



January 1988

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National Council for Japanese American Redress

NEWSLETTER

A damages remedy against the offending party is a vital component of any scheme for vindicating cherished constitutional guarantees, and the importance of assuring its efficacy is only the institution that has been established to protect the very rights it has transgressed.

Owen v. City of Independence, 445 U.S. 622, 651 (1980)

Dear Friends,

It's the turn of the year, what with the time it takes for third class mail delivery added to writing, printing, assembly, and posting this newsletter, I begin to gather my thoughts on on December 6, well before Christmas, and anticipate this letter will reach you into the new year. So, with timely intent: Merry Christmas! Happy New Year!

On the eve of "the date that will live in infamy," I read this Dickensian historical note in The Chicago Tribune:

Firestone [Tire and Rubber Co.] thinks so highly of guayule that it is building an \$11 million processing plant at the Gila River Indian community in Arizona.

Guayule is a desert plant that was being analyzed in 1942 by an internee team of scientists at Manzanar. Shimpei Nishimura, a physicist on the team, became a village wise man. We kids in high school would consult him for advice on different problems in physics. His response was, "Think! Think!"

For Nishimura, "Everything is a waste of time." Shaving, hair-cutting, and sleeping were a waste of time. As precursor to the beat generation, Nishimura had long hair and a luxuriant beard. He slept only three or four hours a night. "Physics," he proclaimed, "was the best way to waste time." He worked long

An Issue for All Americans

hours in the laboratory in the southwest corner of Manzanar, seeking to convert guayule into a wartime source for rubber—and perhaps to relieve the heaviness of time-wasting imprisonment. Four decades later, guayule may become a special kind of rubber—near the Gila River campsite.

The quote in the heading makes its repeat appearance in our brief filed November 30 in the Federal Circuit Appeals Court. For me, it states the heart of our lawsuit. Our new brief is rich with quotable words:

Where a substantive right has been seriously breached and "prospective equitable remedies are totally inadequate" to redress that breach, the right itself is fairly interpreted as mandating compensation. page 39

Failure to take jurisdiction in this case would reward the government for imprisoning more than 120,000 American citizens and permanent residents solely because of their race; would sacrifice important principles of judicial review and the system of checks and balances; and would make a mockery of the Constitution as a document which is intended to protect the people from governmental abuse.

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For over four decades, the government has purposefully acted to deprive plaintiffs of their day in court. If the ruling below stands unreversed, they will never live to see that day.

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Much has happened since that dismal day in May 1984 when Judge Oberdorfer dismissed our case in the U.S. District Court. This appeal benefits from the *coram nobis* cases, particularly the Ninth Circuit opinion in the Hirabayashi appeal, as well as our own earlier appeal in the D.C. Circuit. Winning in the Federal Circuit, though, remains a longshot. But this is the season of visions, be they sugar plums or ghosts. I sense the redress movement has engaged the attention of the judicial branch of government. We are no longer an obscure case. Judicial dialogue is taking place between the D.C., Ninth, and Federal Circuits and the Supreme Court. You can almost hear them discussing the issues re-emerging from the wartime internment of Japanese-Americans.

The government has 40 days to respond. We will then have 14 days to rebut. Towards the end of January, our appeal should be in the court of the Federal Circuit. Perhaps we will participate in oral argument by spring and have a decision by summer. It's a guess. Whatever the outcome, another certiorari (appeal) to the Supreme Court will probably emerge.

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Meanwhile, the movement moves. Aiko Herzig will be receiving two much deserved awards: "Woman Warrior" from the Asian/Pacific Women's Network (A/PWN) on the West Coast and "Justice in Action" from the Asian American Legal Defense and Education Fund (AALDEF) on the East Coast. I agree with Ellen Carson and Michi Weglyn that "Woman Warrior" aptly fits Aiko.

She fought long and hard to build the documentation for our legal battles in the courts. We recently witnessed dramatic evidence of her contribution in the Ninth Circuit's decision on Hirabayashi. Our own lawsuit abounds with points supported by documents she uncovered. Personal Justice Denied, the report of the Commission on Wartime Relocation and Internment of Civilians, relies heavily on the fruits of her research. "Justice in Action" accurately conveys the purpose of her efforts. If, as Benjamin Disraeli wrote, "justice is truth in action," certainly the redress movement has benefited from the truths revealed through Aiko's years of research.

On February 11, I will have the honor and privilege of presenting the AALDEF award at AALDEF's 1988 Chinese Lunar New Year Dinner in New York. Then on February 19, Aiko will be in Los Angeles to receive the "Woman Warrior" award at the A/PWN dinner. I hope NCJAR supporters and friends will turn out *en masse*. Though the dinners may be pricey, both organizations are worthy causes, the food will be excellent, and Aiko's worth it.

In case anybody's still wondering, my baby, Repairing America: An Account of the Movement for Japanese-American Redress, is in typesetting and *may* be published in time for a March 24-27 conference of Asian American student bodies at Washington State University. As someone must have said, "Gestation is much tougher than conception."

Peace,

William Hohri

- NOTE: Aiko Herzig was asked to participate in a symposium at Harvard on December 8th. Others on the panel were attorney Dale Minami, Gordon Hirabayashi, and former Judge William Marutani. Constitutional issues were discussed.

Legislative efforts for redress was the topic for the evening session. Those on the panel were Rep. Norman Mineta, Grayce Uyehara, JAACL LEC executive director, and Angus Macbeth (former Special Counsel for the Commission on Wartime Relocation and Internment of Civilians).

