



VOLUME III, NUMBER 3

**National Council  
for Japanese American Redress**

925 West Diversey Parkway  
Chicago, Illinois 60614

NEWSLETTER

NCJAR is seeking redress from the U.S. government through a class action lawsuit for the mass exclusion of 120,000 Japanese Americans during World War II.

MAY 1986

HOUSE SUBCOMMITTEE  
HEARING ON REDRESS  
BILL H.R. 442

WASHINGTON—On Monday, April 28th, proponents for redress and those opposed to redress were called upon to testify before the House Judiciary subcommittee. The hearing began with the following members of Congress participating:

Majority Leader Jim Wright (D-Texas) who sponsored H.R. 442, Rep. Mike Lowry (D-Wash.), Rep. Mervyn Dymally (D-Calif.), Rep. Dan Lungren (R-Calif.), Rep. Norman Y. Mineta (D-Calif.), Rep. Robert T. Matsui (D-Calif.) and Sen. Spark Matsunaga (D-Hawaii).

Also appearing before the subcommittee was Rep. Samuel S. Stratton (D-New York), who said the internments, while wrong in hindsight, must be viewed in the context of the attack on Pearl Harbor. Former Senator S.I. Hayakawa contended that the movement for compensation was generated by younger Japanese Americans who were "scolding their elders for not having fought back instead of passively accepting relocation."

Both Matsui and Mineta related the suffering and anxiety experienced while in camp as well as the panel of former evacuees: Dr. Yoshiye Togasaki, Mary Tsukamoto and Dr. Robert Moteki.

Mineta told the subcommittee he was 10 years old when he and his family were imprisoned by the Government, first in the stables and paddocks of the Santa Anita racetrack and then in a camp in Heart Mountain, Wyoming. "No one has ever explained to me what threat I posed," he said. "The only organizations I belonged to were the Cub Scouts and the Methodist church youth group."

Said Mineta, "We can reach only one conclusion: because the Government of the United States was responsible for these catastrophic damages, that Government has a legal and moral responsibility to compensate the internees."

If passed, the bill would authorize a \$1.5 billion to pay \$20,000 to surviving internees. An estimated 64,000 of the internees are alive, a quarter of them 65 or older. A separate \$5 million fund would be established to pay \$12,000 to individuals who were removed from the Aleutian and Pribilof islands.

Representing the former Commission on Wartime Relocation and Internment of Civilians were Father Robert Drinan, and CWRIC consultants Dr. Setsuko M. Nishi and Michael Barth. The American Civil Liberties Union (ACLU) was represented by Edward Ennis, and the American Bar Association by William Robinson. On the same panel with Ennis and Robinson was Dr. Eugene Rostow. Mike Masaoka spoke on behalf of Go For Broke, Inc. Frank Sato, Grace Uyehara and Minoru Yasui headed the Japanese American Citizens League (JACL).

Presenting their testimonies for the groups involved in redress were NCJAR's William Hohri, Philip T. Nash (AALDEF) Asian American Legal Defense & Education Fund, Tim Gojio (WCR) Washington Committee for Redress, and Miyo Hayashi.

Those opposed to legislative redress bills H.R. 442 and S. 1053—who testified previously in 1984—were Karl R. Bendetsen, David Lowman (MAGIC cables), Lillian Baker, Catherine Treadgold and Charlotte Elam.

■ Portions of (above) were excerpted and edited from the April 29, 1986 edition of the NEW YORK TIMES.

**An Issue for All Americans**

TESTIMONY OF  
WILLIAM  
HOHRI

Presented before the House Subcommittee  
on Administrative Law and  
Governmental Relations. April 28, 1986

Mr. Chairman and Members of the Subcommittee, thank you. I wish to address remedies that may seem to lie beyond the reach of Congress—in the courts. If you will bear with me, I will attempt to demonstrate that these are as germane as they are important to your deliberations.

Six years ago, in June 1980, I testified before this Committee on the then pending legislation to establish the Commission on Wartime Relocation and Internment of Civilians. At that time, I supported Congressman Mike Lowry's redress bill and opposed the Commission as a fact-finding body. I recommended that Congress accept the commitment of granting redress as embodied in Mr. Lowry's bill and establish the Commission to determine the means of payment, recognizing even then that Mr. Lowry's proposed three-billion dollars would have difficulty with budgetary constraints. [As an aside, I am glad that today we are addressing another bill, H.R. 442, since the National Council for Japanese American Redress sees as constructive all measures that would lead to a formal recognition of the injustice done and that would redress our grievances. ] After I had testified in 1980, Mr. Mike Masaoka spoke and expressed this potential role for the Commission:

"One thing the Commission can do is to ask Congress to invite and direct, if necessary—although I know the question of separation of powers—the Supreme Court of the United States to review the Korematsu case."

