



January 1987

National Council for Japanese American Redress

VOLUME I, NUMBER 1

NEWSLETTER

Dear Friends,

Once again, we are overwhelmed by events. On November 17, 1986, the Supreme Court granted the Government's petition for certiorari (to be heard) and left our petition pending. Ellen Godbey Carson and spouse, Bob Carson Godbey, have decided to move to Hawaii, thereby separating Ellen from our law firm and lawsuit. Hot off the press comes Richard Drinnon's provocative and enlightening book, Keeper of Concentration Camps: Dillon S. Myer and American Racism. And we have four new *ronin*, numbers 51, 52, 53, and 54; Mamoru and Susan Kanda of South Pasadena, California, Chizu Heau of Honolulu, Hawaii, Henry and Kayo Suzukida of Skokie, Illinois, and a fourth, who wishes to remain anonymous.

These new *ronin* are as timely as the Supreme Court's response, in just three weeks, was surprisingly prompt. We deeply appreciate their \$1,000 contributions. We also appreciate the continuing generosity of earlier *ronin* and all other contributors who keep our Court challenge financially sound. Your response to our fund appeal is heartening. And thanks to all who submitted names and addresses. Our mailing list has grown substantially. We are adversaries worthy of our Government.

Despite all the attention given to the entrance of our lawsuit into our highest court, confusion continues over its significance. Some have characterized the lawsuit as limited to the 25 named plaintiffs. It is, of course, on behalf of approximately 125,000 victims of the Government's wartime program of mass exclusion and detention, with the final number to be determined if and when the case reaches the trial stage. Many have characterized it as a Supreme Court "Review of WWII Japanese Detention" (Honolulu Star Bulletin). But only the Government's two issues are being reviewed.

These are limited to 1) the technical question of appeals court jurisdiction and 2) the statute of limitations. Our appeal remains pending, which is subject to several interpretations. One is that the Court has, to quote the New York Times (11-18-86), "deferred action on the plaintiffs' appeal, presumably until it has disposed of the issues raised by the Government." Another is that our appeal has been denied, with the announcement postponed so as not to color the consideration of the Government's appeal. My advice is to wait until the Court announces the action.

But we shouldn't lose heart with this situation. The Government's appeal contains one critical question: Was the U.S. Court of Appeals for the District of Columbia Circuit correct in tolling (moving) the statute of limitations to commence in July 1980? This question makes germane for the Court's consideration the issue of the Government's suppression of evidence in its wartime presentations to the Court in the Hirabayashi and Korematsu decisions. These decisions upheld the rationale of military necessity as sufficient justification for mass exclusion and detention. And this justification made impossible our filing a lawsuit against the Government for violating our constitutional and civil rights. How could we sue for such violations in a program that had

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An Issue for All Americans

Internment was a tragic mistake

IN LIGHT OF Minoru Yasui's recent death on November 12, 1986 [1916-1986], one is reminded of what was stated in Federal District Court Judge Donald Voorhees' decision last April, of the wartime case of Gordon Hirabayashi:

"Despite petitioners belief in his own loyalty and despite his conviction that he could not be imprisoned without offense and without trial, it took rare courage for one of his relatively young age to stand up to all the powers of government and all the forces of public opinion bearing down upon him....

"It is now conceded by almost everyone that the interment of Japanese Americans during World War II was simply a tragic mistake for which society as a whole must accept responsibility.

"If, in the future, this country should find itself in a comparable national emergency, the sacrifices made by Gordon Hirabayashi, Fred Korematsu and Minoru Yasui may, it is hoped, stay the hand of a government again tempted to imprison a defenseless minority without trial and for no offense."

e.s.

Continued from page 1 DEAR FRIENDS

received the Court's blessing? We could consider suing only after doubts had been raised over these decisions, doubts serious enough to warrant the Court's reconsideration.

In arguing that the Court's wartime decisions were compromised, we shall enable the Court to reconsider Hirabayashi and Korematsu. We believe this hearing will be historic. Accordingly, we have invited Fred Korematsu and Gordon Hirabayashi as our special guests to be present in the Supreme Court. Both have accepted. We will also invite the named plaintiffs. Many others are planning to attend. We estimate the date to be towards the end of April 1987. We expect to know the exact date six to eight weeks in advance. Seating is limited. We'll have to arrive early in the morning to secure a place in line. We're planning a press conference following the hearing and a reception in the early evening. We'll keep you informed as details emerge. NCJAR will try to secure rooms at group rates in a hotel near the Court. We need to know how many to plan for. If you wish to attend, please write me at NCJAR, 925 West Diversey Parkway, Chicago, IL 60614 or call me at (312) 588-8483.

