



April 1987

National Council for Japanese American Redress

VOLUME IX, NUMBER 3

NEWSLETTER

Dear Friends,

On April 20, 2:00 p.m., the Supreme Court of the United States will hear arguments in *U.S. v. William Hohri, et al.*, the government's appeal to have overturned the victory NCJAR and Japanese America achieved in the appeals court. It will be a historic occasion. A central question will be whether the appeals court was correct in tolling (postponing) the statute of limitations from the 1940s to July 1980.

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And this question raises the issue of whether the government perpetrated fraudulent suppression of evidence on the Court in the landmark decisions of Hirabayashi and Korematsu. NCJAR has invited Gordon Hirabayashi and Fred Korematsu to attend. Both have accepted. In addition, most of the named plaintiffs have agreed to attend. We also expect our supporters from around the nation to gather and witness the hearing.

We have had to move quickly to organize housing, a press conference, and a reception. We have secured reservations for most of those attending at The Capitol Hill hotel, which is within walking distance of the Supreme Court. In addition to discounted group rates, NCJAR, through its contributors, is absorbing about half of the housing cost.

We are also planning a 4:00 p.m. press conference in room 2237 of the Rayburn House Office Building, also within walking distance of the hotel. Then, at 6:00 p.m., we will host a reception at The Capitol Hill, catered by Franklin Chow Caterers and featuring Chinese appetizers, wine, soft drinks, NCJAR fortune cookies, and a happy surprise.

This will be our opportunity as a movement to meet the movement. I've met most of you, but you haven't met each other. To put icing on the cake, Michi Weglyn, Peter Irons, and Harry Ueno will be there to autograph copies of their books: Years of Infamy, Justice at War, and Manzanar Martyr. Also, some of the contributors to Roger Axford's Too Long Silent: Japanese Americans Speak Out, a collection of interviews and essays, will be present to autograph this book, including Gordon Hirabayashi, Hannah Holmes, Nelson Kitsuse, Chizu Omori, and me.

We owe a debt of thanks to Aiko and Jack Herzig for locating the hotel and caterer, Kaz Oshiki for obtaining room 2237 in the Rayburn building, and my dear wife, Yuriko, for her outstanding work in handling reservations, planning the catering, writing letters, typing, copying, ordering books, and maintaining domestic tranquility. If you're attending, please call me at (312) 588-8483.

I've received some criticism for my opinions on the Supreme Court appeal from some of the attorneys of the *coram nobis* teams for Korematsu, Yasui, and Hirabayashi. They think my hope for the review and revision of the Court's wartime Hirabayashi and Korematsu decisions is unwarranted. I would certainly agree that a prediction of such an outcome is unwarranted. No one knows the future.

Still, like most lay persons, I feel comfortable trying to argue with those whose trade is argument; it's like preaching to an audience of preachers. So my response is in this fine sentiment, written well before

Continued on next page

An Issue for All Americans

Continued from page 1 Dear Friends

this criticism emerged, by counselor Joyce Okinaka for an 8:30 a.m. April 12 television program for Los Angeles's Channel 4:

IT IS IMPERATIVE that the Supreme Court re-examine the issues and correct the historical record in order to give justice to these people, [the wartime victims of exclusion and detention]. The government violated almost every one of the constitutional rights we hold so dear, including the rights to due process, equal protection, compensation for the taking of property, freedom from unreasonable arrest, search, and seizure, a fair trial, protection from cruel and unusual punishment and involuntary servitude, and freedom of religion, speech, press, association, privacy, and travel.

The issue is broader than monetary compensation for these people. So long as the injustice is left uncorrected, the nation suffers from an injury to its Constitution that is also an injury to every one of us. The legal system suffers from the fraud committed on it by the government. If nothing is done, the government will benefit from its intentional wrongdoing.

This year, the nation celebrates the 200th birthday of our Constitution. We will see if we can truly say that our Constitution is the great protector of the civil liberties of the people of this country that we claim it is.

As if punctuating these powerful words,
Joyce and Stan Okinaka became our fifty-fifth ronin.

Peace,

William Hohri

U.S.
SUPREME
COURT

CHIEF
JUSTICE
WILLIAM R. REHNQUIST

BYRON R. WHITE
WILLIAM J. BRENNAN JR.

THURGOOD MARSHALL
LOUIS F. POWELL JR.