Mr. Masaoka pointed to a much-needed remedy—a review by the Supreme Court of its wartime decision—and the obstacle, the separation of powers.

Shortly after the Commission bill was enacted and signed into law in July 1980, the National Council for Japanese American Redress began to look to possible legal rights for a court remedy. We also began our research in the National Archives. To make a long story short, we embarked upon a two-and-one-half-year effort of historical and legal research, drafted and prepared our court complaint, and filed our historic class action lawsuit in March 1983. A year later, in May 1984, our lawsuit was dismissed by the United States District Court for the District of Columbia on procedural grounds of statutes of limitations and sovereign immunity. We appealed, and in January 1986 the dismissal was reversed and our case remanded to trial. This case is now in the process of further judicial review.

I will not go into details but will speak in general terms. Our lawsuit addresses major constitutional violations and other illegalities that befell us as a result of the government's program of mass exclusion and detention. As a victim, I think the most serious of these was the court's failure to observe the constitutional requirement of habeas corpus. Article I Section 9 provides for suspending habeas corpus but there is no constitutional provision for ignoring it. Without an opportunity to be charged and tried before imprisonment, all other rights are unavailable. In July 1942, from the temporary detention camp at Tanforan, California, Ms. Mitsuye Endo petitioned for her freedom and the freedom of her interned compatriots under the writ of habeas corpus. She was not released until December 1944, two-and-one-half-years later. It should have taken hours, or at the most, days. We mock the constitutional requirement by applying it after years of imprisonment. I personally spent two-and-one-half-years in the Manzanar camp. Not only was this constitutional violation a serious deprivation of freedom for us victims, but it set a dangerous precedent, a breach in our Constitution for all Americans. Our lawsuit attempts not only to provide relief to the victims of this unhappy episode but repair such breaches.

I know there are sound and good reasons for the separation of powers. Indeed, we have found beneficial the leverage of the law in a situation where we clearly lack a political majority. But I believe a bridge exists between the two branches of government. and interdependency between the Congress and the Courts.

Continued on page 3

AGING SURVIVORS OF INTERNMENT CAMPS  
COMING OUT OF THEIR  
BARBED WIRE CLOSETS

**T**HE RECENT HOUSE subcommittee hearing in Washington, D.C. helped to focus media attention of the evacuation to the general public. USA TODAY's April 28th story by Mei Mei Chan had these comments:

Representative Dan Glickman (D-Kansas) chairman of the House subcommittee on Administrative Law and Governmental Relations said: "I share my colleagues' views that the internment was... a blot on American history. But some worry about a \$1 billion-plus bill during a fiscal crisis."

As a housewife of 27 when she was taken away in 1942, Mary Tsukamoto, 71 of Florin, California, said, "Most Americans never heard of what happened (internment of those of Japanese descent) and they can't believe it. A lot of people think, 'they must have been criminals or traitors.' Somebody has to tell them... the government made a terrible mistake."

Frank Emi, 69, of Los Angeles, had just finished payments on a \$25,000 mini-grocery when orders for evacuation was implemented with the issuance of Executive Order 9066 in 1942. "We had to unload the grocery for \$1,500.

In camp, Emi was one of seven leaders of the Heart Mountain draft resisters. In February 1943, internees were forced to sign loyalty questionnaires. 9,000 wrote in "no." Said Emi: "we had lost everything and the government put us behind barbed wire. Then they tell us to join the Army. We got to a point where we said, 'This is enough.'"

Emi's story will be told in *U.S. on Trial*, a television miniseries scheduled to be shown in 1987.

Said Harry Kitano, a UCLA sociology professor and co-author of *From Relocation to Redress*, "You became conditioned in camp. A bell rings at 7, that means you get up and line up for breakfast. Everything was lining up."

"For a lot of people, it (incarceration) completely ruined their lives," said Sue Embrey, 63, of Los Angeles.