The excitement of anticipating the Supreme Court softens the disappointment that many of us feel in the departure of Ellen Carson from our law firm of Landis, Cohen, Rauh and Zelenko. Ellen has been such an integral and important part of both our lawsuit and our movement, that we find it hard to accept her move to Hawaii. However, you may rest assured that our law firm remains committed to our lawsuit. We will continue to be represented by senior partners like Mike Rauh and Benjamin Zelenko. Even though Ellen may be irreplaceable, as many of us believe, the firm is searching for her successor.

On February 19, 1987, she will be in Chicago. At 7:30 p.m., she will join Peter Irons in our commemoration of the issuance of Executive Order No. 9066 at Heiwa Terrace, 920 West Lawrence Avenue. We will have this occasion to thank her

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Continued from page 2 DEAR FRIENDS

for her contributions to us and wish her godspeed. Our loss will be Hawaii's gain. Ellen promises to continue her support of NCJAR there. So aloha, Ellen!

We do of course, look forward to Peter Iron's presence at our program, too. Peter is the author of the important book Justice at War, which spells out in historic detail the machinations surrounding the Yasui, Hirabayashi, Korematsu, and Endo decisions. In May 1987, he will have another volume published called Justice Delayed, an account of the *coram nobis* cases of Korematsu, Yasui, and Hirabayashi.

We had also invited Richard Drinnon, recently retired professor from Bucknell University, to participate in this year's commemoration, but he could not make it. We wanted to help promote his latest book, Keeper of Concentration Camps: Dillon S. Myer and American Racism (1987). Keeper is a good read. It will surprise many of you and drastically alter your understanding of Dillon Myer, director of the War Relocation Authority. It certainly altered mine. I think it was former U.S. Attorney General John Mitchell who, during Watergate, said something like, "Pay attention to what we do, not what we say." This admonition applies to Dillon Myer, who knew all the right words, indeed seduced us with them, but succeeded in savaging our constitutional and civil rights, especially with his infamous penal colony, first at Moab, Utah, then at Leupp, Arizona, as well as with his brutish stockade at Tule Lake. What makes the indictment of the book's subtitle, "Dillon Myer and American Racism," stick is Drinnon's account in the book's second half of Myer's postwar stint as director of the Bureau of Indian Affairs and the comparable disasters he inflicted on Native Americans. I warmly recommend Keeper as a worthy addition to your library. It's available from NCJAR for \$24.95 plus \$2.50 for postage and handling.

The year of the rabbit promises to be more than just a good year; it looks like a great year—no pun intended. It will be one for reading history and for making it.

Peace,

William Hohri

HR 442 reintroduced in 100th Congress

The Civil Liberties Act of 1987, better known as H.R. 442, was reintroduced in the House of Representatives on January 6, 1987. The redress bill was introduced by Majority Leader Thomas Foley (D-Washington), who succeeded Speaker of the House Rep. James Wright (D-Texas).

Rep. Norman Mineta (D-San Jose) in his announcement of the new bill closed by repeating the words of Abraham Lincoln which Wright had quoted on other occasions: "*Those who would deny freedom to others do not deserve it themselves. And, under a just God, they will not retain it long.*"

The legislation provides for an apology from Congress to those Japanese Americans who were interned, presidential pardons to those convicted of violating laws during the internment period based on a refusal to accept racially discriminatory treatment, a request for executive agencies to review administrative rulings relating to the internment with liberality, and the creation of a trust fund of 1.5 billion for educational and humanitarian purposes out of which \$20,000 in compensation would be paid to each surviving internee.

Edited: HOKUBEI MAINICHI
January 8, 1987

Forty-five years ago

When it was announced on November 17, 1986, that the Supreme Court would hear the Government's petition for certiorari, four named plaintiffs residing in San Jose, California, related to the press their personal feelings regarding the lawsuit and what it was like after the bombing of Pearl Harbor.

