



National Council for Japanese American Redress

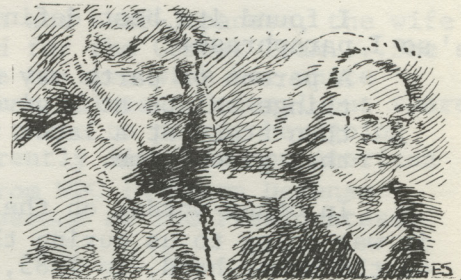
NEWSLETTER

VOLUME VII
NUMBER 3

Dear Friends,

May 1985

On April 8, 1985, Aiko and Jack Herzig were arrested for protesting apartheid policies of South Africa. They were at its Washington embassy on behalf of NCJAR. Amy Carter, Jimmy Carter's daughter, was also arrested. Although for most of the nation, the Herzigs were little more than a passing reference to two supporters of a Japanese-American group, the Washington Post included the Herzigs in its picture and NCJAR story of the event. Hardly discernible in the Post's picture was the NCJAR button on Amy's jacket. This protest and arrest was another of the Herzig's many contributions to the redress movement.



There may be those who worry that by such involvement, we move away from being a single issue organization. I think this action, rather than diversifying, intensifies the issue of redress. There is a relationship between the mass displacements and disenfranchisement of black South Africans and the United States wartime program of the mass exclusion and detention of Japanese-Americans. Both are racially based. Both involve exclusion and removal from vast areas of the nation. Both involve disenfranchisement, the absence of any court of appeal. There are, of course, many differences, too. Apartheid permeates the whole structure of South African law and society. Apartheid is a permanent condition. Japanese-Americans were placed into prison camps. One of the most crucial differences is the virtual absence of protest by other Americans and nations on behalf of Japanese-Americans during WWII as contrasted to the global denunciation of apartheid today.

There is one idea that may obstruct our understanding of our wartime experience. Some former internees still believe that "it wasn't so bad." Many of us continue to think of the wartime program as an evacuation, misguided perhaps by a racist general and popular prejudice and avarice, even political ambitions. We knowingly cite the Commission on Wartime Relocation and Internment of Civilians causes: "race prejudice, war hysteria, and a failure of political leadership." It was all this, but still lawful. It was not an act of government but an aberration caused by a few persons.

Well, read these words by Solicitor General of the United States, Charles Fahy, from his pleading in the 1944 Korematsu deliberations before the Supreme Court:

I have a word to speak for my Government now. It seeks no scapegoat in this case, be he general, or be he a civil employee engaged in subsequent phases of this difficult program. The Government hopes, with all earnestness, that this Court will reject any such basis of decision that the Government of the United States is not responsible for what, in fact, the Government did in this matter. It desires to stand or fall, as a Government, on whether or not the Constitution has been violated, and not on some squeamish approach to this case, on the ground that someone, in the execution of this program, has exceeded the authority which was granted to him. This is not an instance of a subordinate in some isolated case going beyond the scope laid down by the legislative or executive authority.

(The copy of this transcript was only recently uncovered by Peter Irons with the help—again—of the Herzigs.)

This leads me into treacherous waters: an attempt to explain a key legal principle. I am certainly underqualified to write authoritatively on legal matters. But like all ideas, one can hardly avoid thinking about it, qualified or not. The Protestant Reformation started the whole business of thinking for oneself with its notion of the priesthood of all believers. This principle has a formidable name: equitable estoppel. According to Webster's unabridged, the "equitable" comes from the fact that the principle was used in courts of equity—whatever they were. "Equitable" merely serves to distinguish this estoppel from other estoppels. It may help to understand "Estoppel" if you think of it as fractured German, or maybe Spanish. "Estoppel" means to stop, stop up, or prevent. Equitable estoppel is a principle invoked to stop something from happening.

I found its best definition in Webster's, but even the definition is difficult, so I paraphrase:

A person or party may not cause another to believe that one state of things exists at a given time—this state of things leading to actions—then state at a later time that a different state of things existed at that given time.

In other words, on the one hand, the government cannot in 1942 state that what it was doing to us during the war was no more than evacuation and relocation, then, on the other hand, in 1985, argue that we should have known it as mass exclusion and detention. But this is exactly what the government is doing in its arguments invoking the statute of limitations. In 1985, the government is arguing that we should have known in 1942 that we were being excluded and detained illegally and that we should have filed our lawsuit then. Having failed to file our lawsuit in a timely fashion, we have exceeded the statute of limitations. But we rebut with equitable estoppel. We say you can't have it both ways. You can't say it was evacuation and relocation in 1942 and in 1985 say it was mass exclusion and detention.

