



October 1987

# National Council for Japanese American Redress

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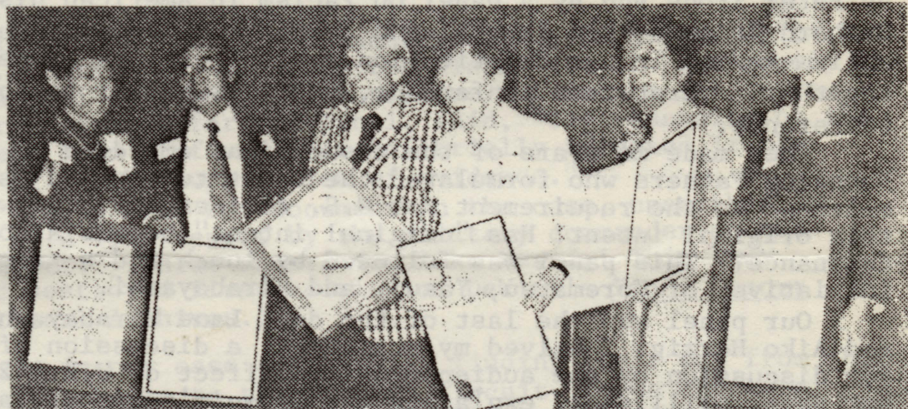
NEWSLETTER

Dear Friends,

Our redress movement never seems to suffer from inactivity. On September 5-6, the Manzanar All-Camp Reunion took place. On September 17, H.R.442, the redress bill, was passed by the House of Representatives. On September 19-20, an academic conference, "Views from Within: The Japanese American Wartime Experience," was held at the University of California, Berkeley. On September 24, the *coram nobis* appeal of Gordon Hirabayashi won a resounding victory. And in the aftermath, we in the court action are faced with new reality.

Camp reunions in the past have tended to be social events that deliberately excluded historically critical views of the camps. Reunions were a mixture of nostalgia, rediscovery of old friends, and a reconstruction of a time of youth and hope that omitted discouragement and despair.

This reunion featured the film "Visible Target" and the recognition of Walter and Millie Woodward of Bainbridge Island. The film centered around the Woodwards' stand against the exile of their Japanese-American neighbors and their becoming "visible targets" of enmity. Also recognized were Gordon Sato, who developed The Manzanar Project as his response to his internment in the desert of Manzanar and the problem of world hunger, Sue Kunitomi Embrey, who has led the Manzanar Pilgrimage for many years and has been a community activist for many years, Shi Nomura, who curated a collection of Manzanar mementos, and me, as the symbol of the class action lawsuit.



SUE K. Embrey    Gordon Sato    Walter Woodward    Mildred Woodward    William Hohri    Shi Nomura

This refocusing of a reunion was quite a change—for the better. It did not overwhelm and displace the reunion's social enjoyment. There was dancing, rediscovery, and fond remembrances of things past. The main event was a fairly expensive Saturday evening dinner. It was followed by a free Sunday afternoon exhibits, some speeches, and much socializing.

I think Gordon Sato stole the show with his clear presentation of his salt-water-and-desert-temperature ponds of his cloned, protein-producing algae called Manzanar Projects. He has installed his ponds in Chile and China and is going to Africa. His clarity of thought reminded me of Enrico Fermi's lectures in elementary physics that remain models of lucidity.

(I did miss seeing Ralph Lazo, an old friend and NCJAR *ronin*. He was, I believe, one of the originators of camp reunions, beginning with the twenty-fifth reunion of the Manzanar High School class of '44. Much to my dismay, I learned he is not well. He was recently hospitalized. I hope his friends will contact him via his sister Virginia Lazo at: 6437 Whitsett Avenue, North Hollywood, California 91605, (818) 762-6874.

Continued on next page



Continued from page 1 **Dear Friends**

For those who don't know, Ralph, as a teenager volunteered to go to camp with his friends, passed through registration despite his Mexican appearance, and was interned at Manzanar. His was a singular act of true friendship.)

