

*Eji Sugama M. D. P. A.*

50 UNION STREET  
ELLSWORTH, MAINE 04605

March 13, 1980

Dear Prof. Tribe,

During the March 15th. meeting of the New England chapter of the Japanese American Citizens League (JACL), Ms. Kei Kaneda told me that she had talked briefly with you concerning a seminar in which the history of the evacuation and incarceration of 112,000 Japanese Americans and permanent Japanese aliens during the early months of WW II would be reviewed.

Last fall the JACL sponsored Congressional bills, S 1647 and H.R. 5499 were submitted to Congress the purpose of which were "to establish a Commission to gather facts to determine whether any wrong was committed against those American citizens and permanent resident aliens affected by Executive Order Numbered 9066, and for other purposes." We of the JACL Redress committee are convinced that no one in our organization has the "credentials" to discuss the constitutional issues; hence Ms. Kaneda's phone call.

If you will recall, Supreme Court side-stepped the crucial issue of incarceration:

(T. Korematsu v. U.S. 323 U.S. 214, Supreme Court Reporter, p193)

(11) Constitutional law 46(1): On certiorari to review conviction of violating order excluding persons of Japanese ancestry from war area, Supreme Court would not determine validity of provisions for reporting and remaining in assembly or relocation centers, which defendant was not convicted of violating.

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Due to lack of money, bad luck and timing, adjudication of incarceration and detention was not sought----to our regret and, more importantly, for the nation. We had been assured that " it can't happen again." Yet today the same words, slogans and threats are being directed at Iranian Americans, permanent and temporary Iranian aliens. Ironically Senator Hayakawa recently Advocating incarceration and repatriation of Iranian "nationals" seems to have forgotten that he was under such threats during WW II!

Thus we need someone with "credibility" to comment on the following:

1. The war powers of the President and Congress and, in particular, how it was applied to the incarceration of Japanese Americans and permanent Japanese aliens.
2. Consequences of the Korematsu decision for the future.
3. That by default the Supreme Court elevated racism to a constitutional principle. (We in JACL are convinced that racism was the real issue)

We hope that you will acknowledge the importance of our invitation.

Respectfully yours,

*E. Sugama*