JOHN PAUL STEVENS
HARRY A. BLACKMUN
SANDRA DAY O'CONNOR

ANTONIN SCALIA

I'll be there rooting for our side!

by
Philip
Tajitsu
Nash

THE HOHRI VERSUS United States lawsuit on behalf of all Japanese Americans injured by the wartime internment has finally found its way to the Supreme Court of the United States. On Monday, April 20 at 2:00 p.m., you can bet I'll be there rooting for our side. The importance of this argument goes far beyond just the one hour of oral argument, however. It extends to psychological, sociological and political dimensions that are rooted in the internment itself, over forty years ago.

Psychologically, it will be great to have the nine Justices listening seriously to our claims, even if they are framed in terms of the narrow jurisdictional and statute-of-limitations issues that the Court has agreed to hear. Fred Korematsu and Gordon Hirabayashi also recognize the importance of this first Supreme Court argument since the 1940's (when their cases were argued while they languished in jails and the camps), and will be there with us on April 20th.

Sociologically, it will be important to bring the fact that we are not "disloyal" to the highest tribunal in the land. The press is certain to be there in record numbers, and is sure to help us in vaccinating the American public about the dangers of over-zealous governmental intrusion and unwarranted claims of "military necessity."

Politically, a major triumph of the *Hohri* litigants has been to get a broad cross-section of civic, religious and service organizations to rally behind the case. And, in terms of *amicus* briefs filed supporting the Japanese American plaintiffs, probably no brief has been as important as that filed by the Attorneys of California and the other Western states, whose 1940's counterparts filed on behalf of the government's internment policies.

So, make your plans now to come to our community's date with the Supremes. No matter what the judicial outcome, it is certain to be a memorable event.

- **NOTE:** The article (above) is from Nash's Inter-Change column "Hohri and the Supremes" printed in the March 26, 1987 NEW YORK NICHIBEI.

LETTERS

IF MY SISTER, Marion, was still alive, I am sure this is one cause that she would be supporting. Therefore, I want to give the enclosed check in memory of her. I've enjoyed your newsletters and rejoiced over the successes you have had.

FRED BERCHTOLD
Northlake, IL

I am enclosing my donation to the cause, which has greatly helped those of us also working on the redress bills in Congress.

PATTI ADACHI
Chicago, IL

A friend of mine cashed in his life insurance policy to support NCJAR. I have decided to do the same.

Enclosed is my check.

Name withheld

CONTRIBUTORS

ARIZONA: David C. Moore. CALIFORNIA: Kay Boyle, M/M George Buto, Don/Midori Date, Momoko M. Iko, Don T. Kuwabara, Saburo Misumi, Minoru Ogawa, Joyce/Stan Okinaka, Leona Iwakiri Perkins, Teiko Peterson, M/M Alexander Salazar, Robert Takahashi, Harry Y. Ueno, Sid Yamazaki.

CHICAGO: *William/Yuriko Hohri, Mary Iwaoka, Mrs. Sadaka Ann Kajiwara, Isabel King, Charles Mayeda, Harue/Sam Ozaki, Doris/Eddie Sato, Chizu Takaoka, Kimi Tanino, Goji/Hisako Tashiro, Kurt Uchima, Virginia Ann Warnecke, John/Elsa Weber, Joy E. Yamasaki, Masao V. Yamasaki.

COLORADO: Harry/June Iwakiri. HAWAII: Wesley/Hannah Ogawa. ILLINOIS: *Nasser/Grace Amir-Fazli, Rev. Fred Berchtold, Ida A. Endo, Buzz/Bobbi Hargleroad. JAPAN: Hugh S. Kumasawa.

KANSAS: Burritt S. Lacy, JR.

MASSACHUSETTS: Margot Kempers. MICHIGAN: Blanche K. Baler, M.D. NEW JERSEY: Franklin Woo.

NEW YORK: Sasha Hohri, Walter/Michi Weglyn.

OHIO: Margaret L. Guthrie. OKLAHOMA: Stephen I. Thompson. VIRGINIA: Theo-Dric Fong.

WASHINGTON: Roger Shimizu.

- * IN MEMORIUM:
Florence Deppe
Fujitsugu Suzuki

- If you do not wish to have your name listed, please indicate when you remit.

CONCENTRATION CAMPS

"Crowded into cars like cattle,
those hapless people were hurried away
to hastily constructed and thoroughly
inadequate concentration camps,
with soldiers with nervous muskets on guard,
in the great American desert.
We gave the fancy name of 'relocation centers'
to those dust bowls,
but they were concentration camps nonetheless,
although not as bad as Dachau or Buchenwald.
War-excited imaginations, raw-prejudice
and crass greed kept hateful public opinion
along the Pacific Coast at fever heat."

