



# National Council for Japanese American Redress

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Chicago IL 60614  
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Volume X, Number 3

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or more; some remain anonymous.  
+member, NCJAR board.

Dear Friends,

Early in the morning of February 4, 1988, Winifred McGill died. In 1979, Winifred joined the board of the National Council for Japanese American Redress as one of its earliest members. For the past nine years, she faithfully attended our monthly meetings. She was a vegetarian, an opponent of smoking,



Winifred McGill Sumi Iwakiri

an advocate of civil rights, and a staunch supporter of compensatory redress for "the removal of innocent people to concentration camps with no pretense of due process," to use her words. She was always vigorous in stating and defending her positions, quick to inject humor, and knowledgeable in the law. Her voice will be missed in our board.

About a week earlier, on January 25, 1988, NCJAR's attorneys filed our rebuttal to the government's brief in the Federal Circuit. We argue that the government did mislead the Supreme Court, pointing to the opinions rendered by the U.S. District Court and Appeals Court in our case and by comparable courts of the Ninth Circuit in the *coram nobis* cases. We say, "In the light of these unanimous trial and appellate findings of government duplicity, it strains credibility to accept the government's argument that it did not mislead the Supreme Court."

We also argue that the Court's upholding the claim of military necessity in Korematsu, Hirabayashi, and Yasui barred a takings claim. (The Supreme Court may be called the Court.) In other words, within the condition of military necessity, the taking of private property is legally acceptable. Therefore, a lawsuit for the taking of private property would be rejected by the courts.

In addition, all efforts to challenge this claim of military necessity were rejected on the basis of these decisions of the Court. (Indeed, one vital reason we must pursue our legal action is to raise anew this challenge and to have the Justices reconsider the wartime Court's precedent of legalizing the massive denial of constitutional rights based upon an untested claim of military necessity.)

Continued on page 2

An Issue for All Americans

Continued Dear Friends

We press hard on the tolling (postponement) of the statute of limitations. The recently discovered "burned" first edition of DeWitt's Final Report clearly demonstrates that DeWitt's reasons for ordering mass exclusion and detention were racial rather than military. And racism was the very issue the wartime Court specifically disclaimed as the government's reason:

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

Our brief argues other, more technical points such as equitable estoppel, fiduciary responsibility, and sovereign immunity. Actually, the terms are more formidable than the concepts underlying them. The estoppel principle is quoted as:

A defendant cannot avail himself of the bar of the statute of limitations, if it appears that he has done anything that would tend to lull the plaintiff into inaction, and thereby permit the limitation prescribed by the statute to run against him.

In other words, if the government convinced the Supreme Court, therefore just about everyone else, that our internment was justified by military necessity and thereby lulled us into doing nothing for all these decades—way beyond the six-year statute of limitations—the government cannot now invoke the expiration of this time limit after we figure out that military necessity was just a grand hoax.

In a fitting conclusion, our rebuttal attacks the cloak of sovereign immunity—you cannot sue the sovereign-government without the sovereign-government's permission—with this admonition:

Thus, each judge who votes on the basis of sovereign immunity to dismiss a Complaint for damages alleging a clear Constitutional violation must utter the silent prayer, "I hope it never happens to me."

With our rebuttal submitted, the Federal Circuit moved quickly and set the date for oral argument as March 8, 1988, around 11:30 a.m. The time allotted is brief: 15 minutes to a side. Perhaps it will be sufficient for a few questions and a silent prayer.

On a mixture of personal, literary, and historiographical notes, my words in Repairing America: An Account of the Movement for Japanese-American Redress will become printed and bound pages in April 1988. What a blessed relief. As Michi Weglyn says, a book is like a baby. Only in my case, the pregnancy lasted 54 months. I devoutly hope it has literary merit in the sense that it is a good read. It will be the first book on the redress movement. But it is an account from my perspective, not a comprehensive history. It is a mixture of memoir and history. John Toland has written a foreword. A few of my friends who've read the manuscript approve. Fortunately, Washington State University Press is publishing both paperback and hardcover editions. NCJAR is offering pre-publication prices, discounted 20% at \$12 and \$20, respectively. Post-publication prices are \$15 and \$25. Please add \$2 for postage and handling. Expect delivery in early May. And if you let me know how you want it autographed, I'd be happy to oblige.