Of course, equitable estoppel is not our only rebuttal. And we do not know whether the Court of Appeals will pay attention to it. The application of legal principles varies from district to district. But it is a way of appreciating the obstacles that have impeded our understanding what happened to us. To an extent, we continue as victims of the government's abuse of power and language. It is hard, isn't it, to remove terms like "evacuation" and "relocation camp" from our descriptions of our experience? (We have Raymond Okamura to thank for making us aware of the inaccuracy of these benign-sounding terms.) It may help to see these terms as not our linguistic error but as our victimization through official government policy. The terms were used to hide the reality of mass exclusion, expulsion, and horsestall-tarpapered-barrack detention. Being proper Nisei, trying so hard to assimilate and accommodate, we did our best to use the proper terms given to us by our government. Today, we can see the injustice of such a program, in all its ugliness, as manifested in South Africa. And seeing, we may come to understand, all the more, our own experience, our own selves.

Peace,

William Hohri

Status Report

WILLIAM HOHRI et al v UNITED STATES OF AMERICA

Our appeal to the U.S. Court of Appeals for the District of Columbia of the dismissal of our lawsuit by the U.S. District Court is on "hold."

No date has been set for oral arguments. The judges who will hear the arguments have not been announced. The arguments will be no earlier than June and could be much later.

After the arguments have been heard, there will be a period of indeterminate length before the decision on our appeal will be announced.

By Winifred McGill

A Japanese, Pure and Simple

When I read your "Tribute to Theresa" (September 1984 newsletter), it struck me that I had read essentially the same story before in a transcript of a telephone conversation between Col. Karl R. Bendetsen and Capt. John M. Hall (aide to John J. McCloy), which was recorded on May 24, 1943 (obtained from the National Archives by Aiko Herzig). The only difference was the woman was identified as "Terata Takahashi." Unfortunately, I never had the pleasure of knowing Theresa Takayoshi, so I was unable to make this connection before your newsletter appeared.

Raymond Okamura
Berkeley, California

H: Capt. John M. Hall
B: Col. Karl R. Bendetsen

H: ...In connection with this woman who is half-Caucasian and half-Japanese, the wife of a Japanese American at Minidoka who has volunteered for the Combat Team....She's got two infant children and wants to return to Seattle to live with her white mother. We're in receipt today of a memorandum from your Adjutant General out there saying that the case was not within your policies out there to permit her going back to Seattle in view of the fact that she had apparently lived in non-American surroundings. Almost coincident with the memorandum from WDC (Western Defense Command) came a memorandum from the White House, the person of the Presidentess, Melvina Thompson, to the Secretary of War:

My Dear Mr. Secretary,

Mrs. Roosevelt has asked me to send you the enclosed letter from Mrs. Terata Takahashi of Minidoka Center, Hunt, Idaho. Mrs. Roosevelt feels that Mrs. Takahashi and her children should be allowed to return to Seattle.

Sincerely,
/s/ Melvina C. Thompson
Secretary to Mrs. Roosevelt

- B: ...This person is a Japanese, pure and simple. She's had a Japanese environment. Not only did her mother marry a Japanese, but so did she and the records seem to show that they are Japanese. Now, if the question is as to whether Japanese shall be reintroduced—that's one question—and that seems to be the question here. The mixed marriage policy was not based on loyalty, although a person whose record showed him to be disloyal or subversive in character was not given a permit, therefore, I say that the policy adopted by the General—and I'm speaking now as his staff officer who has to carry out his policies, and I have no other alternative—I say that that policy was not determined on the basis of loyalty.
- H: That was for the benefit of the children, wasn't it?
- B: Yes.
- H: Do you think it would be better for the children to remain in relocation centers than it would be to settle in Seattle with their grandmother?
- B: No, I don't necessarily. That isn't what I'm saying, nor is that to be deduced from the basis of the policy. If her families were in a non-Japanese environment from the beginning and because of Japanese blood would have been required to commingle with Japanese when they never had before, it was thought desirable to give them a chance to avoid that, and continue the non-Japanese environment. This case is not one of those. Do you see what I mean?
- H: Although she states—if it's true—that neither the children nor herself speak a word of Japanese.
- B: I think there are probably many thousands of Japanese in centers who don't speak Japanese.
- H: ...Well, now what I've planned to do with your approval, is to show this to Mr. McCloy and give him the substance of our conversation and say to him, "Now if Colonel Bendetsen feels somewhat this way—that if you feel it would be embarrassing for the SW (Secretary of War) to say no to Eleanor Roosevelt, then you will present the matter for General DeWitt's consideration."
- B: As a special case.