In her article, Mei Mei Chan wrote that today, it is hard to understand the passive acceptance both from those imprisoned and the public. Said Mary Tsukamoto, "Our children are saying, 'You're cowards.'" However, she continued, "But society was different then. You didn't stand up... And the Japanese culture teaches you to be resigned to your fate. The damning thing is, that a (mass removal into concentration camps) could happen again, to another group of people. We want to make sure it doesn't."

Ralph D. Merritt Jr., 69, son of one of four directors at Manzanar, called the internment "one of the worst wrongs this country has ever committed."

Continued from page 2 HOHRI TESTIMONY

Most of the constitutional issues we have brought before the courts have been dismissed because of the cloak of sovereign immunity. Clearly the United States Congress, acting as sovereign, may yield this protection and consent to be used through Congressional enactment. Such enablement only allows the presentation of these issues; it does not direct how they are to be resolved. Enablement is judicially neutral. The facts and principles must still be argued, deliberated, and adjudicated solely in the courts. Thus, if Congress confers jurisdiction and waives procedural obstacles, the courts will then be free to apply remedies according to their dictates.

I recognize that a bill for such enablement is not before this Committee. But if, in the range of remedies you seek, you should consider repair of constitutional breaches, I respectfully recommend enablement of our court action as an important and available remedy. If the Committee requires further details, we stand ready to provide them.

Thank you.

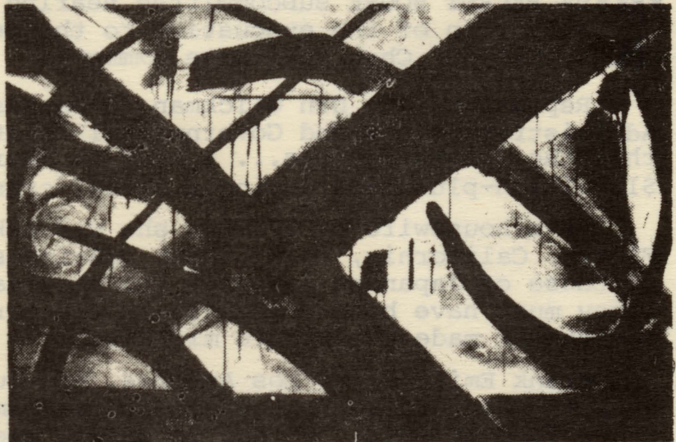
## MINIDOKA

The painting (right) is titled MINIDOKA and was painted about six years ago according to artist Rose Niguma of Portland, Oregon. The original is an acrylic on linen (40"X 60").

"Personally, art has been a struggle. It's really been a lifetime project for me. At least I have my own rented studio and am working away quietly and very low key.

"My paintings are cheerful and positive except this one. We bled inside—I did. (The bold dark strokes are blood red against a background of blue.) There are circles—we are enclosed; no escape and the circles are barbed wires. I felt I needed to paint it. I work in abstractions.

"I do think MINIDOKA expresses how we felt, the psychological reaction to the incarceration, the injustice and the betrayal of American principles."



NIGUMA

## Concentration Camps/Relocation Centers?

Editor:

"Concentration camp" is more derogatory than the word, "Jap," because of its association with Nazi death camps, where millions of men, women and children were exterminated.

"442 is a cherished symbol for us Japanese Americans, because it represents the unit that fought so gallantly to prove our loyalty during the despairing years of the evacuation.

Surely, the executive director of JACL-LEC (April 11) can see the travesty of exploiting the men who shed their blood for the honor of America to further the redress campaign, whose proponents defame America by calling our humanitarian relocation centers "concentration camps."

Shouldn't the epithet be removed from relocation center markers and pro-redress literature before we ask for restitution for our World War II evacuation in the name of the 442nd Regimental Combat Team?

This is not to criticize the many well-intentioned people who are working for redress bill H.R. 442, but to point out that unworthy tactics may be self-defeating.

MAS ODOI  
Torrance, CA

### EDITORIAL COMMENT:

If you looked up the definition of "concentration camp" in the dictionary, it would state: a place of confinement for political foes, members of minority ethnic groups, etc.

The so-called relocation centers were "concentration camps," all ten of them: Granada, Poston, Tule Lake, Topaz, Gila, Heart Mountain, Jerome, Minidoka, Rohwer, and Manzanar.