Harold L. Ickes
Secretary of the Interior
1946

TULE LAKE
CALIFORNIA
GRANADA
COLORADO
JEROME
ARKANSAS
GILA
ARIZONA
MANZANAR
CALIFORNIA
POSTON
ARIZONA
TOPAZ
UTAH
ROHWER
ARKANSAS
MINIDOKA
IDAHO
HEART MOUNTAIN
WYOMING

- **NOTE:** The following letter
dated on August 21, 1986
was sent to Sue Kunitomi Embrey.

Dear Sue:

Thanks so much for your letter of August 15. Once again, you raise issues that are of central importance. Let me offer you my thoughts on the two central points.

1. The first problem relates to what we should call the camps. To cut to the heart of the matter, the only reason for using the term concentration camp is because it places Manzanar in a category with Dachau. The Nazi death camps have become the definition of the term concentration camp. You say in your letter, "We must stay away from paralleling America's WWII incarceration of Japanese Americans with the camps in Nazi Germany." Yet by insisting on calling Manzanar a concentration camp you are forcing the museum visitor to make the comparison with Dachau.

Believe me, I do not oppose the use of concentration camp because the phrase is somehow too harsh. I am simply afraid that when the normal museum visitor compares Dachau to Manzanar, he or she will draw the obvious conclusion that the American camp could have been worse. That is not the conclusion I want the visitor draw. The WRA situation will be portrayed within the framework of the American Constitutional system in this show. I want to concentrate on the episode as the worst abrogation of Constitutional rights in American history. A forced comparison to other "concentration camps" only clouds the issue. Therefore, the script, as it now stands, refers to internment camps.

Tom D. Crouch



The Resisters' Cause

WITH THE BICENTENNIAL of the U.S. Constitution on the calendar for 1987, a critical issue pertaining to the Smithsonian exhibit prevails as stated by Jimmie Omura in his letter to Dr. Crouch, Curator of the institution. "The issue and the problem is the slight given the Resisters," wrote Omura. "The single page reference (below) in the 274-page 'label script' is neither adequate or worded properly. No mention is made of the Fair Play Committee leaders' participation or that of the Military Resisters of Fort McClellan, both of whom were exonerated at higher levels, nor any connection indicated as to their fidelity and devotion to the spirit of the Constitution which is the theme of the exhibit.

Omura urges concerned NCJAR supporters to write to the Smithsonian Institution. "Please actively support the Resisters' cause with your letters. It will take a flood of letters to effect positive change," says Omura. "Similar appeals are going out nationwide."

As English editor of the Rocky Shimpō (Denver) during World War II, Jimmie Omura was arrested and imprisoned for his efforts in backing the resisters of the Heart Mountain Fair Play Committee. He was a participant in the trial of the resisters. e.s.

Subsection Title: DRAFT RESISTANCE

Subsection Labels: Other Nisei regards the draft as yet another example of government injustice, and refused to register or serve until all of their rights had been restored. In all, 350 young men refused induction. Two hundred and sixty-three of these were convicted.

Resistance to the draft was particularly strong at the Heart Mountain and Poston camps. The Heart Mountain Fair Play Committee succeeded in persuading the Nisei to resist. The resisters were tried, convicted and sentenced to three years in the federal prison. All appeals failed. President Truman granted pardons to those involved in 1947.

■ NOTE:

The following letter has been condensed.

Dear Dr. Crouch,

January 12, 1987

A copy of the "label script" was provided to me by Advisory Committee member Mrs. Aiko Herzig for comments which I may wish to offer and after extensive study, I present observations noted herein for your consideration. However, as a prelude to this, I would like to make a general statement in respect to the script.

Cervantes, I am certain you will recall, set the basic principles for historians. He said: "Historians ought to be precise, faithful, and prejudiced, and neither interest or fear, hatred nor affection, should make them swerve the way of the truth."

PAGE 185 Draft Resistance.

Though 63 Nisei were tried in the largest single mass trial in Wyoming legal history, a total of 85 resisted the draft from Heart Mountain. It was acknowledged in court testimony that none of them refused to bear arms and in fact offered to serve but invoked restoration of their civil rights and that of family members as a prelude to service.

Continued on page 6

Continued from page 5 The Resisters' Cause

"The liberty secured by the 14th Amendment, this court has said, consists in part in the right of a person 'to, live and work where he will: and yet he may be compelled, by force if need be, against his will and without regard to his personal wishes or his will and without regard to his personal wishes or his pecuniary interest, or even his religious or political convictions, to take his place in the ranks of the army of his country.'"

SUPREME COURT OF THE UNITED STATES

The decision.... specifically indicates that it applies to citizens who enjoy the right "to live and work where he will." It does not say, so far as we can determine, that a citizen who does not enjoy such privileges is also subject to the draft in the same manner as those whose constitutional rights are fully recognized and granted.