- H: As a special case, but that it shall not serve as the precedence on the introduction of wives and families of U.S. soldiers of Japanese ancestry, being reintroduced into the evacuated areas.
- B: Yes, that in substance is this: because that in turn, is a part of the question concerning whether Japanese—some of them, or any of them, or all of them, or what portion of them—shall be introduced.
- H: And that issue should be met when it arises.
- B: Yes, I think you see my point.

NOTE: This was edited due to the length of the original transcript.

November 6, 1942

Dear Mr. Myer:

I have your letter of November 4 enclosing petition requesting transfer of evacuees at Minidoka to internment camps to accomplish family unity.

Alien civilian internment is in the hands of the Department of Justice so far as internment and release is concerned, although the actual policing of the camps is a responsibility of the Army. I suggest, therefore, that this petition be taken up with Mr. Ennis of the Department of Justice.

While ordinarily I would favor any steps toward family unity in appropriate cases, I am not particularly enthusiastic about a wholesale transfer which would subject the Nisei to further Issei contamination. It is a question of balancing the relative merits of segregation based on loyalty, which we all endorse, against segregation based on family ties. If any steps are taken, I think it would be better to parole selected internees to relocation centers than to transfer the remainder of the family into internment camps.

Sincerely,

/s/ JOHN J. McCLOY
Assistant Secretary of War

Mr. Dillon S. Myer, Director
War Relocation Authority
Room 812, Barr Building
Washington, D.C.

JMH:JMcC:jhs

ASW 014.311 Segregation of Japs
Classif. No. ASW 254 Minidoka

■ Archive documents (above) are re-typed because the originals are hard to read.

Munson

The death of Edith Cummings Munson, 85, formerly of Lake Forest, Illinois, was noted in the Chicago Sun-Times (November 22, 1984). This is brought to the reader's attention, because her husband, Curtis Burton Munson (deceased) was the "Special Representative" of the State Department who undertook the secret assignment of counterintelligence on the loyalty of the Japanese American population during the fall of 1941. His 25-page Report certifying an extraordinary degree of loyalty among Japanese Americans, was *ignored* by the War Department and the Administration.

Meet the Plaintiffs: Kumao Toda

By
Emi
Fujii

Kumao Toda of Washington, D.C. is a retired (1983) financial economist from the Department of Transportation, Federal Highway Administration (FHWA). He is a plaintiff in NCJAR's lawsuit and also represents his deceased father, Suketaro Toda.

The elder Toda managed a wine and beer distributorship in Los Angeles. Since it was owned by an Issei, the business was forced to close by the government after December 7, 1941. He came to this country in the early 1900's, did migrant work for a period. Kumao recalls hearing his father talk about Delano, California and grape picking. The older Toda returned to Japan where he got married and returned with his bride to America. Over the years they developed their combination grocery store, which Kumao calls "Mom and Pop" business, till his father managed the distributorship. The couple had 3 sons and a daughter: Kumao was the oldest, then Kenji, Joe and Yuka.

With the end of the distributorship, Kumao became the breadwinner of the family. He had wanted to volunteer for the army, but his father reasoned with him that he was needed at home. At the end of April 1942, the family was sent to the Santa Anita Assembly Center.

They were later incarcerated at Rohwer, Arkansas. The elder Todas relocated to Washington, D.C. in 1945 because some friends were there. The rest of the family later joined their parents. Kumao's father started his grocery store business again. He was in failing health and died in 1951. His mother died in 1966.

While at Rohwer, Toda was on several work leaves. In January 1945, he joined the army, and was sent to Fort Snelling, Minnesota, where he taught Japanese at the Military Intelligence Language School, then ultimately arrived at the Presidio Monterey, California. In 1946, he re-enlisted and was sent to General Headquarters in Tokyo, where he was discharged as a Master Sergeant in 1947.

