



National Council for Japanese American Redress

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VOLUME X, NUMBER 8
OCTOBER 1988

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WHEREAS the successful prosecution of the war requires every possible protection against espionage and against sabotage to national-defense material, national-defense premises, and national-defense utilities ...

NOW THEREFORE, by virtue of the authority vested in me as President of the United States, and Commander in Chief of the Army and Navy, I hereby authorize and direct the Secretary of War, and the Military Commanders whom he may from time to time designate, whenever he or any designated Commander deems such action necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate Military Commander may determine, from which any or all persons may be excluded, and with respect to which, the right of any person to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate Military Commander may impose in his discretion.

Executive Order No. 9066, February 19, 1942

Our task would be simple, our duty clear were this a case involving imprisonment of a loyal citizen in a concentration camp because of racial prejudice.

Justice Black, for the Court in *Korematsu*

This Court must confront the question—perhaps an unprecedented one—of what it should do when its own decisions have been tainted by government misconduct.

Petition for writ of certiorari, August 1988

Continued—

An Issue for All Americans

Continued

In justifying the evacuation before this Court, the United States made a claim of "military necessity." In support of that claim the United States did not argue that there was specific conduct by Japanese-Americans alleged to be indicative of past or planned subversive activity. Rather, the government looked to ancestral, cultural, and ethnic considerations, and then drew an inference about the likelihood of subversive activity. [citations omitted] The government argued extensively that the Japanese people as a whole shared certain cultural, ethnic, and religious characteristics that made it "entirely possible that an unknown number of Japanese may lack to some extent a feeling of loyalty toward the United States." From this, the government concluded that, "[a]lthough it may be assumed that the majority of the Japanese residents on the West Coast were loyal to the United States, the very presence of the entire group presented grave danger because the group comprehended an unknown number of unidentified persons who constituted a serious threat," and that in order to deal effectively with the "unknown number of persons who could not readily be singled out," it was "necessary not only to deal with the entire group, but to deal with it at once." [citation omitted] Whatever may have been wrong with those arguments was plain on the face of the arguments for the Court to see and evaluate; nothing in the government's arguments depended in the least on false factual assertions.

Brief for the United States in Opposition, October 1988

Dear Friends,

We pass through another moment of truth: will the Supreme Court hear or ignore us? Our petition for certiorari and the government's response are in the Court. The Justices will review them. If four or more agree to hear us, we will be heard. Otherwise it's over.

On re-reading the executive order that authorized mass exclusion and detention, I am struck with its clarity: "every possible protection against espionage and sabotage." The concern is military. This concern is reinforced by a clear rejection of racial prejudice in the majority opinion of the Court in *Korematsu*. Officially, mass exclusion and detention was done for military, not racial, reasons.

In 1988, the Solicitor General, however, muddies the waters: "the government looked to ancestral, cultural, and ethnic considerations, and then drew an inference about the likelihood of subversive activity." This sounds like

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Continued DEAR FRIENDS

confession. But is it? Or is it adversarial excess? Why "looked to" instead of "argued" or "stated?" Were the Secretary of War and Military Commanders social anthropologists who examined ancestry, culture, and ethnicity to infer subversive activity? Or were these military men relying on the Army's reports of illegal radio transmissions in the Japanese katakana code and shore-to-ship signalings in the *Final Report*, the government's only official account of pertinent events?

General Fried quotes repeatedly "unknown number" as though the government did not know which Japanese-Americans constituted threats to the nation's security. He hammers his point home with "nothing in the government's arguments depended in the least on false factual assertions." Is it factual to assert "unknown number?" An often overlooked document by both supporters and detractors of J-A redress is the December 4, 1941 report of the Counter Subversion Section of the Office of Naval Intelligence, which states:

However, in anticipation of a possible crisis, the FBI is prepared to take into custody and detain all persons whose activities are inimical to the best interests of the United States.

Three days later, in the hours following the attack on Pearl Harbor, the FBI rounded up 736 J-As. By February 15, 1942, four days before the issuance of Executive Order No. 9066, the FBI had rounded up 3,113 J-As in Alaska, Hawaii, and the U.S. proper. "Unknown number" itself is a false factual assertion.