Editorial: The Rocky Shimp

It is essential that the basis of their resistance be noted. These were not "draft dodgers." They acted from a matter of conscience. They demonstrated their dedication to the fundamental principles enunciated in our sacred Constitution. Their act mirrored the spirit bequeathed to humanity by those who have struggled against oppression since the dawn of history. It was the same spirit that sparked the American Revolution and led to the founding of our Republic.

Also completely ignored is the story of the twenty-one court-martialed soldiers of Japanese descent who likewise questioned confinement of their family members in concentration camps while requiring them to submit to their supreme sacrifice on the field of battle. Their story, too, is relevant to the constitutional theme. In the early Eighties, all rights and privileges were restored to these soldiers by the United States Government. A total of 282 Nisei draft resisters received pardons among 1,523 Selective Service violators. The Amnesty Board reviewed 15,805 violations.

PAGE 251 Amnesty for Draft Resisters.

The question mark in parenthesis after the word "pardons" should be stricken. This portion, too, should be moved to pages dealing with draft resisters.

"Closely analogous to conscientious objectors, and yet not within the fair inconsequential number of American citizens of Japanese ancestry, who were removed in the early stages of the war from their homes in defense coastal areas and placed in war relocation centers.... we fully appreciate the nature of their feelings and their reactions to orders from local Selective Service Boards."

Supreme Court Justice Owen J. Roberts
Truman Amnesty Board Chairman

30% of the entire text is devoted to military achievements to which I express no particular opposition but certainly a few paragraphs could be devoted to homefront standard-bearers who demonstrated their constitutional fidelity. Historians and academic scholars judge these people with far more compassion and understanding to those of special interests who persist on branding them unjustly.

Reconsideration of these omissions is respectfully requested.

James M. Omura

■ When writing, address letters to:

Dr. Tom D. Crouch
Curator, Division of Engineering & Industry
National Museum of American History, Room 5014
Smithsonian Institution
Washington, D.C. 20560

Inappropriate Smithsonian Exhibit?

WASHINGTON—The Smithsonian's National Museum of American History will mark the forthcoming bicentennial of the U.S. Constitution with a controversial exhibit about the internment of Japanese Americans during World War II.

"A More Perfect Union: Japanese Americans and the United States Constitution" will not open until October 1, but it has begun to generate letters of protest from individuals, including war veterans and their families, who regard it as too downbeat or otherwise inappropriate for the Constitution's birthday.

"As you can imagine, this one is warm," Roger Kennedy, the museum director, said. "... Hate letters are already coming in to the Smithsonian because we are treating people of Asian extractions like other Americans, as if that were a strange thing to do."

Said Tom Crouch, exhibit curator, "We've gotten letters from folks saying, 'My dad was in the Bataan death march' and 'don't you realize that Manzanar (one of the California internment camps) wasn't Dachau?'"

In Seattle, where many Japanese Americans were uprooted from their homes during World War II, reaction to the display was positive among those long identified with the issue of civil liberties.

But a critic, Mary Lou Winchell, decried the exhibit as "just dastardly ... an example of the other side trying to extract its last pound of flesh." Winchell, who has attracted considerable local media attention through her efforts to "see that the other side of the internment issue is presented," said the idea of the Japanese American internment being the centerpiece of the Smithsonian exhibit "absolutely breaks my heart."

"This was war," she said. "Whether the victims are lying at the bottom of Pearl Harbor or were put out of their homes, it has been done and it is best relegated to the pages of history. We don't need to hang our heads. Based on available intelligence that showed evidence of espionage by some Japanese living on the West Coast, our leaders honestly thought there was a real threat to our security. It wasn't racist, no matter what they say now. The people could have been Finnish and we'd have done the same thing."

Kenneth MacDonald, an attorney, said the curfew and internment orders aimed at Japanese Americans clearly violated the Constitution in the area of "due process" and in permitting "adverse actions to be taken against a people, based solely on their race ... and we must be vigilant to assure that it will never happen again."

"A More Perfect Union" is the Smithsonian's major effort for the bicentennial. It also appears to be one of the few events in the upcoming yearlong celebration that will discuss the Constitution in a modern context. Kennedy said that was intentional, and that he wants the show to be provocative.

"The Constitution isn't a costume drama of the past upon which the curtain went down in 1789," he said. "I regard this show as a celebration of the openness of the American system. The reason for doing this kind of show is to make it clear that we don't always get it right, but we keep trying. ... If this show stopped in 1945 with the terrible malfunction of justice, it would be a negative story. But it didn't. That was the beginning of a process of redress and painful learning."