A week later, I began to track the movement of H.R.442 to its vote. Although the 200th birthday of the Constitution, Thursday, September 17, had been announced for some weeks as the date of the vote by the full House, it was only on the Tuesday before that the Rules Committee met and set Thursday as the date. Also on Tuesday, an informal count of votes indicated defeat for the Lungren amendment, an amendment to remove individual compensation from the bill. This amendment was in effect a vote against H.R.442. On Thursday, the moment of truth arrived and lasted about four hours. The Lungren amendment was defeated, 162 in favor, 237 against. H.R.442 was then passed, 243 in favor, 141 against. A new reality began to emerge.

On Friday, I did a radio talk-and-call-in show by telephone with a Portland station. Chisao Hata, president of the Portland chapter of the Japanese American Citizens League, joined me from the studio. Of the eight callers, only one completely supported the bill's passage. Only old reality there.

In the evening, I flew to Oakland, took a taxi to Berkeley, and huddled with Ellen Carson, Aiko and Jack Herzig to think through our reaction to H.R.442. I slept four fitful hours, thinking about our segment in the conference.

An intellectually stimulating conference was launched in the keynote address by Peter Irons and by a panel on racism in American history with Alexander Saxton, Richard Drinnon, Ron Takaki, and John Dower. They discussed the origins and role of racism-sexism in our Constitution and culture. (I commend Yuji Ichioka for putting together a first-rate conference, vastly superior to the 1983 University of Utah conference.)

They made me aware of the assumptions embedded in the white maleness of the Founding Fathers who formulated the Constitution and established whiteness and maleness as the requirement for U.S. citizenship. (Do we ever want to return to *this* original intent? Has "original intent" become a code word for white male dominance?) This panel was followed by lunch and a panel on the *coram nobis* initiatives of Korematsu, Yasui, and Hirabayashi.

Our panel was the last of the day. Lane Hirabayashi introduced me, Ellen Carson, and Aiko Herzig. I halved my statement, a discussion of the movement, to add time for discussion by the audience on the effect of H.R.442 on the lawsuit. Ellen, with her usual brilliance, explained the lawsuit's history and the consideration of redress legislation as a settlement by Congress and the President—if he signs it—on behalf of the J-A community's demand for redress. Aiko provided a history of redress legislation that indicated the failure by successive sessions of Congress to deal with the proposals until this year and following the Supreme Court hearing of some of the issues in our lawsuit.

I was able to hear only the first panel on Sunday. I had to return to the airport and return home. I met Charles Kikuchi, an NCJAR sponsor, for the first time. Kikuchi was part of the Japanese Evacuation and Resettlement Study (JERS) that was conducted during the war by the University of California and involved certain inmates who conducted sociological research from within their internment experience. Several important books came from JERS; one that was important to me, Americans Betrayed, was developed in JERS, but, because of the author's conflict with the University of California, had to be published by the University of Chicago Press.

What does redress legislation do to the lawsuit?

It does nothing, of course, if it fails to be enacted into law. The Senate version, S.1009, has a substantial majority of Senators as co-sponsors, so it will undoubtedly pass. The bills do face the prospect of a veto by President Reagan. The White House has made its opposition to redress legislation clear from at least its presentation in the April 1986 hearings before the House Judiciary Committee. If a veto occurs, substantially more votes than were mustered on the bicentennial

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Continued from page 2 **Dear Friends**

of the Constitution will be required for an override. Still, we need to think about the enactment of redress legislation and its effect on our lawsuit.

If we step back a bit, we can see the point Ellen Carson made in Berkeley. Our claims are against the U.S. government. The Congress and President are this government. If the party we are suing offers to pay each survivor \$20,000, we are, in effect, confronted with an out-of-court settlement. The extinguishment of claims clauses in both versions of the legislation define a settlement by extinguishing all claims, including our court action, when a victim accepts \$20,000. In other words, if one accepts \$20,000, one removes oneself as a member of the class of our class action lawsuit.

A bird-in-the-hand is worth two-in-the bush.

Most victims will accept the \$20,000. With enactment, our lawsuit has an uncertain future. Why should not the courts also conclude that a settlement is being made? To most of us, \$20,000 is a substantial sum. While it falls far short of restitution for a three-year average term of imprisonment, it comes close to the original \$25,000 that was sought in 1978 when redress emerged as a proposal from the JACL. I think it is acceptable. I would encourage members to accept it.