Documents that have been made available through the Freedom of Information Act reveal that President Roosevelt and other members in government used the words "concentration camps" in their memos regarding the sticky "Japanese problem" and the need to intern en masse those of Japanese ancestry from the West Coast during World War II. e.s.

- The letter (left) appeared in the Letters to the Editor column of the April 15, 1986 RAFU SHIMPO.

- The letter (below) was received by Nelson Kitsuse from the WAR DEPARTMENT, OFFICE OF THE ASSISTANT SECRETARY OF WAR. Nelson served in Counter Intelligence of the U.S. Army and was interned at Poston. Prior to WWII, he was a resident of Brawley, California. Nelson Kitsuse is NCJAR's co-chair and is a named plaintiff.

27 April 1944

Dear Mr. Kitsuse,

Mr. McCloy has asked me to reply to your letter of April 18. Both Mr. McCloy and I remember the conference with Reverend Nicholson very pleasantly, and Mr. McCloy is very flattered by Reverend Nicholson's references to him.

In your letter you raise the question as to whether or not Japanese-Americans who have been taken into the Army should not be taken into all branches of the service rather than being used in segregated units. The War Department recognizes that there are certain decided advantages to having persons of Japanese descent serve on a general basis alongside of persons of Caucasian ancestry. On the other hand, there are certain definite military situations which in some instances have compelled the War Department to proceed on the basis of having a large proportion of the Japanese-American soldiers serving in Japanese-American units.

The War Department does not consider it advisable to utilize Japanese-Americans in the Pacific theater of operations. If a Japanese-American unit were present in combat in the Pacific it would be possible for the enemy Japanese to secure American uniforms from dead soldiers and mingle with American Japanese units, thereby causing considerable confusion and increasing hazards of enemy infiltration. Should this occur it would jeopardize the American Japanese soldier, inasmuch as his facial characteristics make it difficult to distinguish him from the enemy infiltrator. Again if a Japanese-American were captured in the Pacific, it is felt that retaliation measures taken by the Japanese would be in the form of extreme torture, since it seems apparent from past Japanese actions that such individuals might not be considered as prisoners of war.

If they were generally assigned to all units it would then be necessary to screen units which are to be employed in the Pacific theater before such a unit could be shipped. This would not only add an additional step in the present process but would tend to delay getting our units ready for combat and would further result in disrupting the efficient operation of the combat unit by removing, in an advanced state of training, personnel from the organization. Since it is impossible to forecast, at the time an organization begins its training, in which theater of operations that particular unit will be used, it would be uneconomical to assign Japanese-Americans under a general assignment policy. It has therefore been deemed advisable to utilize this group in a homogeneous combat organization. It must be remembered that an organization such as a combat team includes units of Infantry, Field Artillery, Engineers, and medical personnel in which there is a wide range of opportunity to employ various abilities and skills.

Continued on page 6



Certain Japanese Americans have been employed as interpreters in the Pacific theaters but this use has been made of Japanese-American personnel with the full realization by the War Department of the risks involved to these individuals.

In your letter you also raise the question of the return of persons of Japanese ancestry to the West Coast. I think this can best be answered by quoting a portion of a letter recently sent by this office:

"In view of the interest which you have expressed, I feel that it is only fair to give you some information as to the War Department's policy on the question of the evacuation and exclusion of persons of Japanese descent from the West Coast. The removal of persons of Japanese descent from the West Coast was ordered because it was required by military necessity. This does not mean that the mass evacuation of persons of Japanese descent was meant to imply mass disloyalty. The War Department realizes that many of these persons were entirely loyal to the United States. On the other hand, it was known that many of the persons of Japanese descent residing on the West Coast were disloyal and potentially dangerous. The magnitude and urgency of the problem presented by this latter group was such that military necessity required the evacuation of all persons of Japanese ancestry from the West Coast.

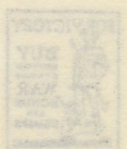
"Steps have been taken, consistent with military necessity, to alleviate the hardship of this evacuation in extreme cases. Certain mixed marriage cases, after proper screening, are handled on an individual basis with a view of correcting an unnecessary separation of man and wife. Certain other steps are taken to recognize the responsibility of the country to a soldier in uniform.