He then worked as a civilian researcher, investigator, and interpreter for defendants and their witnesses with the War Crimes Defense Division under the 8th Army in Yokohama. Working in civil service, he realized he needed more education. Under the GI Bill of Rights, he enrolled at Washington University in Washington, where he majored in foreign affairs, minoring in economics. He graduated in 1955. In 1956, he returned to federal civil service as a transportation clerk and won several awards for distinguished work performances. He later became a financial economist.

Like Toda, his brothers are in federal civil service and live in Washington, D.C. Kenji served in the 442nd. Their sister, Yuka Toda Yamamoto, lives in Chicago.

Since his retirement, Toda spends much time, keeping in touch with relatives in Japan. His phone bills at \$1.25 a minute are staggering, he says, often running 40 minutes or more. He saw the Japanese movie, "Sanga Moyu," a film of a Kibei in America during World War II. It is not as bad as the JAACL believes, according to Toda. He visited Japan last year. He also has relatives in Miami.

His hobbies are bowling, horseracing, and swimming. He works part-time as a tax consultant.

Why is he a plaintiff? He listened to Aiko Herzig's thoughts, including NCJAR's need for a plaintiff living in the District of Columbia. He always felt the best way "to publicize the mistreatment of Japanese Americans was by the judicial, not legislative" route. The story of the Japanese Americans and alien Japanese needs to be taught at the grade school level, he avers. It is not in the textbooks.

With the filing of NCJAR's lawsuit, Toda noticed with pleasure the name of the Rev. Kyoshiri Tokunaga among those of other plaintiffs. Tokunaga, now of San Jose, California, was his Japanese School teacher in Los Angeles. Tokunaga was in the DOJ (Department of Justice) detention camp in Lordsburg, New Mexico.

When NCJAR filed for appeal after Judge Oberdorfer dismissed the lawsuit, Toda wrote NCJAR, that he was pledging \$100 per month for a year. The checks continue to come.

[continued - page 6]

Morally Reprehensible

At a showing of "Unfinished Business" on March 26 at New York University Law School, ACLU president and NYU law professor Norman Dorsen said that the Supreme Court decisions of the Korematsu, Yasui and Hirabayashi cases "made constitutional what was morally reprehensible" and that the principle of guilt by reason of race used during WW2 led to that of guilt by political association during the McCarthy era. Dorsen warned that similar actions could be taken now under the guise of "national security."

Special guests for the occasion were Fred Korematsu and Minoru Yasui. Also present for Steven Okazaki's documentary was Judge Nanette Dembitz. Dembitz, who was a lawyer during WW2 worked with Edward Ennis in the Alien Enemy Control Unit of the Justice Department. She was a junior member of Ennis' staff. Dembitz said that she, Ennis and Attorney General Francis Biddle felt that Japanese Americans were being treated unfairly, especially in light of FBI, and military intelligence reports contradicting charges of espionage and sabotage, but that the pro-internment arguments of Secretary of War Henry L. Stimson and his assistant, John J. McCloy, prevailed.

The Supreme Court, Dembitz said, accepted the "Final Report" of Lt. Gen. John DeWitt of the Western Defense Command in order to avoid the politically unpopular decision of ordering a full inquiry into the facts. DeWitt's report contained many unsubstantiated charges of disloyal activity among Japanese Americans and helped persuade the justices to rule against the Nisei defendants.

With the evidentiary hearing regarding the Hirabayashi case scheduled for June 17, at the federal district court in Seattle, the coram nobis legal team hopes to have Edward Ennis and Nanette Dembitz testifying on Hirabayashi's behalf. Both were involved in the original test case in 1943.

Edited: PACIFIC CITIZEN
April 19, 1985

(Continued) Meet the Plaintiffs: Kumao Toda



In keeping with his interest in civil rights, he has been a hustler in a variety of activities. He made it his philosophy that he would "advertise" what we Nisei are and narrate our concentration camp experience.

With the passage of the Civil Rights Act of 1964, he took advantage of his responsibility as an educational trainer within his division in the FHWA (Federal Highway Administration). This was for a five month period. He especially encouraged young black women to take college courses. Many of them asked him about his experience in camp during World War II.

He gathered information for his supervisor's young son, who wanted to write a paper of Toda's camp experience. Later, he went to the son's school in Pennsylvania during a visit. The boy's father told the teacher that Toda was planning to visit Japan. She seized the opportunity and asked Toda to address the class about Japan, himself, and the treatment of Japanese Americans during the war. Other teachers also attended the session.

