed against humanity by Japan in an American court," said Jeong, a re-

tired high school teacher. "Most of the men I worked with in that slave camp have long since passed on from this world. But, by pursuing this case, I want to tell the world what really happened and that such atrocities must never be allowed to be repeated again."

Jeong's attorney, Barry A. Fischer, called the ruling "the first breakthrough" in the "first wall of defenses" of Japanese companies against the suits by victims of forced labor. He said dozens of lawsuits against Japanese firms that benefited from forced labor before and during World War II are pending in the United States and Japan.

Attorney Douglas Mirell, one of the lawyers representing the Japanese firms, said his clients believe the ruling is "erroneous," and he is considering asking an appeals court to reverse Lichtman's deci-

sion. He said the ruling goes against four federal court decisions that have dismissed similar claims.

In his 18-page decision, dated Friday but received by the lawyers Saturday, Lichtman rejected the defendants' argument that the 1951 peace treaty between the United States and Japan preempted victims' claims. The jurist noted that South and North Korea, as well as China and Taiwan, were not signatories to that treaty.

Lichtman also rejected the defendants' contention that the 1965 Japan-Korea agreement settling Japan's 35-year colonial exploitation of Korea barred all claims of South Korea and its nationals.

He held that in cases where there are differing interpretations of whether the treaty covered individuals like Jeong, the court can

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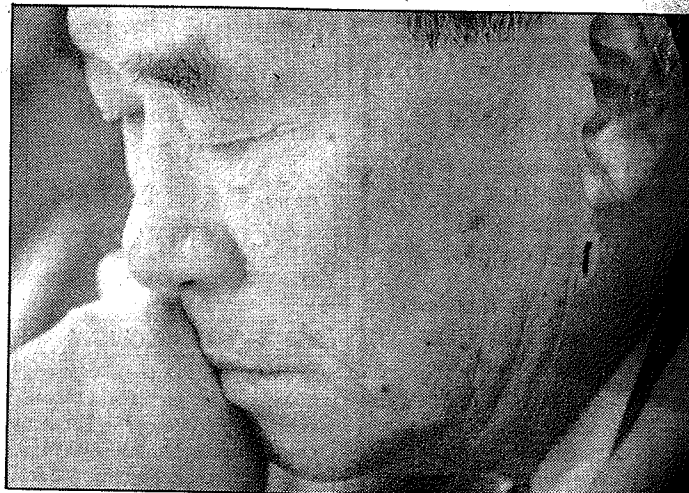
RULING: Ex-Slave Laborer's Suit

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apply California law.

Unlike European Holocaust cases, the suits against Japanese companies, which used slave labor throughout Asia before and during World War II, have met with U.S. government opposition. The United States has consistently sided with the Japanese legal position.

Onoda, a major conglomerate, operated in many countries, including Manchuria, Korea and others occupied by Japan. Under a previous ruling by Lichtman, the company has agreed to turn over 4,000 to 5,000 documents, lawyers said.

Under California law, a World War II forced-labor victim is "any person who was a member of the civilian population conquered by the Nazi regime, its allies or sympathizers . . . forced to perform labor without pay for any period of time between 1929 and 1945, by



RICHARD HARTOG / Los Angeles Times

An emotional Joon Young Lee listens at the news conference of Jae-Won Jeong, who is suing to collect reparations for having been forced into slave labor by the Japanese in World War II.

the Nazi regime, its allies and sympathizers, or enterprises transacting business in any of these areas under the control of the Nazi regime or its allies and

sympathizers."

Jeong's lawsuit seeks compensation for his labor and injuries, as well as an apology and a trust to benefit former forced laborers.