Peace,  
William Hohri

P.S. On March 13-15 I'll be in Denver, Marriott City Center, for the First Amendment Congress, on March 24-26 at Washington State University for the Asian Studies Conference, and in the evening of April 6 at Tufts University sharing a platform with Peter Irons. See ya around.

## The inaccurate figure of \$400 million

Continued use of the clearly inaccurate figure of \$400 million as the amount of World War II economic losses of the Japanese community does harm to those who lost so much. This is particularly regretful when some who should know better supply ammunition to those who would deny just compensation either through legislation or in the courts.

The report of the Commission on Wartime Relocation and Internment of Civilians states on page 120: "For years, writers and commentators have cited an estimate by the Federal Reserve Bank of San Francisco that evacuee property losses ran to \$400 million. The Commission has inquired of the Federal Reserve which can find no basis in its records for the number. In short, the \$400 million figure appears to be unsubstantiated." It cited Roger Daniels in his "Concentration Camps, USA" as a source of the \$400 million figure.

Sandra Taylor in an excellent analysis, "Evacuation and Economic Losses," on page 165 of "Japanese Americans: From Relocation to Redress," edited by Daniels, states: "Daniels reports that the first person citing the \$400 million figure was Mike Masaoka...in a document entitled 'Final Report' dated 22 April 1944." Taylor continues that Masaoka testified before a House subcommittee in 1954 that the Federal Reserve Bank estimated there was a \$400 million loss and that he did not cite a further source of that figure. She lists other authors who used that amount, including Allan Bosworth, who cited a Masaoka article in the Pacific Citizen, Gardner and Loftis in the "Great Betrayal," and William Hosokawa in "Nisei: the Quiet American." Taylor repeats that the Federal Reserve Bank disavowed any connection with that figure, and Daniels concluded that he was convinced that a bank statement was never made "at least in that form."

In "Papers for the Commission," the ICF experts in a CWRIC consultant study estimate total economic losses to the Japanese American population of between \$2.7 billion and \$6.2 billion in 1983 dollars assuming the wartime losses were to reflect inflation and a "modest" investment of 3% annual return.

Just as the continued use of the Government's term "evacuation" beggars what really happened, the use of the \$400 million fantasy distorts the losses in economic terms. Of course, even the \$6.2 billion can't buy back the pictures and letters of relatives in Japan that were destroyed, the piano that my wife's father was trying to pay for that was sold for \$10, and the hopes and faith that were demolished by the acts of those who misused their authority and still do not recognize what grave wrongs they committed.

JACK HERZIG  
LCol USA (Ret)

■ CORRECTIONS: Inadvertently, part of a sentence was left out in the February Dear Friend letter. The following paragraph (page 3) is printed here with the omitted segment inserted.

There are other straws in the wind. On August 6, 1987, H.R. 3152 was introduced in the U.S. Congress "to make certain improvements with respect to the Federal judiciary." Among these is a section that may overturn the Supreme Court decision in *U.S. v. Hohri* that remanded us to the Federal Circuit. What this section does is clarify that which was ambiguous and which the Supreme Court decided to clarify. While the Court ruled that our appeal, one that contained a mixture of federal and regional issues, should go to the Federal Circuit, H.R. 3152 states that a mixed appeal should go to the regional circuit. If enacted before the Federal Circuit makes a decision in our appeal, it may vacate the remand and place us back to square three, where we were after the decision of the District of Columbia Circuit in 1986.

NOTES



Thank you—  
Perhaps this small check  
will help pay for the newsletter.

Anonymous

We are pleased to send the enclosed check to further your work in this new year. As a way to celebrate the true meaning of Christmas, we are making contributions to organizations like yours in honor of friends and relatives. We thank you for your good work.

JAMES A. THOMPSON  
Pleasant Plain IL

CONTRIBUTORS

CALIFORNIA: Hisaye De Soto, Charles Hiyoshi, I. Rafael, Mitsuye May Yamada.

CANADA: Maryka Omatsu.

CHICAGO: Kerry Berland, Donna Kato Golden, Dennis and Roberta Takata.