Harry Ueno, 79, was 35, selling fruits and vegetables in Los Angeles.

"In the beginning everything was quiet, but eventually all kinds of things were written up in the papers that made it very uncomfortable for us," said Ueno. "A curfew was slapped on us. It got to be risky walking around the city. Japanese farmers got fire-bombed; some got killed."

Midori Kimura, 89, and her husband Toshio had lived in San Jose for 22 years before World War II. Both were born in Japan.

Daughter June, remembered how they found out about the impending evacuation when they saw the exclusion orders that were tacked on the telephone poles. "They told us to report to the train depot—the old freight depot on Bassett Street between First and Market—with just what we could carry."

Toshio's health deteriorated while interned at Heart Mountain, Wyoming. He died there at the age of 62. "My father had heart trouble and a stroke," said June, "but I think he really died of a broken heart."

George Ikeda, 66, was at home with his parents in 1942. They were growing strawberries in the Pajaro Valley. They started out at the Salinas Rodeo grounds and ended up at Poston, Arizona. "We got there on the Fourth of July. It was 115 or 120 degrees in the shade, and my mother's face swelled up like a balloon. We put wet towels on our heads to go half a block to a canteen to get something cold," said Ikeda. "By the time we had gone 100 yards, the towels were dry already."

Rev. Kyoshiro Tokunaga, 81, was teaching Japanese in Los Angeles. He was the former minister of the Buddhist Church Betsuin on North Fifth Street.

As to the Supreme Court's decision to review the Government's petition for certiorari, Tokunaga said: "All I can say is that they'd better hurry. The people who suffered the most—two-thirds of them—are gone already. Even this late, I think (the lawsuit) will benefit some. The larger benefit comes from the fact that if this lawsuit is successful, the government will think twice before doing anything like the internment again."

- NOTE: Portions of the (above) is from Harry Farrell's story "San Joseans among Plaintiffs" which appeared in the November 18, 1986 San Jose Mercury News.



NCJAR

P R E S E N T S

EXECUTIVE ORDER 9066 REMEMBERED

THURSDAY, FEBRUARY 19, 1987
HEIWA TERRACE
920 WEST LAWRENCE
CHICAGO, ILLINOIS 60640

7:30 PM

special guests:

attorney
ELLEN GODBEY CARSON, esq.

prof.
PETER IRONS
author of
Justice at War

The public is invited.

Refreshments will be served.



LETTERS

THERE ARE MANY needful things the enclosed can purchase, but none more worthier than support for the class action suit. I salute the ONE THOUSAND few who have meaningfully backed this effort and proud to be associated in the same endeavor.

It is important for our racial and historical continuity as an identifiable minority segment to make this effort to call wrongful acts committed to account and to redeem our tarnished souls.

Whatever fortune betides, this struggle was worth the waging and the national board of the NCJAR are to be commended. Let it not be said that stout believers were once again found wanting.

■ Name withheld upon request

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Please find enclosed a small contribution toward the Redress Legal Fund. I wish that I could enlarge the amount somehow because I wholeheartedly support the current efforts to redress Japanese American grievances against the government of the United States. This cause—our cause—is certainly one of the most crucial issues of the century.

S. TOMIKO MIYAKE
Boston, MA

Thank you for your efforts. The year of the Tiger is not over yet!

S. JAMES ARIMA
San Francisco, CA

Cheering you on—with a small contribution. My hopes for you are that you shall not have to be insecure about "money"!

Also that at this time next year, you can look back on those years of struggle with a sense of satisfaction for a job well done, and a feeling of competition.

DAVID C. MOORE
Phoenix, AZ

Once again, we say GAMBARI NASAI and you have our best wishes for victory.

SUE S. KOYAMA
JOHN J. KRAMER
Montebello, CA

Please accept this in honor of my grandparents, Mr. and Mrs. James Yoshida.

KIMBERLY S. WYLIE
New Jersey

Keep up the great work! Peace.

PHIL TAJITSU NASH
New York, NY

I salute your courage and commitment.

TOSHIKO S. YOSHIDA
Los Angeles, CA

LETTERS

Wishing Bells rings for us!
"Banzai, Banzai, Banzai."

