



National Council
for Japanese American Redress
NEWSLETTER

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OCTOBER 1985

APPEAL: JAPANESE-AMERICANS
VERSUS
UNITED STATES

THE SPECTATOR SEATING in the courtroom of the U.S. Court of Appeals for the District of Columbia Circuit was comfortably filled.

Three cases were being heard on this Tuesday morning, the 24th of September 1985. It wasn't clear for which case most had come until the second case, ours, was heard and most left the courtroom with us and gathered in the anteroom. I didn't know who most of them were or why they had come. Only a few of us were Japanese-Americans. Had the knowledge of our massive class action lawsuit against the United States become more widely known? Had we progressed beyond the point of explaining that during World War II, the government had forcibly expelled all persons of Japanese ancestry from their homes on the West Coast and placed most of them into ten concentration camps, thereby breaching many of the guarantees and protections written into our Constitution and laws? Were they aware of our lawsuit's 22 causes of actions and that it had been ordered dismissed in the district court because of the expiration of time limitations? I wondered, too, if our congratulations, kibitzing, and reactions were heard inside? Gradually, people moved to the hallway elevators. And I was left trying to assess what had happened.

We were there for about one hour to argue our appeal before a three-judge panel of Ruth Bader Ginsburg, James Skelly Wright, and Howard Thomas Markey. Each side argued the lower court's decision to dismiss our lawsuit because of the expiration of time limitations. Jeffrey Axelrad argued on behalf of his client, defendant United States, while Benjamin Zelenko argued for plaintiff William Hohri et al representing a class of 125,000 victims of the government's wartime program of mass exclusion and detention.

It was difficult to hear the hearings. The judges and the attorneys at the stand had microphones, but these seemed contrived to enable the participants to hear without consideration for the spectators. The judges' voices carried to the spectators because they were facing them. But the attorneys were at best barely intelligible. And to make matters worse, the legal terms of their debate were sometimes obscure. Still, some arguments filtered through.

I THOUGHT WE did fairly well. Zelenko went first. He established the theme by describing our case as involving a catastrophic deprivation of constitutional and civil rights of 120,000 persons on the grounds of military necessity. (I always add 5,000 for the so-called "voluntary evacuees," whose forcible expulsion and exclusion include them as members of the class.) He referred to the work of the 1981-1983 congressional Commission on Wartime Relocation and Internment of Civilians and its undercutting this long-established doctrine as reason for granting jurisdiction for our case to be heard. I thought I heard Zelenko refer to the district as the "court below," a literal as well as symbolic reference to the fifth floor placement of the appeals court above the district court's second floor.

The judges freely interjected their questions. Judge Markey raised the question of a legislative remedy. Zelenko described the bills in the 98th and 99th Congress and their current status in awaiting additional committee hearings. Judge Ginsburg asked why Zelenko repeatedly referred to early references to key documents as "secondary sources." Zelenko explained that the primary documents were sometimes difficult to find. Zelenko's law firm had made extensive inquiries to locate a memorandum written by a trio of private attorneys on the constitutionality of an exclusion order referred to by Morton Grodzins in Americans Betrayed. After about two years, through the diligence of researcher Aiko Herzig-Yoshinaga, a copy was finally found in the National Archives, obviously misfiled. I thought this example oblique. But the questions are unpredictable. Judge Wright asked no questions. And one gives answers extempore. Time seemed to drag.

Continued on page 2

JAMES SKELLY WRIGHT: Born in New Orleans in 1911, Judge Wright is widely regarded as a scholar, and considered by many to be the most liberal judge in the federal circuit.

Judge Wright was appointed to the U.S. District Court in the Eastern District of Louisiana in 1949 by President Harry Truman, where he became famous for his bold decisions overturning segregation laws. In 1962, President John Kennedy appointed him to the U.S. Circuit Court in the District of Columbia.

He served as chief judge of the U.S. Court of Appeals, D.C. Circuit 1978-81, and on the Temporary Emergency Court of Appeals of the United States from 1982 to the present time.