COLORADO: Haruko Ishiyama.

HAWAII: Tamotsu Masui.

ILLINOIS: M/M Bert Rubin [In memorial of Ann Stricker], James A. Thompson [In the name of Bishop Woodie W. Whitel].

LOUISIANA: Hajime Yenari.

NEW YORK: Richard Harnik, Smile Kamiya.

VIRGINIA: Hiro. WASHINGTON: R.M. Hiraiwa, Ben Ikeda, Frank A. Tsuboi.

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

An open letter to the President

Dear President Reagan:

My father, who will be 104 on January 1, 1988 is in a nursing home. He is in one of the best nursing homes in the whole country. If anyone can adjust to life within an institution, such as a nursing home, my father can. He is one fellow who can adjust, but is also used to a harsh life. He has always looked on the benefits that life brings you and can always find the sun shining when others can't.

However, I have noticed lately whenever I suggest going out to having Thanksgiving dinner at my house or Christmas at my daughter's, he says, "Thanks, but no thanks." It puzzled me for awhile but when I started to put myself in his shoes, I realized why he didn't care to get out and pretend that all is well. It isn't. We, who live outside an institution live in a different world. The air we breathe is different. We feel free.

It suddenly dawned upon me that what was wrong with the "relocation camp" as you called it, was the same as being inside a nursing home. Once you lose your freedom of choice, you have none. Whether you like it or not, you are in a prison. And the feeling that you are locked up prevails. It puts a gloom over everything. The free outside world is no longer your own. I suppose living in Russia must feel like that.

Well, here is your chance to at least prove to us that you agree with the Japanese-Americans who were put into such a "stockade." Here is your chance to straighten this whole thing out. Feel for us and vote YES on the Redress Question.

A former inmate,  
Elmer S. Tazuma

■ NOTE: We wish to thank  
Elmer Tazuma of Seattle  
for his letter. e.s.

- The testimony (below) was presented by Winifred McGill at the hearing of the Commission on Wartime Relocation and Internment of Civilians held on September 23, 1981 at Northeastern Illinois University, Chicago.

## Justice delayed too long!

I am speaking on behalf of the Near North Unitarian Universalist Fellowship of Chicago. The members of the Fellowship voted in June of 1979 to support the effort to secure a monetary redress paid to the individuals of Japanese ancestry who were deprived of their constitutional rights as a result of Executive Order 9066.

We want to add our name today to the many others who seek speedy justice for the victims of Executive Order 9066, justice which has been delayed too long. That the removal of innocent people to concentration camps with no pretense of due process was an injustice has been well established and proven by default.

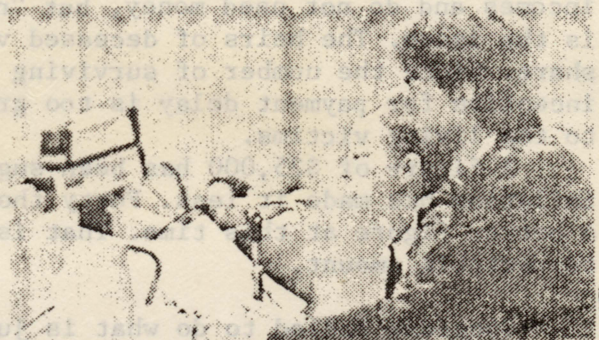
We hope that this Commission will arrange to compel testimony under oath from the surviving persons who were responsible for that massive assault against civil liberties, so that we can learn the real reason that it was done before it was too late.

I recall sitting around the dinner table in Fort Edwards, Wisconsin, and discussing the removal of Japanese Americans from the west coast in 1942. My family had what would be called a naive simple textbook democracy view of that operation, that it was wrong in view of the fact they had not done anything to justify such action.

Later during the war, the baseball team of the Nisei 100th Infantry Battalion was training at Camp McCoy, Wisconsin and they came to town and played our team. They were very popular and well liked there but we did not know they were Japanese Americans. They were presented to us as Hawaiians and many people said they looked just like the Japanese.

This Commission is to recommend appropriate remedies. How can we make up to the individuals who suffered this gross injustice? How can we assure it will not happen again? There is an expression, "money talks." We feel this Commission should recommend substantial damages to be paid to each individual who suffered as a result of Executive Order 9066 or to their heirs.