What about the lawsuit? In addition to compensatory redress, it contains constitutionally significant issues. It has gone before the Supreme Court. The Court, with the suggestion that our case may return to the Court to deal with the merits, remanded it to the Federal Circuit to resolve a jurisdictional dispute. While the government may provide restitution, it remains for the Court to repair the damage done to our Constitution in its wartime Hirabayashi and Korematsu decisions. So, some of us will reject the \$20,000 and continue as members of the class.

Returning from a hypothetical future to the present reality, on September 24, a three-judge panel of the U.S. Court of Appeals for the Ninth Circuit unanimously ruled in favor of Gordon Hirabayashi and vacated his wartime conviction for curfew violation. Judge Mary Schroeder, speaking for the panel, said, "The reasoning of the Supreme Court would probably have been profoundly and materially affected if the Justice Department had advised it of the suppression of evidence."

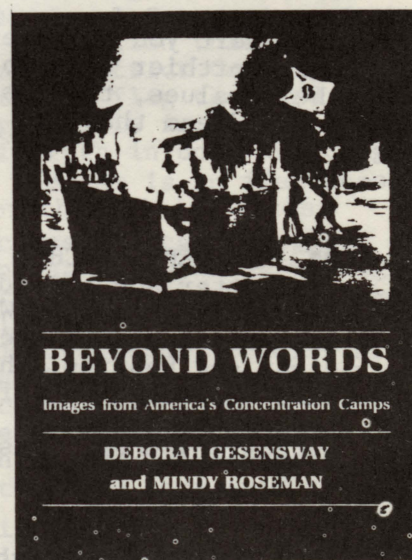
According to The New York Times, "The key document in the case, unearthed in 1982, was the original version of a 1942 report by the military commander on the West Coast, Lieut. Gen. John DeWitt." (Three cheers for Aiko Herzig! This "key document" is the suppressed and destroyed first edition of DeWitt's Final Report that Aiko discovered in the National Archives.)

In the meanwhile, the papers in our case are finally finding their way from the Supreme Court to the D.C. Circuit, thence to the Federal Circuit. So we can soon expect to begin our re-run of our appeal of Judge Oberdorfer's May 1984 dismissal of our case. Judge Schroeder's opinion may encourage her colleagues in the Federal Circuit to rule favorably in our appeal.

On a lighter note and for those in the Chicago area, NCJAR is holding a book party for Deborah Gesensway and Mindy Roseman and their book, Beyond Words: Images from America's Concentration Camps. It's Saturday, October 24, 7:30 p.m. at Heiwa Terrace, 920 West Lawrence, Chicago. It will be an opportunity for the authors, buy autographed copies of their book, and talk to one another. Please plan to attend if you can.

Peace,

William Hohri





NOTE: Wilber Sato's poem (below), written for Isami and Kay Nakao was sent to us by Hannah Takagi Holmes. Bainbridge Island lies due West of Seattle, Wash. across Elliott Bay. e.s.



## Memories of Bainbridge

We remember Bainbridge  
and the sylvan peace we found.  
The sunlight on the water,  
and the geese on Puget Sound.

We came to you as strangers;  
we know not where to start  
exploring all the secret  
places of your heart.

I

A graveyard in the forest,  
light filtering through the trees,  
the reverence and the silence  
and the rush of memories.

You recalled the turmoil  
and the times of sweet accord.  
The gravestones now are mended  
and the garden now restored.

The Issei rest easy;  
a peaceful sky above,  
in harmony with nature  
with piety and love.

II

You shared with us a secret  
of a village long ago,  
of the buildings and the people  
and the stories you know.

That hallowed site is silent;  
they left there not a trace  
of the energy and spirit  
of that humble, valiant race.

They left you an inheritance,  
more worthier than gold;  
their values, their struggles  
and a dream that was so bold.

**I** WAS VERY TOUCHED by Wilber Sato's letter and his admission about his impaired sight. We know more and more Nisei elders are losing their sight and hearing. They may be the ones who would be suffering more than the others including myself. I lost my hearing when I was two.

Hannah Holmes

- The sign (right) was displayed at the recent Manzanar Reunion.