Fried employs his argument against false facts in order to undercut the compelling decisions reached in U.S. District Courts and the Ninth Circuit Appeals Court in the coram nobis cases of Fred Korematsu, Minoru Yasui, and Gordon Hirabayashi. These decisions affirm the government's commission of fraud on the Supreme Court. This fraud consisted of the government's failure to notify the Court of the falseness of factual allegations in General DeWitt's *Final Report* (there had been no illegal radio transmissions or shore-to-ship signalings) and the War Department's excision of DeWitt's racial rationale for issuing his exclusion orders. General Fried attempts the cute ploy of characterizing DeWitt as the *Final Report's* "drafter," as though this "drafter" were some flunky whose opinions were edited by his superiors, rather than a Military Commander to whom the awesome powers of exclusion had been delegated.

Our petition may be the final opportunity for the Court to reconsider its wartime decisions. (I've heard that the coram nobis legal teams are planning their own approach to the Court, though I don't know how. Also, Mike Masaoka and the JAACL have proposed that the U.S. Congress petition the Court for this review. I think this breach of the separation of powers is as unlikely as it is undesirable.) If the Court denies our petition, I wonder if General Fried and his associates will celebrate. If the Court agrees to hear us, there will be another exchange of briefs over a few months, a hearing, and decision, perhaps by June 1989.

Continued—

Continued DEAR FRIENDS

Although our challenge is risky, it continues to be rewarding. Anne Reeploeg Fisher sent us \$1,000 and became ronin 65. Fisher wrote *Exile of a Race*, a history of our wartime exile. She is a pacifist-socialist in the tradition of Toyohiko Kagawa and Norman Thomas. A very limited number of *Exile of a Race* are available from Anne Fisher, 2916 S. 200th, #24, Seattle, Washington 98188.

Another book worthy of reading and in danger of extinction is Miné Okubo's *Citizen 13660*, the first book on the camps written by an internee. Okubo's marvelous illustrations give special value to *Citizen 13660* [See book listing on page 1].

Finally, thanks to my dear friends, Aiko and Jack Herzig, I enjoyed a fruitful September 22-25 in Washington, D.C. We first visited Rev. Wes Yamaka, who was pastor at Sage United Methodist Church in Monterey Park and is now with the UMC's General Board of Church and Society. One of Sage's parishioners translated into English a book of my mother's poems. Wes gave me this translation whose value appreciated immeasurably upon my mother's death on September 4. (She fell months short of reaching 100.) She began writing these *tanka* as she was being released from Manzanar.

I did several interviews and a radio call-in show. With the Herzigs, I met with the staff of the newly established Office of Reparations Administration within the Department of Justice. I was impressed with their efficiency and spirit in implementing the redress statute. They plan to open an office in San Francisco and to visit J-A communities around the nation. They snared one of the National Archives' best archivist to help with their work. We will be sending the NCJAR mailing list to them on disks. If any one wants his/her name dropped, please advise us by November 21, 1988.

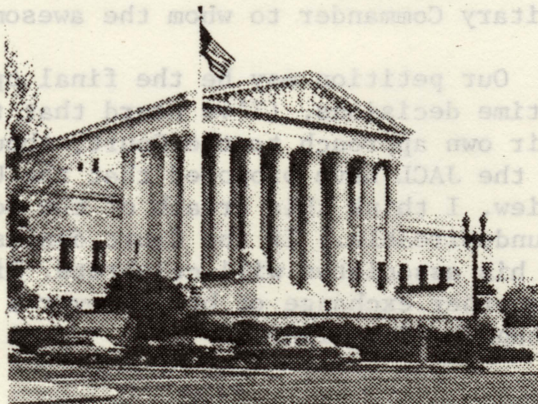
On the 23rd and 24th, I attended "A Delicate Balance of Rights and Powers: The United States Constitution and Japanese Americans," a symposium at the National Museum of American History of the Smithsonian Institution. And then on the 25th, we had a wonderful book party for *Repairing America* at the Herzigs' condominium building's penthouse, where we actually sold all the copies we had.

Now if only the Supreme Court will hear us.

Peace,

William Hohri

NCJAR newsletter
 editor: Eddie Sato
 Doris Sato



Administering of reparations payments

By
Rita Takahashi
JACL Washington Representative
JACL-LEC Associate Director

The Civil Rights Division of the Department of Justice received confirmation on September 7, 1988, that their Division will be responsible for administering Japanese American "reparation payments". As a result, the Office of Reparations Administration was created within the Civil Rights Division.

Bob Bratt, Administrator of the Office of Reparations Administration, advised that their division—including Assistant Attorney General William Bradford Reynolds, head of the Civil Rights Division—was very pleased to get the assignment. In fact, four sections of the Department of Justice submitted proposals to serve as administrators, but the Civil Rights Division ultimately prevailed.