It will not be easy to get the money to pay them at this time. It is never easy to pay for wrongdoing, and it was not easy for them to be uprooted, stigmatized and abused. If it is hard to pay for this misdeed, it is less likely to be repeated. If we continue to get away with it, as we have so far, it will be easy to repeat.

ALUMNI  
HALL

Winifred McGill

Christopher Anderson

E.S.AID

Continued on page 6

Continued **Justice delayed too long!**

Money will be the greatest deterrent. If we do not compensate the Japanese Americans, we show them that they and their rights are as expendable today as they were in 1942. Justice is not a luxury to buy after necessities have been paid for. Justice is a necessity, if the United States is to be what it purports to be.

Japanese Americans were put into camps collectively but each went in separate, individually. So as they suffered individually, they must be compensated individually.

It is often pointed out that many Japanese Americans earn above average incomes and do not need money, but "need" is not the issue here. Justice is the issue. The heirs of deceased victims must receive that victim's share. Since the number of surviving victims shrinks each year, the incentive for payment delay is too great, if payment is to be made only to the living victims.

A figure of \$25,000 has been suggested. This seems too little and inflation has made it less. Forty thousand dollars, tax free, may be a better figure at this time. That is not enough either, but it is a respectable amount.

Congress failed to do what is just by failing to pass the Lowry Bill.

We ask this Commission to recommend individual payments without delay. If Congress will not take responsibility for voting to compensate these victims, it should pass legislation enabling them to sue for reparations, to have their day in court.

While the time for legal action was running, they were still under psychological duress from having been abused by their own government. A combination of alternating intimidation and flattery kept them from legal action until the statutory time had expired. That combination appears to be still at work.

We hope you will recommend legislation enabling the victims who wish to sue to do so and this without regard to any other recommendations that you may make.

An apology has also been suggested. It would be nice for a copy of a resolution of Congress apologizing to the victims to accompany each individual check. Also, that resolution of apology should be carved in stone or cast in bronze and prominently and permanently displayed in the nation's capitol.

Thank you for this opportunity to appear before you with our suggestions.

WINIFRED MCGILL

■ **NOTE:** The oral testimony (above) was read by William Hohri at the February 19th EO 9066 REMEMBERED commemorative held here in Chicago.

## B O O K R E V I E W

UNLIKELY LIBERATORS by Masayo Umezawa Duus  
 Translated by Peter Duus  
 University of Hawaii Press, 1987  
 260 pages, \$19.95

Masayo Umezawa Duus provides an engaging view from Japan of the history and exploits of the famed 100th Infantry Battalion and the 442nd Regimental Combat Team. Her account was first written in 1982 as an eight-part series for a Japanese magazine audience, then published in 1983 in Japan as *Buriea no Kaihoshatachi*, and has now been translated into English by her husband, Peter Duus. Her history is based upon her research in the National Archives and her numerous interviews with veterans of these two military units, former residents of Bryeres, and others. She sets the stage with "The Vosges Mountains show a gentle face to the casual traveler" and a beautifully written description of her visit to the small town of Bruyeres in northeastern France that raises the question: "What was it that brought Japanese-American soldiers to Bruyeres in a forest far from their home?"

She leads us towards her answer with the unceremonious exodus of Japanese-American members of the Hawaii National Guard on the *S.S. Maui*, with flashbacks to events surrounding the attack on Pearl Harbor. In transit, these guardsmen were designated the Hawaii Provisional Infantry Battalion; on their arrival in Oakland, they became the 100th Infantry Battalion; then, to escape notice, they were divided into three groups and shipped, by three train routes, to Camp McCoy, Wisconsin. The number 100th separated the unit, since battalions are normally numbered with First, Second, Third, and the lower ordinals. The men wryly called themselves the "One-puka-puka," "puka" being Hawaiian for hole.

The One-puka-puka's effect on the citizens of Wisconsin ranged from pushing the panic button with "The Jap army has landed by parachute!" to asking its members if they were Chinese ("Yeah, yeah," was their reply.) Filipinos ("Yeah, yeah."), or whatever ("Yeah, yeah."). Former stars from the Hawaiian semi-pro baseball leagues formed a 100th baseball team and competed throughout the state. Their spirited sportsmanship would soon transmute into battlefield blood, death, and uncommon courage. The mainly draftee 100th used "Remember Pearl Harbor" for its motto.