I N M E M O R I U M

Script in photo:

STRAWBERRY MAMA
CREATED IN HONOR
OF YASO UENO
TO REPRESENT ALL
ISSEI, KIBEI
AND NISEI
STRAWBERRY
GROWERS.



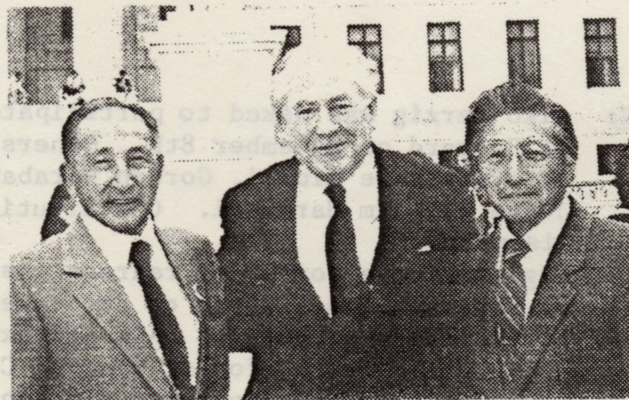
NOTE:

STRAWBERRY
MAMA (above)
is one of many
hand-made dolls
created
by Hannah.

Let me share one of my snapshots with you. Yaso Ueno passed away on November 9, 1987. Right now, we feel very bad because of her death. She had been through many difficult times during her internment in Manzanar while Harry was in Leupp, Moab, and Tule Lake. She was a real strong Issei woman we had ever known.

HANNAH HOLMES
Los Angeles CA

Left to right:
Harry Ueno
Ben Zelenko
George Ikeda





C O N T R I B U T O R S

ARIZONA: Dr. Roger W. Axford.

CALIFORNIA: Harry M. Akune, Josephine N. Englis,
Dr./Mrs. Roy S. Nakawatase, Susan Yoneda, Sharon L. Stokes.

CANADA: Van Hori.

CHICAGO: * William/Yuriko Hohri.

HAWAII: Ellen Godbey Carson, Robert Carson Godbey,
Karleen C. Chinen, Sandra A.T. DeOliveira, Yoshiko V. Hashida,
Susan E. Yokoyama, Jack/Grace Hawley, Wayne E./Thomasine D. Higa,
Miyoko Hisaka, Susumu/Hazel Fumie Ishii, JAACL of Hawaii, Honolulu
Chapter, Jerome Relocation Club, Wallace/Yori Kagawa,
Tomizo/Yoshie Kanno, Akinichi/Florence I. Kimura, Doris/Terri Kimura,
Tsuruye Koide (Kiyochi/Diane), Morito Matsumiya,
Joseph M./Catherine A. Matsuno, Rose E. Miura,
Mark Y./Dorothy Y. Murakami, Midori Nakahara (Tokushige),
Wallace/Peggy Lou Nakahara, Penny E. Nakamura, J. Nakano,
Jitsuo/Mary Nakano, Jeanne E. Nakashima, James/Sumie Nii,
Abraham/Susan Nomura, Yeiko/Adrienne Nowaki, Priscilla F. Ranne,
Patsy S. Saiki, Minoru/Mary Togasaki, Sandra/Stanford Takahata,
Thomas/Mary Tokuhisa, Yuriko S. Tsunehiro, Emiko/Gregory Uyehara,
Jennifer A. Wharton.

ILLINOIS: Rev. Carol Thompson.

NEW YORK: M/M Tsugio Yoshinaga, Sarah M. Sogi.

WASHINGTON: Chester/Martha Murakami.

* *In memory of:*
YASO UENO

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

L E T T E R S

NCJAR did a wonderful service to have held the book party for Deborah Gesensway and Mindy Roseman. I'm sure they are most grateful for the encouragement and interest that NCJAR has shown in their work. I remember Mindy calling me at the time I was working with the Commission when she and Deborah first began to work on the book, "Beyond Words." They were searching for artists whose paintings in the camps told many stories with oils, watercolors, charcoal, etc. They did a lot of research and worked very hard to put out that fine book which is a great addition to the recounting of camp experiences. We need to stimulate interest and education on this issue so that future Americans will be made aware of the dangers inherent in military abuse of authority.

AIKO HERZIG-YOSHINAGA
Falls Church, Virginia

NCJAR newsletter
editor: Eddie Sato
Doris Sato

R E T R O S P E C T

CHICAGO—For those who were there for NCJAR's benefit concert held at West Ridge United Methodist Church on May 2, 1987, "Omoide II" was a night we won't forget. It left everyone "feeling good!"



Edward Ozaki Phyllis Unosawa



Hinae Nakazawa

Piano accompanist for the performing artists was Marina Balas Ozaki.



ESATO

Available through NCJAR

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by Deborah Gesensway (hardcover)
Mindy Roseman \$24.95
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American Racism (hardcover)
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The Untold Story of
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Internment Cases
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Kay Nakano \$6.00
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by Mitsuye Yamada \$4.50
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from <i>The New Yorker</i>
(I) August 10; (II) August 17
Two-issue set \$3.50
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by Arthur A. Hansen \$3.00
Postage and handling .50</p> <p>■ Please send check
(U.S. dollars)
made payable to:
NATIONAL COUNCIL FOR
JAPANESE AMERICAN REDRESS
925 WEST DIVERSEY PARKWAY
CHICAGO, ILLINOIS 60614</p> |
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