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To : *FYI* <Ignatius_Ding_2000@yahoo.com>

Subject : [4] Associated Press: Calif Judge Defies Fedl Crt In Japanese Slave Labor Case

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Dow Jones International News

Saturday, December 1, 2001

Calif Judge Defies Fedl Crt In Japanese Slave Labor Case

LOS ANGELES (AP)--A Superior Court judge has challenged a federal court's ruling by keeping intact a Korean-American man's claims that he was forced to work for a Japanese cement company during World War II. Judge Peter D. Lichtman's ruling Friday defies a federal court decision in September that nullified the state's slave labor law.

Attorneys for Jae Wong Jeong, 79 years old, praised Lichtman's ruling and said it could lead to reparations for those who were forced to labor for Japanese companies during the war. "It's a dramatic, historic and really quite courageous ruling," said Barry Fisher, an attorney for Jeong.

Lichtman wrote that it was notable that the U.S. government didn't challenge claims made by Holocaust victims and other Europeans against Germany after World War II. He said the government was acting in an "uneven manner" by acting to prevent Asian victims from seeking reparations from Japanese companies. "This policy, if it is a policy, appears to be legally unsupportable," Lichtman wrote. "This court is greatly troubled by this approach."

The ruling counters a separate decision made by U.S. District Judge Vaughn Walker in San Francisco. Walker ruled in September that thousands of Filipino, Chinese and Korean prisoners who claimed they were enslaved by Japanese companies had no legal redress for damages in U.S. courts. Walker's ruling also nullified a 1999 California law that allows victims of World War II slave labor to sue multinational corporations operating in the state. Walker made his ruling from the federal bench just days after Lichtman released a decision in the Jeong case in

support of the state's slave labor law.

Lichtman, in his Thursday ruling, conceded that it would require review in a court of appeal and gave defendant Onoda Cement Co., which has a Los Angeles-based subsidiary, 21 days to seek a review.

"This latest decision, like Judge Lichtman's prior opinion, is fundamentally flawed and we do indeed intend to seek immediate appellate review," said Douglas Mirell, co-lead counsel for Onoda Cement. The review will be sought in the state's 2nd District Court of Appeal.

Jeong, a Los Angeles resident for 12 years, is seeking class-action status for his lawsuit. He claims that as a Korean student at Tokyo's Hosei University he was taken away in 1943 and forced to break limestone for Onoda for more than a year without pay. He wasn't provided adequate food, water and safety, and about 30 prisoners in his group died, according to the lawsuit. "I was frequently ignored completely and forced to work hard every day without any payment...just like an animal or dogs," Jeong said Friday.

Lichtman said in his ruling that the federal court erroneously concluded that the state's slave labor law intruded on the federal government's authority over foreign affairs. He noted that the law doesn't target any particular country, only businesses, and doesn't implicate any foreign policy between the U.S. and Japan.

The ruling also said that state courts are bound to follow U.S. Supreme Court decisions on federal questions, but decisions in lower federal courts aren't binding.

Lichtman also found fault in a statement of interest filed by federal lawyers in which they argued the state's slave labor law was unconstitutional. The Justice Department declined to comment on the ruling.

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