Duus describes the debate within the government and military that changed the uncertain status of the One-puka-puka into a European combat unit. Lieutenant General John J. DeWitt was fearful and racist. He requested curtailment of news reporting of the 100th at Camp McCoy and recommended against combat role for the 100th, even against arming Nisei troops. On July 1, 1942, a committee of the U.S. Army was established to study the question of using Japanese-American volunteers. On September 14, 1942, the committee issued its conclusions and opposed the formation of a Japanese-American military unit. Among its reasons was this description of Japanese-Americans:

"a distinctive class of individuals, so marked by racial appearance, characteristics and background, that they are particularly repulsive to the military establishment at large and the civilian population."

A month later, this opposition was overridden. Elmer Davis, head of the Office of War Information, wrote to President Roosevelt and touted the propaganda value of an all-volunteer Japanese-American unit. His view was supported by Secretary of War Henry Stimson and his assistant, John J. McCloy. Chief of Staff George C. Marshall also gave his support.

Continued on page 8

Continued BOOK REVIEW Unlikely Liberators

On January 6, 1943, the One-puka-puka left Wisconsin for Camp Shelby, Mississippi. A month later, President Roosevelt announced the formation of the 442nd Regimental Combat Team, including these oft repeated words: "Americanism is not, and never was, a matter of race or ancestry." (Yet, I wonder whether the truth of how official America felt about Japanese-Americans was not closer to the committee's conclusion of repulsiveness than these fine words of Roosevelt.)

In April 1943, the 100th began its final phase of training with field maneuvers in Louisiana, volunteers for the 442nd from Hawaii began to arrive at Camp Shelby, and DeWitt was telling a congressional committee, "A Jap's a Jap." By August, the 100th was on its way to the European front. A month later it had landed at Salerno and engaged in combat. Eight months later, the 442nd would follow. The all-volunteer unit selected the Hawaiian craps shooter's "Go for Broke" for its motto. When finally joined in combat, the 100th, retaining its once separating now proud number, became the 100th battalion of the 442nd Regimental Combat Team.

The battles and war stories sustain one's interest. But Duus does more than provide a collection of war stories. She skillfully plays theme against theme; the older, more experienced draftees of the One-puka-puka against the younger, "Go for Broke," volunteers of the 442nd; the Hawaiian Nisei Butaheads (pig-head), become Buddhaheads, against the mainland Nisei Kotonks (hollow-head); the interplay between internees at the Jerome detention camp with men of the 100th and 442nd; the experience and judgment of leaders in combat against the sometimes stupid orders of a general; the singular leadership of Korean-American Young Oak Kim of his Japanese-American troops against the petty competition of commanders trying to be first to reach Germany. Her account reaches its climax in the battles of the 442nd and 100th in the Vosges Mountains, their liberation of Bruyeres from German occupation, and their costly rescue of "The Lost Battalion," suffering 2,204 casualties to save 211 men. I especially appreciated her objectivity in presenting the brutalities and stupidities of war as its heroic aspects.



Her account is not without flaws. She states that Executive Order No. 9066 required "all Japanese persons \* \* \* to be forcibly evacuated." This order was general, specifying "any or all persons" and a broad delegation of authority to the Secretary of War and Military Commanders to exclude from "such places and of such extent." Of course, the delegated authority was applied to Japanese-Americans on the West Coast and Arizona. She incorrectly credits the Japanese American Citizens League and Mike Masaoka as lobbying for an all-volunteer combat unit. In fact, they lobbied for the reinstatement of Selective Service. But these and other flaws are relatively minor. Unlikely Liberators is a good read. I am reassured that our cousins in Japan have been given a proper view of this portion of the Japanese-American experience. My own understanding has also been considerably improved. Still, I feel we only partly know the reasons why Japanese-Americans were sent to die in these lands across the sea. □

WILLIAM HOHRI

NCJAR newsletter

editor: Eddie Sato

Doris Sato



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