M. & C. YUKAWA
San Francisco, CA

Win or lose—you are doing a
great job. Thank you for all of
us.

MR. & MRS. KUNIAKI SAKAMOTO
Rosemead, CA

With greatest hope!

CHIYO HORIUCHI
Denver, CO

Thanks for all the great work
you've been doing so faithfully!

HENRY MAYEDAS
San Gabriel, CA

With much appreciation for
your continuing effort.

IRENE T. HOFFMAN
Los Angeles, CA

Wish it were more. Thank you
for the newsletter.

AYAKO O. RICH
Saugus, MA

Many thanks for your hard
work. Happy holidays to all!

JOE & GRACE HARADA
Carson, CA

■ If you do not wish
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LETTERS

THE REASON I am writing this is that radio station KXL in Portland had the pros and cons of redress with Jim Biekle moderating. The guests were Walter Sakai and William Hohri on the phone. [A Sansei, Dale Sakamoto, is the producer of the Jim Biekle Show.]

After all the explaining by Sakai and Biekle that "those Japanese Americans were citizens," they could not convince the listeners—here after 40-plus years. They said we don't deserve compensation. "Pay for Pearl Harbor?"

The ignorance and the hate of those that called were older and veterans who still hold it against those of Japanese ancestry.

At times, it is very depressing, and moreso knowing that you who have worked so hard will have to fight for redress.

KAZUO FUJII
Troutdale, OR

■ The donation is in memory of all those Japanese Americans who laid down their lives that we might live in peace.

FOR AN AMERICAN HERO DYING YOUNG

Gently rock the olive trees
Over the spent shell of a spirit fled
On a sun drenched Italian hillside
A young Nisei soldier lay dead.

The battle was long, hot and dry
In which his youthful spirit fled
Beside him amid grim details of war
A butterfly, it's wings of beauty spread.

Loyalty was there ever any doubt.
Yes, we his fellow countrymen are to blame
For abuse and vile incarceration
A burden still of national shame.

And still a few pause to notice
A young Nisei soldier from afar
A pocket filled with love and sorrow
In letters postmarked Manzanar.

His life was spent for you and me
On a sunny hill in Italy
With parents denied their liberty
A tragic price for loyalty.

by IAN A. MILLAR
Kennesville, NC
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The Sons & Daughters
of United States
Merchant Marines
of World War II

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BOOK REVIEW

As Richard Drinnon puts it, "this is my report on the banality of evil, U.S. style." Dillon Myer, who headed the War Relocation Authority (WRA) and later the Bureau of Indian Affairs (BIA), was as American as the Stars and Stripes.

Born in the white Protestant heartland, he was a walking repository of the Puritan values and traditional hostility to the very idea of the survival of separate peoples with separate cultures. Always sure he did good, he did great wrongs." With a historian's attention to documented fact and a writer's clarity, Drinnon revises the Japanese-American view of Dillon Myer. Myer, as the WRA director, was honored with the Medal for Merit by President Truman, in a Washington Post editorial; and with a banquet by the Japanese American Citizens League (JACL).

Keeper transforms him into a gray man, who could sleep well with a job that troubled the sleep of his predecessor at the WRA, Milton Eisenhower, could ignore equally the constitutional and civil rights of 125,000 Japanese-Americans and 450,000 Native Americans, and left a legacy of ammunition for the anti-redress arguments of persons such as Lillian Baker, S.I. Hayakawa, and Ken Masugi.

When Drinnon discusses American racism as the cause of the Japanese-American disaster, he properly places the malady at the highest levels of government, beginning with President Roosevelt, Secretary of War Henry Stimson, and Assistant Secretary of War John J. McCloy and continuing with Lt. General DeWitt, Colonel Karl R. Bendetsen, and WRA Director Dillon S. Myer. But Myer was no mere follower. He directed his bureaucracy with skill making friends in Congress, winning the support of the liberal press and liberal organizations, and saying all the right words. For example, both in congressional testimony and written policy, he indicated that hearings were held for the prisoners at the penal colony at Leupp, Arizona. But after almost a year of operation, he was compelled to close this little-known camp when its director, Paul G. Robertson, upon examining his inmates' dockets, complained of "the lack of evidence... necessary to warrant a transfer to this center." In making common cause with the American Civil Liberties Union (ACLU) and the JACL, he succeeded in placing draft resisters and renunciants at a serious disadvantage.