III

You unwrapped your scrapbook;  
the newsprint stung like rain  
as we recounted over  
the horror and the pain.

We saw the trucks and soldiers  
that wrenched you from your land,  
and sent you on a journey  
to that place of blowing sand.

The beauty of your faces,  
the sadness and regret;  
these things we must remember,  
lest mankind should forget.

IV

Atomic Shadows burnt on sidewalks  
in a land so far away,  
are remembered in a chapel  
not far from Eagle Bay.

The priests are on a mission,  
that the land of war be stayed  
that all people shall be brothers,  
and by race, be not betrayed.

And so we made our visit,  
and humbly did we part;  
Did we tell you that we love you  
and left behind our heart?

Wilber Sato

REMEMBER OUR MOTHERS,  
FATHERS AND CHILDREN  
WHO DIED BETWEEN 1942  
AND 1987. THEIR NAMES  
STILL LIVE IN OUR  
HEARTS.



- NOTE: The following speech was presented by William Hohri at the recent 2nd Manzanar All-Camp Reunion held in Los Angeles on September 5, 1987.

## Our Japanese-American contribution to freedom and justice for all

**I**N 1974, I was here for the thirtieth reunion of the Manzanar High School, Class of '44. I was so struck by how stubbornly old memories refused to return--most of my former classmates had become strangers--that I returned to Chicago and wrote a play, called, of course, "Manzanar Reunion," in order to explain the phenomenon. Well, it wasn't a play worthy of production. Most of its readers politely kept their comments to themselves. It's just as well.

I misunderstood or was ignorant of a substantial part of our wartime history. Like most of us, though I was there and lived through the experience, I did not realize what had happened. I completed high school in camp. Our education was a joke. Our civics classes taught not what was so obvious: that our detention was in complete violation of the Constitution. Instead we were taught, not in so many words of course, but by silences that our imprisonment by our government was simply a condition of wartime stress. Project Director, Ralph P. Merritt, wrote this in our 1944 high school yearbook:

The government of America is not one man or one authority;  
it is all these people and many thousands others working together  
to guide, protect and lead all our people everywhere into a  
better way of life.

I did not know, but Project Directors knew that certain words had been explicitly banned by the War Relocation Authority from the vocabulary of the camp's administration. They weren't four-letter ones. They were "internment," "detention," "imprisonment," and "concentration camp." We were in relocation centers. We were being relocated. One attorney for the WRA put forth the legal argument that relocation could include relocation to a relocation center.

And while we were being guided, protected, and led into a better way of life, what did the United States Attorney General call us in a memorandum to the President? "Japs," is what he used. In two press conferences, how did President Roosevelt describe the relocation centers? He called them "concentration camps." We were living a lie. Instead of being led to a better way of life, our experience was a shameful episode of American history. We shouldn't be surprised if in our minds we distance ourselves from this episode.

It's interesting to reflect on how the redress movement began and evolved. The first I heard about it was from Edison Uno at the 1970 National Convention of the Japanese American Citizens League. He was speaking to a resolution that had come to this gathering from the Northern California-Western Nevada District Council. Of course, it didn't go anywhere. It was a seed that had been planted, a flag that had been raised to see if anyone would salute. The idea evolved gradually in the 1970s and picked up steam in 1980 and is approaching its moment of truth in both the Congress and the courts. Within the Japanese-American community, redress is an idea whose time has come. It remains to be seen if it's the same for the United States.

I think the idea took hold and matured among us because it began to place our camp experience into proper terms, to make a truth out of an untruth. We've begun to peel off the old myths and to accept new reality. We were not an inscrutable people who could not assimilate. The ghettos we lived in were imposed upon us by restrictive covenant, job discrimination, anti-miscegenation, and simple, snooty, racial arrogance. Nor was there a problem for the government of separating the goats from the sheep, the bad guys from the good guys. The Japanese-American community had been under surveillance for years before Pearl Harbor by the Office of Naval Intelligence. Four days before Pearl Harbor, the Counter Subversion Section of the ONI issued a comprehensive report on the internal threat in the event of war that said this:

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.