He became active in a movement that enabled Nisei federal civil service worker's time in camp converted to federal longevity. "We were on the government pay-roll," chuckles Toda. "I got my friends of all racial backgrounds to get petitions signed by their friends so that these petitions could be sent to the Congressmen concerned. To each of my friends, I had to explain my 'camp experiences.' I believe I sent signed petitions to about 9 Congressmen and 7 senators. It took a lot of time and effort, but today, I am a beneficiary of these efforts." He thinks there were about 2,000 Nisei working for the federal government at the time of the outbreak of war. As a result of the efforts, Public Law 95-382 was signed on September 22, 1978, giving civil service retirement credit to Japanese Americans who were 18 and over at the time of their internment.

Toda testified in behalf of a civil rights officer in the FHWA, in a case of employment discrimination in 1976, where the agency's personnel practices of selecting candidates were considered irregular. Toda stressed the lack of sensitivity on the part of the officer's black civil rights directors in dealing with Japanese Americans.

Toda makes it his business to learn dates of any congressional hearings regarding redress bills, and he is always there, in attendance. He supports "Nisei and Sansei who are campaigning for federal public office, irrespective of their political arena," he said.

The Horse's Mouth

By
George
Yoshinaga

The epidemic of relocation camp reunions seem to have hit the Japanese Americans during the past few years and the trend is growing bigger and bigger.

Poston's Camp III reunion with the theme: "Friendships Renewing Old Ties" was held on April 19, 20 and 21 in Los Angeles. The Tule Lake reunion in Sacramento is set for the Memorial Day weekend of May 24, 25 and 26. San Francisco will be the site of the 40th year reunion class of '45 for former pupils of Topaz, Utah High School scheduled for June 29 and 30. The class of '45 and '46 will host the Hunt High School (Minidoka, Idaho) reunion in Seattle on July 26, 27 and 28. And the Heart Mountain reunion is to take place in San Jose on August August 30, 31, and September 1, 1985.

It is difficult to understand what is causing this rash of reunions at this time. Especially in view of the fact that those who have been pushing for monetary redress for internment always seem to indicate that camp life was so horrible—that it is a memory they would like to block out of their mind.

I don't recall anyone at any of the redress hearings talking about the pleasant side of camp life. They only talk about the horrors. It seems to me that the redress proponents have to get their act together a little better.

If they are talking about the legal aspect of relocation, that is one issue. But they shouldn't cloud it with stories about camp life as one of their tools in attempting to win sympathy for their cause.

This is even more ridiculous when most of those pushing for redress and who talk about the horrors of camp life, were only two or three years old at the time of evacuation.

Me? Hell, I enjoyed camp life.

RESPONSE TO ABOVE ARTICLE

I have read your article in the Chicago Shimpō dated Wednesday, March 13, 1985 and I find myself in a position that I must speak out. As a person with your education and being a Buddhahead, you cannot understand why the people who spent time in the concentration camps only talk of the horrors, then maybe I can give you some hint as to why.

As for myself and I am sure many others who spent time in the camps which the government called "relocation centers" want the people of America to know the condition of these camps when the government stripped us of our citizenship rights. The so-called "epidemic of reunions" as you put it is to have members of different camps meet so they can encourage others to speak out after so many years of silence.

As I left camp, I left three members of my family behind, my wife and two daughters—never to see them again. Although this happened many years ago, I can still feel and see my wife as she died in my arms. This was an example of the "horror" of camp life because of the conditions.

You were very fortunate to be able to "have a ball" in camp. You were also lucky to have strong parents who sheltered you from the everyday horrors of camp life or did they just sit around and laugh at others who suffered during their term in camp? Your parents must have enjoyed camp so much that they must have forgotten to teach you compassion and understanding. For those who lost everything, yes, I would say you were lucky to have strong parents.

My kids didn't have a chance to "have a ball" in camp. They didn't have a chance to get an education and be able to write an article in the Chicago Shimpō because they died in camp.

Sincerely,
Tom Watanabe

■ NOTE: The (above) "Horse's Mouth" and the rebuttal were submitted by Watanabe. The youngest plaintiff in our NCJAR lawsuit was 13 years old when evacuated.

A Friend

A friend—the dictionary calls it—
one who cherishes kind regard
for another person.

By
Kimi
Tambara

In a swirling, blinding, choking dust storm, we arrived one day in a barren spot of land that was to be the Hunt of today, the home of some 9,000 evacuees from Oregon and Washington.