In 1942, the JACL and WRA began lobbying for the reinstatement of Selective Service for interned men and succeeded in 1944. When some of the internees challenged the propriety of their conscription from behind barbed wire and without the restoration of their constitutional and civil rights, they were sharply criticized by the JACL and the WRA as misguided and lawless individuals. When the already eroded civil rights of some internees at Tule Lake were squeezed dry by their brutal incarceration in a stockade, the national ACLU obstructed, thankfully with limited success, efforts by the Northern California ACLU attorneys Ernest Besig and Wayne Collins to provide legal counsel to these victims of cruel and unusual punishment. Myer had made the WRA a law unto itself, despite his many pronouncements of faith in the democratic way of life. To this end, he used his words and allies effectively.

In the book's second half, Drinnon continues this account of Myer's career into his dictatorship of the Bureau of Indian Affairs. As bureaucrats sometimes do, Myer brought his entourage of WRA sychophants into the BIA, replacing experienced and informed persons with persons who knew little about Native Americans and were willing to strip these original Americans of their rights embedded in solemn treaties and the United States Constitution. Their theme was the dissolution of ethnic identity by pushing Native Americans into the mainstreams of America. For the Blackfeet, this all-American truism translated as being "thrown into the Big, Wide River of the United States," not so different from the dispersal of Japanese-Americans from the camps into strange cities with no more than a one-way ticket and twenty-five dollars. Somehow, I doubt that Keeper will be as much a revision of Myer for

■ KEEPER OF CONCENTRATION CAMPS:
Dillon S. Myer
and American Racism
by Richard Drinnon
University of California Press
1987 \$24.95

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Native Americans as it will be for Japanese-Americans.

Drinnon introduces us to a brave people, female and male who fought to retain their rights. Sarah Winnemucca spoke five different languages and became an early spokesperson for her people to the Great White Father in Washington. She wrote Life Among the Piutes: Their Wrongs and Claims (1883). Avery Winnemucca followed in his grand-aunt Sarah's steps and joined Albert Aleck and Warren Toby in a visit to Washington to fight the policies of Dillon Myer. When the Piutes sought Myer's approval to spend their own funds for this trip, Myer replied, not with money, but by questioning the wisdom of "the expense of sending a delegation to Washington." (This has a familiar ring: in the 1980s there were persons who questioned the wisdom of Japanese-Americans paying a law firm in order to file a lawsuit against the United States.) The delegation went ahead on borrowed money and persisted despite repeated failures. Incredible as it seems for 1851, one of their demands was to use our own money to hire our own lawyer to help fight our legal battles." Attorney selection required prior approval by the BIA.

Drinnon includes among these brave people, attorney Felix S. Cohen, called "Double Runner" by his Native American clients. Cohen was the son of a well-known philosopher, Morris Cohen, earned both Ph.D. and a law degree, wrote two books, fought against conscription, was a socialist, fought a losing battle against Communist control of the National Lawyers Guild in the 1940s, became an expert in Federal Indian law, a staunch advocate of Native American rights, and an adversary of Dillon Myer. Cohen's contributions were numerous. He helped the Blackfeet to challenge the appointment of Guy Robertson, former project director of the WRA camp at Heart Mountain, Wyoming, as superintendent of their reservation. He led a confrontation with Robertson when BIA attempted to take ownership of Blackfeet property. He also provided the counterpoint of the Native American liberation of America. He tells us that the Indian way, "each man has respect for his brother's vision," is the true American way of life:

The real epic of America is the yet unfinished story of the Americanization of the White Man, the transformation of the hungry fear-ridden, intolerant men that came to these shores with Columbus and John Smith.

Keeper is a book to read, to keep, and to hope by.

WILLIAM HOHRI

Available through NCJAR

KEEPERS OF CONCENTRATION CAMPS:
Dillon S. Myer and American Racism
by Richard Drinnon \$24.95
Postage and handling 2.50

YEARS OF INFAMY: The Untold Story
of America's Concentration Camps
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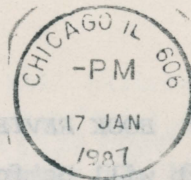
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Sasha Hohri



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