"The problem presented by the evacuation of persons of Japanese descent from the West Coast is a national one, and the War Department's interest in it pertains only to that portion of the problem which affects the military situation. The exclusion of these people is continually being reviewed in light of the changing military situation and, so far as the War Department is concerned, they will not be kept from the West Coast any longer than the military situation requires."

Sincerely ,

HARRISON A. GERHARDT  
 LT. Colonel, General Staff Corps  
 Executive to Asst Secretary of War

- NOTE: This letter was re-typed for the purpose of clarity and to fit within the given space of the newsletter.  
 Nelson was living in Chicago at the time he received this letter.



DEAR FRIENDS,

HERE IS LIFE and death. Four years ago, Jane Mills Reed was killed by a drunken driver. Recently, through a gift of \$1,000 in her name from her surviving spouse, United Methodist District Superintendent James M. Reed, she became our 43rd ronin. Earlier this year, at our February board meeting, founding member and ronin Harry Nagaoka left our board after almost seven years of faithful service. In leaving, he noted that although NCJAR had just won a tremendous victory in the U.S. Court of Appeals on January 21st, the board had not found time to celebrate it, so embroiled were we in bickering. (Harry took care of our computer mailing list and served as treasurer of the Redress Legal Fund. At other times, he put together our newsletter singlehandedly and did many other mailings for us.) Then, at our last newsletter mailing, Joyce and Donna Ogura came by. They were so pleased and impressed by Ellen Carson's presentation on February 19th, they wanted to help the cause. (Putting the newsletter together has become a good time, a mixture of occupational therapy and socializing. In addition to board members, we enjoy the company and help of ronin Kiyoharu Aburano, Monte Matsuda, and Lillian McCoy.) Then, in addition to her other contributions to our movement, Ellen Carson, together with her husband Bob Godbey, became our 44th ronin. (Only room for three!)

ON A DIFFERENT scale, we seem to be passing through another difficult time between the Japanese American Citizens League (JACL) and NCJAR. I am testifying on H.R. 442, the redress bill, at the April 28th hearings of the House Judiciary Committee's Subcommittee on Administrative Law and Governmental Relations. The subcommittee wishes to hear testimony on redress remedies. Accordingly, I thought we should present the remedy available through the courts. But some in the JACL seem to fear I am going to attack H.R. 442. Of course, NCJAR has not opposed H.R. 442. We have expressed doubts about the likelihood of its passage. (We've also consistently described our own lawsuit as high-risk—until the reversal ordered by the U.S. Court of Appeals.) In 1979, NCJAR vigorously supported the first redress bill introduced by Representative Mike Lowry, even though we knew it had no chance of passage. We continue to support redress legislation, including H.R. 442, even though it is no secret that Gramm-Rudman-Hollings is devastating the federal budget.

For example, our nation's premier library, the Library of Congress, recently had to eliminate its evening hours and now closes at 5:30 p.m., having suffered a cut of only 18 million dollars. Can you imagine what would happen if your city's public libraries were to start closing at this hour? How can our elected representatives take the heat for this and many, many other cuts and turn around and vote to appropriate 1.5 billion for redress? It's a tough reality. Facing reality is neither weakness nor disloyalty. If compensatory redress legislation cannot succeed, why not try for legislation to enable compensatory redress through the courts?

MEANWHILE, THE MOVEMENT'S life blossoms as Ellen Carson and I travel to speak to members of our class. On April 8th, Ellen was in New York to answer questions about the lawsuit. She impressed New Yorkers—no mean feat—not only with her legal mastery but with her clarity of speech and commitment to their cause. We thank attorney Phil Nash for his good work in organizing the affair. (Phil is so busy, he writes his letters to me on those small square stickums.)

Then, over the weekend of April 18-20, Ellen and I enjoyed celebrations and meetings with more members of the class in Los Angeles. On Friday afternoon, Joyce Okinaka, the chief organizer of events, introduced Ellen to the Asian Pacific American Legal Center of Southern California. This group has agreed to help with questions on the lawsuit either directly or through referral to NCJAR. In the evening, ronin supporters Brooks and Sumi Iwakiri invited a group of us to dinner in Little Tokyo, including Joyce and Stan Okinaka, Jane Iwamoto, Richard Kitsuse, my wife, Yuriko, our daughter Sylvia, and Ellen. We had a great time sampling exotic-to-ordinary sushi, pleasantly disputing the federal deficit, ethics, and the age of some jokes.