When we left the Oregon border, something tangible left us in the dim recesses of our minds, the tang of the evergreens and the salty breath of the ocean seemed to breathe a caress of farewell in our faces and it was with a heart full of trepidation and excitement that we faced eastward—toward Idaho. Beneath our sooty faces something akin to fear raced through our minds. A feeling of being lost, friendless and homeless. It was a feeling we hope never to encounter again.

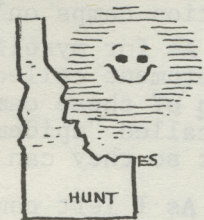
Then slowly, out of the desert land, through the unused barracks and across the dusty roads, phoenix-like, the barren community began to move and vibrate propelled by the warm, alive breaths of a race of people strong enough to face the unknown.

Little by little, Idaho's eighth largest "city" began to stir and look about its surroundings, to begin to show interest in the community itself and the people and towns beyond the center limits.

Yet, it was that year, that taught us many things. The things we had taken for granted—freedom and friendships, for instance. In the hour of our need, when our minds and hearts were bruised and sore with the buffeting caused by the strange circumstances of war—newly found friends extended their hands courteously and in friendship. Not with that "I'm sorry for you," expression, but as a friend and equal, for we did not want pity. And through their friendly overtures, something we had thought dead stirred with life again, vibrant and strong. That hard-to-write-or-say—something which all humanity need—a strong rope in a terrible storm, a beacon guiding us home.

Little deeds, a casual "hello," an occasional heart-to-heart talk, a courteous gesture—and we knew that we had found friends again and our hearts began to take root again in the little ordinary deeds of the day. Deeds that are built into years of solidness—of belonging someplace, of being able to fill a need somewhere.

All over America as the people of Hunt are scattered as if by the four winds, that feeling persists and with our hearts strengthened by our friends and the will to help—we, too, shall have a part in the building of a better America.



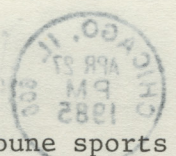
NOTE: "A Friend" was written as an ad for the Idaho Department Store of Twin Falls, which appeared in the September 25, 1943 (printed) edition of the Minidoka Irrigator. Tambara was a staff reporter for the camp newspaper. A native of Portland, Oregon, she was active in JAFL and an advocate for redress.

In a 1973 newspaper article, Tambara said that when she was interned, she compared the bleak experience in Idaho to being in a prison "with no hope of parole or probation. We dissolved into a world without form or shape or color," she said. "Our odyssey into the unknown and the fearful future had begun."

Kimie Kay Tambara was 63 when she died on October 29, 1982.

- A special thank you is extended to Jack Yamaguchi of Seattle for the Irrigator. e.s.

Play Ball!



The Chicago Tribune sports editor said to an early morning talk-show host: "Hey, Yosh Kawano is going to throw out the 'first ball.' You know, he was in one of the detention camps during the war."

For baseball, April 9th was a bone-chilling day at Wrigley Field, especially for the opening ceremonies and for Kawano. As an equipment manager for the Cubs, he has been with the ball club from the early '50s, back to the the time when the Chicago representative of the National League struggled to remain respectable. He does his job quietly out of the spotlight of television cameras and reporters. And he continues to have the respect of both players and management. His brother, Nob, has the same chores as equipment manager for the Los Angeles Dodgers.

When he is not with the team, Yosh Kawano resides in Los Angeles. His home in 1942 during WWII was Camp I, Poston, Arizona.

The Cubs, by the way, won their home opener, 2-1 over the Pittsburgh Pirates. ES.

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

CORRECTION: One of Yaye Katayama's brothers who attended her memorial service on March 18th was Noble Kanow—not Nobie as printed in the April "Dear Friend" letter.

John Toland

John Toland will be at the Lincolnwood Library Literary Festival on May 18 and 19. (Suburban Lincolnwood is northwest of Chicago.) The author received a 1971 Pulitzer Prize for his book, "The Rising Sun: The Decline and Fall of the Japanese Empire, 1936-1945." His other book, "Infamy: Pearl Harbor and Its Aftermath" was published in 1982. At the library festival, Toland will read from his newly published novel "Gods of War." Novelists Bette Bao Lord and C.D.B. Bryan will be on the panel with him. John Toland is a supporter of NCJAR.

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