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Continued from page 5 **Our Japanese-American Contribution  
to freedom and justice for all**

Four days before Executive Order No. 9066 was issued, the government had rounded up 3,163 Japanese-Americans from the West Coast, Alaska, and Hawaii and fulfilled this mission. The goats had been separated. Of course, the criteria for this separation are questionable. My father, for example, was arrested by the FBI on the evening of December 7. His threat to the United States consisted of preaching to a tiny congregation on Sundays and conducting prayer meetings. Consistent with this action, the ONI advised *against* a mass and indiscriminate program.

Nor was there a threat to our lives. It was done to protect us from hostile citizens. The number of violent incidents were well within the statistical range of of local law enforcement.

Nor were we simply the victims of West Coast racism or a particularly racist Commanding General. Anti-Japanese racism went right to the top of government. Franklin Roosevelt was enamored of racial theories that explain why Francis Biddle was able to use "Japs" to describe us to the President. According to British historian Christopher Thorne, writing in his book, *Allies of a Kind*, President Roosevelt believed that the "evil-doing of the Japanese might be due to the less-developed skulls of their basic stock." Roosevelt believed that while most Asians could be improved through cross-breeding, like horses, the Japanese should languish in their islands.

Perhaps the most difficult myth to remove is the Supreme Court's grant of constitutionality to mass exclusion and detention as expressed in its *Korematsu* decision. In *Korematsu*, the Court deferred to military necessity as a proper reason for ignoring basic principles and guarantees written into the U.S. Constitution. In the 1980s, mainly through the efforts of Peter Irons and Aiko and Jack Herzig, we uncovered conclusive evidence that the U.S. government had snookered, deceived the Supreme Court by knowingly concealing facts that demolished the argument of military necessity. This finding has now been affirmed in U.S. District Courts and led to the vacating of the wartime convictions of Fred Korematsu, Gordon Hirabayashi, and Minoru Yasui. But the finding's ultimate test resides in the Supreme Court.

On April 20, 1987, attorneys for the National Council for Japanese American Redress presented oral arguments before eight Justices of the Supreme Court on this issue. The government raised two defenses. One was a technical issue regarding ambiguities in the 1982 Federal Courts Improvement Act that established a new Federal Circuit Appeals Court. The government argued that our appeal should have gone before this court rather than the District of Columbia Circuit Appeals Court. The second was the statute of limitations. We had succeeded in having the statute of limitations tolled or postponed to commence in July 1980. We argued that we could not file a lawsuit until we had substantial evidence for challenging *Korematsu*. The government's defense was novel. The government argued that its reason for mass exclusion and detention had not been military necessity but racism. While of course, it is nice to hear this confession, this argument contradicts its wartime pleading in *Korematsu* when it said that military necessity and only military necessity was its reason for interning us. On June 1, the Court ducked our challenge to *Korematsu* and ruled narrowly on the technical issue, saying we had been in the wrong appeals court, and remanded us to the Federal Circuit.

Though this decision was disappointing, it is not the end of the lawsuit. In a year or so, win or lose in the Federal Circuit, we will most probably be making another ascent to the Supreme Court.

I believe we must continue to tug at this final myth of our wartime history. What happened to us was in complete violation of the Constitution of the United States. We can say this among ourselves, and it's no more than an opinion. Historians can state this in their histories, and it is no more than historical theory. The United States Congress can enact redress legislation and *Korematsu* still remains on the books. Only the Supreme Court can truly address and reconsider *Korematsu*. It is, of course, impossible to predict what the Justices will do. We don't even know who one of them will be. But it is vital to us and to our legacy that the Supreme Court be given the opportunity to confront the facts surrounding *Korematsu* and to act according to its best judgment.



- The following edited story: "Delayed justice: Appeals court clears Hirabayashi of 1942 charges" by Richard Seven of the Seattle Times was printed on Friday, September 25, 1987. NCJAR wishes to thank Henry Ohtani for sending us the article.

**"This was a people's case"**



**A**fter 45 years of waiting for the United States to clear his name, Gordon Hirabayashi could hardly be blamed if his faith in the system wavered. But the Seattle native who, along with 120,000 other Japanese-Americans was uprooted and put in internment camps during World War II, calls yesterday's court victory clearing him of two wartime curfew convictions an affirmation of the justice system.