"From the beginning, our notion was to present this as a very human story," Crouch said. "It's something that happened not that long ago to people still around and something that affected them at the deepest level."

■ **NOTE:** The edited story (above) is from a March 19, 1987 Seattle Times article titled, "Look at Internment Stirs Controversy: Smithsonian Exhibit for Celebration of Constitution Praised, Criticized."

Hearing of H.R. 442 heard on April 2nd

A HEARING ON THE Civil Liberties Act of 1987 (H.R. 442) was held at 10:30 a.m. in Room 2337 of the Rayburn House Office Building on Thursday, April 2, 1987. The chair for the House Judiciary Subcommittee on Administrative Law and Governmental Relations is Rep. Barney Frank (D-Mass.) The chair during the 99th Congress was Rep. Dan Glickman (D-Kansas).

The proceedings focused on the remedies and the implementation of payments for the internees and not with the facts on the wartime exclusion and detention of Japanese Americans which had been dealt with in previous hearings.

Rep. Norman Mineta (D-Calif.) said, "I am delighted to see such progress for H.R. 442 so early in the 100th Congress. I remain confident that we can celebrate the Constitution's bicentennial by reaffirming the rights which were so tragically violated in the evacuation and internment."

A total of 134 cosponsors have thus far been signed on in support of the house redress bill. Led by Sen. Spark Matsunaga (D-Hawaii), the number supporting the senate legislation is 53; 54 counting Matsunaga. Introduction of the bill is expected soon.

It should not have happened

THE WRONG THAT was done to American citizens and resident aliens of Japanese ancestry by Executive Order 9066 will never be fully made right. It is however, our obligation as legislators to do whatever is possible to make it clear to both the victims of internment and the American people that the United States will never ignore a violation of the rights protected by our Constitution. The bill before you today is a step towards the fulfillment of that obligation.

Never before, or since, in the history of our nation has our government elected to effectively imprison tens of thousands of loyal Americans solely on the basis of race. Never before, or since, have the three branches of government agreed to the systematic deprivation of liberty and property based on unfounded racial suspicion. It should not have happened, and we should make certain that it will not happen again.

SEN. DANIEL K. INOUE
D-Hawaii

18th annual Pilgrimage
to Manzanar
on April 25th

LOS ANGELES—The Manzanar Committee announced that Saturday, April 25 will be the day of the 18th annual Pilgrimage to Manzanar. The theme for this year's pilgrimage is the celebration of the 200th birthday of the U.S. Constitution, and the 14th Amendment which provides that:

"No state shall make or enforce any laws which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the law."

Located 212 miles north of Los Angeles on Highway 395, Manzanar is now a state and national landmark. The land it occupies is owned by the Los Angeles City department of Water and Power. More than 10,000 persons of Japanese ancestry were interned at Manzanar during World War II.

A sum of \$10,000 was received by the Manzanar Committee from the city to help with the costs of the pilgrimage. Portions of the fund will go to charter buses leaving downtown Los Angeles, Gardena and the San Fernando Valley.

For further information, write to the Manzanar Committee, 1566 Curran Street, Los Angeles 90026. Call (415) 678-1814 for those living in the San Francisco Bay area.

They knew
nothing about
the evacuation

What influenced Georgia Day Robertson to write her book about the interment of a Japanese American family was finding out that many from her native Iowa and the Midwest knew nothing about the evacuation.

Much of the information for her book was gained from her time spent as a high school teacher at Poston, Arizona. She has kept in touch over the years with many of her Nisei friends whom she got to know while in Poston. THE HARVEST OF HATE is her first published novel.

On October 9, 1986, Georgia Day Robertson celebrated her 100th birthday.



First edition
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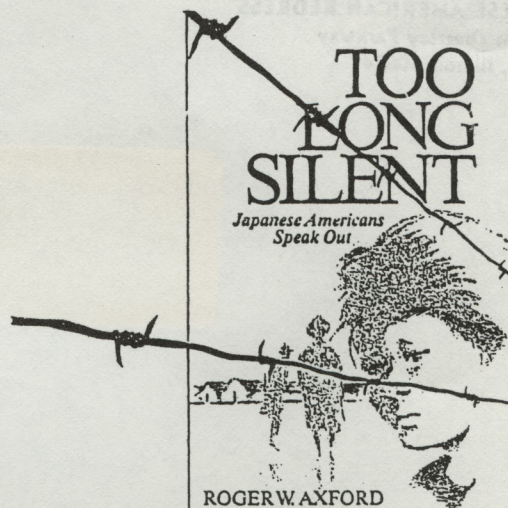
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