In a September 9 meeting with the Japanese American Citizens League (JACL) and JACL-Legislative Education Committee (JACL-LEC), Bratt and the Associate Administrator, Alice Kale, outlined three phases to "reparations": (1) collect data (e.g. identify individuals that might be eligible for payment) (2) verify eligibility (3) make payment to eligible individuals.

In addition to Bratt and Kale, the Office of Reparations Administration includes the following professional staff: Valerie O'Brien, Administrative Attorney and Jean Chipouras, Public Relations Representative.

The Office of Reparations Administration has set up a process for reparations payment. Included are the following:

- (1) A telephone hotline (1-800-228-8375) will be open from 7:00 a.m. until 8:30 p.m. During this time, two shifts of four persons (each shift) will answer questions posed. A bilingual staff will respond to questions in Japanese.
- (2) A correspondence bank consisting of two shifts of four persons (each shift) will respond to letters. (This correspondence bank, like the hotline, opened on September 19, 1988.)
- (3) A brochure containing questions and answers will address the central questions that people will have relative to the reparations issue.
- (4) A special post office number will be assigned strictly to receive inquiries to the Office of Reparations Administration.
- (5) Staff will be hired to fill various positions. Job announcements will be published.

Continued on page 7

BOOK
REVIEW
by
Chizu
Omori

REPAIRING AMERICA:
AN ACCOUNT OF THE MOVEMENT FOR JAPANESE-AMERICAN REDRESS
by William Minoru Hohri
Pullman: Washington State University Press 247 pp 1988

Our freedoms are a part of ourselves

The purpose of a book review is to let you know if a book is worth reading or not, and why. Bearing in mind that this review will be addressing a Japanese American audience, I urge you to read this book for all of the information it contains and for the story that it tells, which, though a personal account, is really about us.



So much of the literature written about the evacuation is by academics, largely to be read by other academics and therefore not easily accessible to the general public. This engrossing book fits together many of the bits and pieces that come to us via the media (often oversimplified, distorted, even just plain wrong) about the redress movement, and organizes all of it in an understandable way.

I suspect that the majority of Japanese Americans who endured the camp experience feel that a massive injustice was done to them, but have been left with mystery questions: How could such a thing have happened to us, a group of relatively innocuous, law-abiding Americans? How do we feel about it? And how do we come to terms with it?

And there is the other major question: What does Americanism consist of? There was and is a faction in our community which defines it as obedience to authority to the point of collaboration with the oppressor, which, in this case, the U.S. government certainly was.

Others understand Americanism to mean that persons here are supposed to have certain inalienable rights, and that applies to everybody.

William Hohri of the Chicago-based National Council for Japanese American Redress is an individual who came to the conviction that we as a group could not let this issue die with us.

What began as an effort by a handful of persons to obtain some recompense for the oldest Japanese Americans, who had suffered and lost the most became a journey of discovery, of consciousness-raising about ourselves and our country, and a movement toward action.

This book tells of how a small group with limited resources went on to challenge the U.S. government in search of justice, of how some seemingly ordinary people achieved extraordinary results through hard work, commitment and vision in the face of great unknowns.

And it is a very human story of events influenced by personality and chance, of real individuals and their conflicts.

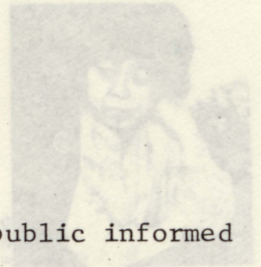
We find out how powerful a force racism still is in our lives, that for a minority of insignificant numbers there are so many roadblocks in the way of obtaining redress—our relative lack of political sophistication

Continued—

Continued **Administering of reparations payments**

Because the Civil Rights Division's Office of Reparations Administration is now responsible for payments, they ask that all individuals refrain from sending future requests for "eligibility verification" to the National Archives. Instead, direct all inquiries and verification to:

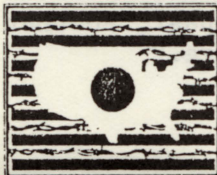
Department of Justice
Civil Rights Division
Office of Reparations Administration
P.O. Box 66260
Washington, D.C. 20035-6260



The Office of Reparations Administration will keep the public informed of future developments.

Continued **BOOK REVIEW**

REPAIRING AMERICA



AN ACCOUNT OF THE MOVEMENT
FOR JAPANESE-AMERICAN REDRESS

added to judicial nit-picking, congressional politics, and the indifference of the white majority—that it is a daunting proposition even to try.

It is really disheartening to realize that powerful persons like John J. McCloy and Karl Bendetsen, and even some contemporary politicians, still maintain that the camps were perfectly justified, as though the Constitution doesn't mean much.