On Saturday morning I rented Budget Rent-a-car's cheapest and got a Chrysler LeBaron convertible. I visited my brother and ronin Tak Hohri and his family. We had lots of fun driving top down, Hollywood-style, enjoying lunch in summer-like

Continued on page 8

Continued from page 7 DEAR FRIENDS

weather at a patio restaurant, and visiting our 97-year old mother. In the afternoon, Ellen and I made our presentation to about 60 persons at the West Los Angeles United Methodist Church (UMC). Thanks to Pastor Alan Jones and layman Walter Tanaka, we enjoyed a fine program and reception. We were asked good questions about the lawsuit. Afterwards I learned that many in the audience were active JACLers, persons I had read about in the Pacific Citizen. They expressed much positive interest in the lawsuit. I met a few persons who remembered our family from the thirties. I was pleased to reacquaint myself with Mitsuye Yamada and Sue Embrey and to meet some new supporters of NCJAR

The day lengthened into evening, Ellen spoke at a gathering of around 75 at Sage United Methodist Church, while I spoke to a smaller group of around 30 at North Gardena United Methodist Church. Again, the audiences expressed much positive interest in the lawsuit. I was pleased to meet two of the editors of the Pacific Citizen, Bob Shimabukuro and J.K. Yamamoto.

ON SUNDAY, WE enjoyed a fine celebration at Sage UMC. there were two surprises. Hannah Tomiko Holmes, another ronin, had created a doll in the image of Ellen Carson and presented it to Ellen during the worship service. The doll came complete with blue eyes, eyeglasses, a zippered brief case, and lace-edged pantaloons. And Ellen presented Rev. Wes Yamaka with a stole she had embroidered with two doves and a cross. Wes afterwards remarked to me how heavy with responsibility the stole rested upon his shoulders. I was pleasantly surprised to see Frank Emi in the congregation. Frank is another hero of Japanese America; he was one of the leaders of the Heart Mountain draft resistance. I was privileged to preach in such a setting.

It is clear to me that these meetings are very important at this stage of the movement. We need to meet members of the class face-to-face and answer their questions. We need to meet and come to know each other. Other meetings are being planned. If you are interested in inviting us, the ground rules are simple. NCJAR will underwrite the cost of travel, but we request that the inviting group make an attempt to raise funds to help defray costs. Thus far, even with the modest-sized groups, income has exceeded expenses. Do write if you're interested.

Peace,

William Hohri

- P.S. Thanks to the efforts of Frank Chin and Steve Sumida, Washington State University Press has agreed to publish my manuscript, "Repairing America: An Account of the Movement for Japanese-American Redress." Much remains to be done in the way of revisions and photos. But such a relief! It's been a year-and-half since I finished writing and maybe 100 letters of rejections. Whoopee!



LETTERS

As the Japanese war lord said, "Three swords are mightier than one." Good luck on your endeavors. We appreciate your indefatigable efforts.

WILFRED H. DE CRISTOFORO  
Salinas, California

Wish it were more.

J. IZUMIS  
Glen Ellyn, IL

Sorry to be so late! Best wishes for continued success.

KAZU IIJIMA  
New York, NY

May God continue to bless your faithful witness.

MARTHA A. COURSEY  
Chicago, IL

CONTRIBUTORS

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UTAH: Richard Doi. VIRGINIA: Ellen Godbey Carson, Robert Carson Godbey.

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

ATTENTION!

The 56-page APPEALS COURT OPINION is available at \$3.00 per copy.

NCJAR has only a limited supply.

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 84-5460

WILLIAM HOHRI, et al., APPELLANTS

v

UNITED STATES OF AMERICA

Appeal from the United States District Court for the District of Columbia (D.C. Civil Action No. 83-750)

Argued September 24, 1985  
Decided January 21, 1986

*Benjamin L. Zelenko, with whom B. Michael Rauk and Ellen Godbey Carson were on the brief, for appellants.*

*Jeffrey Aselrad, Attorney, Department of Justice, with whom Richard K. Willard, Acting Assistant Attorney General, and Joseph E. diGenova, United States Attorney, were on the brief, for appellee.*

On the Train

ikusenri  
tsuzuku areno zo  
chi no hate no  
yama koshi yukeba  
mata areno nari

How many more thousand miles  
Does this wasteland continue?  
Beyond the end of the horizon  
And over the mountain--  
Again more wasteland.

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