A three-judge panel of the 9th Circuit Court of Appeals in San Francisco ruled unanimously that Hirabayashi was wrongly convicted in 1942 for resisting internment and curfews aimed at tens of thousands of Japanese-Americans.

"This was a people's case," Hirabayashi said from his Edmonton, Alberta home. "I was just a cog in the effort to show people that our system and our constitution works, but we must fight for it." Hirabayashi, 69, a professor emeritus of sociology at the University of Alberta and the son of a King County truck farmer, was a 23-year-old University of Washington student when he and two other men (Fred Korematsu and Minoru Yasui) were convicted of defying the relocation order.

Hirabayashi said he fought for his name and principle, not for damages. He asked only that the government clear his name and admit its mistake. But the suit will surely influence other cases, including a class action lawsuit pending in Washington, D.C.

**It was a flat contradiction**

**T**he House has moved to cleanse America's conscience of an ugly stain—the internment of thousands of Japanese-Americans during World War II. It voted 243 to 142 for a bill offering a formal apology to survivors authorizing \$1.2 billion to be paid them as compensation. The Senate now will have to act on a similar bill in the face of a threatened veto by President Reagan. It should approve, and Mr. Reagan should reconsider.

Congress might avoid a veto, and would certainly save money, by offering a formal apology without any cash reparation. But an apology like that would be worth what it cost. The \$1.2 billion reparation works out to about \$20,000 per survivor. For those who lost businesses, livelihoods or families, that is barely more than a gesture.

The wholesale imprisonment of Japanese-Americans is the one time in living memory when our government let its fears override basic rights; when the protection of law was systematically denied to a class of American Citizens; when ethnic identity constituted a crime for which no trial was needed and no excuse allowed. Herding these families into relocation camps violated not only their rights but our own. It was a flat contradiction by this government of all that Americans had said and thought about their country, and the contradiction needs to be erased.

As Rep. Henry Hyde (R., Ill.) observed in the House debate: "We can hold off on a couple of highways. Justice comes at the top of the list." That is a priority the Senate and the President should uphold.

- NOTE: The (above) editorial titled: "Getting relocation off our conscience" appeared in the Tuesday, September 22, 1987 edition of the Chicago Tribune.

NCJAR newsletter  
Editor: Billie Sato  
Boris Sato



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

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### Our Japanese-American contribution to freedom and justice for all

I don't know what this will do for the old memories of Manzanar, Tule Lake, Poston, and all the rest. But I do believe we are now creating, through the redress movement, new memories that we and our children and their children and their children's children can easily read about and recall as our Japanese-American contribution to freedom and justice for all. □

William Hohri

NCJAR newsletter  
 editor: Eddie Sato  
 Doris Sato

## NOTES

Thank you very much.

MARK KAMIYA  
 Ballico CA

With appreciation for your  
 dedicated perseverance in  
 the struggle for justice—  
 thank you!

June Kushino  
 New York NY

Keep up the good work!

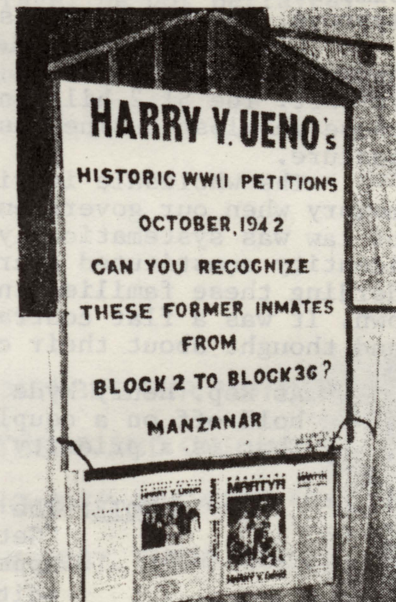
KERRY BERLAND  
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I feel highly indebted to  
 all you tireless workers  
 on our behalf!

AI CONNIE HANDA MOORE  
 Cranbury NJ

Many thanks for all your  
 good works!

LILY SHITAMA  
 Seattle WA





Literature available through NCJAR

Nisei Daughter  
by Monica Sone



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