On the other hand, it is gratifying to know that the democratic impulse beats on strongly in persons like Hohri and others who willingly devoted a large part of their lives to setting the record straight, overcoming the roadblocks, and in the process mastering the intricacies of the judicial and legislative systems, lobbying bills in Congress, and—miracle of miracles—getting our case before the Supreme Court.

In the course of all this, they also managed to educate a large portion of the American public. Not bad for a bunch who have been labeled "The Quiet Americans."

So pay attention, Japanese America—no, make that all of America. For though we don't yet know the outcome of their efforts, we can be proud of and grateful to Hohri and friends for coming this far, and this book will be a vital part of our history.

At the end, Hohri says, "Our freedoms are a part of our existence, a part of ourselves. They are expressed as guarantees in our institutions only because we put them there. It is up to us to protect them, and, as in our situation, to repair them." ■

NOTE: Chizu Omori
is a member of Seattle's
Washington Coalition for Redress (WCR).

A different ending

The following was edited from the October 5, 1988 RAFU SHIMPO.

For Canadians of Japanese descent, September 22, 1988 was a day to remember. It was a day when they no longer had to ask the government of Canada to rectify the injustices that were inflicted upon them during the Second World War.



While in the midst of writing her new novel, the unexpected announcement of an apology and a compensation program by Prime Minister Brian Mulroney forced poet and author Joy Kogawa to revise the ending. Before the change, the chances for a Japanese Canadian family member of ever receiving monetary compensation seemed hopeless.

With the settlement between the government and the National Association of Japanese Canadians (NAJC), it assured redress for the 12,000 survivors of the internment (1942-1949) and those described in Kogawa's book.

In his speech at the House of Commons (Ottawa), Mulroney said: "No amount of money can right the wrong, undo the harm and heal the wounds. But it is symbolic of our determination to address this issue, not only in the moral sense, but also in a tangible way. Error is an ingredient of humanity. So, too, is apology and forgiveness. We have all learned from personal experience that inadequate as apologies are, they are the only way we can cleanse the past, so that we may as best we can in a good conscience face the future."

It happened in Canada, too

Many people in the United States do not know that in addition to Japanese Americans, Japanese Peruvians, and the Aleuts (in Alaska), Japanese Canadians were profoundly affected by the conflict of World War II. People say to me, "I didn't know that Canada did that too!" In fact they are even more surprised when I explain that I experienced removal from home and school in Canada to the camps (which were set up in the old silver-mining "ghost towns" of interior British Columbia). Also some added difference between Canada and the United States is that although the Canadian camps were not military installations, they were in remote, sparsely settled mountainous areas.

It is said that the major victims in the United States were the Nisei (second generation), whereas in Canada, it was the Issei (first generation). Canada turned its back on the Issei who belonged to the Japanese Canadian Legion and fought in the First World War, and treated them as if they were enemies. American-born persons of Japanese ancestry were denied their rights, but subsequently proved their loyalty as super-patriots by acts of extraordinary valor and many gave their lives for their country as members of the most highly decorated military unit of the armed forces. Japanese Canadians and Japanese Americans are not Japanese of Japan; to confuse them as being the same causes grave injustice.

- The excerpted commentary (above) by Rev. Cannon Timothy M. Nakayama was in the May 1988 newsletter, THE VALOR of Seattle's St. Peter's Episcopal Parish.

NOTES

Keep up the good fight!

ASAKO YAMASHITA
Gardena CA

Thank you for a difficult job
well done—

D.T. TREAKLE
Hacienda Heights CA

Though little, may you continue
your appeal.

MIDORI KONDO
Hilo HI

Hardworking Friends—
Congratulations on your success
so far! Hope my mite will help
us go over the top!

LULU KASHIWAGI
Seattle WA

Although the \$20,000 payable
in the late 1990s may be better
than nothing, the amount is
very small considering the
substantial loss(es) realized
by many Japanese and Japanese
Americans on account of the
incarcerations in concentration
camps. I for one have been
living in near poverty since
after my discharge from the
army in 1945, after having
volunteered while incarcerated
in a concentration camp.
(We realized substantial losses.)

KAYO ENDO
Los Angeles CA

Thank you for your efforts!

GEORGE A. MARUYAMA
Pasadena CA

Congratulations for a battle
well fought.

M/M H.B. NAGASAWA
Redmond WA

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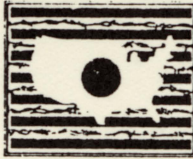
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Sasha Hohri

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Chicago IL 60614

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