Graduating from Loyola University, New Orleans in 1931, Judge Wright has since been awarded numerous honors and degrees including those from Yale, Notre Dame, Howard, Southern California and Georgetown. Before becoming a judge, he was a high school teacher, Asst. U.S. Attorney in New Orleans and U.S. Attorney for the Eastern District of Louisiana. He has lectured and taught extensively at Tulane, Harvard, Duke, Columbia and the University of California among other places.

Judge Wright was a member of the U.S. delegation to a Symposium: Guarantees for Human Rights, British Institute of Human Rights in Creaton, England in 1976.

RUTH BADER GINSBURG: Born in Brooklyn, N.Y. in 1933, Judge Ginsburg was appointed U.S. Circuit Judge, U.S. Court of Appeals, D.C. Circuit by President Jimmy Carter in 1980.

Judge Ginsburg graduated from Cornell University in 1954, did post graduate work at Harvard Law School and received an L.L.D. from Columbia Law School in 1959. She has degrees from Lund University in Sweden, American University and the Vermont Law School.

She served as law secretary to Judge Edmund L. Palmiere, U.S. District Court, Southern District of New York, as a research associate at Columbia Law School Project on International Procedure, and as a professor at Rutgers and Columbia Law Schools.

Judge Ginsburg is a fellow of the center for Advanced Studies in Behavioral Science at Stanford University. She has lectured at Salzburg, Austria, and written extensively on Swedish Law, sex based discrimination, and Business Regulations in the Common Market Countries.

HOWARD THOMAS MARKEY: Judge Markey was born in Chicago in 1920. He graduated J.D. cum laude from Loyola University, Chicago in 1949. He engaged in the private practice of law in Chicago until 1972 when President Richard Nixon appointed him chief judge of the U.S. Court of Customs and Patent Appeals. Since 1982, he has continued in office as chief judge of the U.S. Court of Appeals for the Federal Circuit, as provided by the Federal Courts Improvement Act of 1982.

He had specialized and instructed in Patent Law, and lectured on jets, rockets, missiles and space. He has published and lectured on the Constitution, Science and Law, and on ethical questions.

Judge Markey was one of the earliest jet test pilots and has received decorations for his service as an officer in the Army Air Corps: five years in World War II, and 21 months during the Korean War.

WINIFRED MCGILL

Continued from page 1 APPEAL: JAPANESE-AMERICANS VS U.S.

One of Axelrad's main contention on statutes of limitations was that we plaintiffs must have known of our injury during World War II. But Ginsburg asked him when they could have overcome the defense of military necessity established by the Supreme Court. Her question supported our contention that we could have only filed suit after we learned of government misconduct in suppressing evidence before the Supreme Court. (Unfortunately, I did not hear Axelrad's answer.)

I also thought transparent Axelrad's effort to characterize Peter Iron's crucial discovery of this misconduct as the due diligence that we, the plaintiffs, failed to exercise. It took Professor Irons two years. We had 40 years. Hence, we failed to exercise due diligence. I don't think this stretch of meaning did Axelrad's cause any good.

Of course, this hearing was only part of the argumentation of our appeal. Most resides in the memoranda written for the "court below" and the appeal. Now we spectators were given an opportunity to read the judges. Axelrad received the tougher questions. But it is we who are attempting to overturn a decision based upon the solid procedural principle of time limitations. One wishes, maybe hopes. One does not know. So one waits.

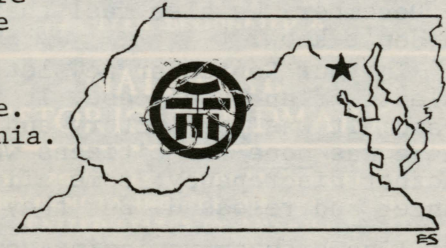
WILLIAM HOHRI

September 1985

Dear Friends,

Nelson Kitsuse, Yuriko and I drove to Washington on Saturday, September 21st. We were going to attend the hearing in the U.S. Court of Appeals for the District of Columbia Circuit. We marveled at the 40 mpg my virtually new Nissan Stanza delivered and enjoyed a memorable three days. As we were driving back, we wondered whether one could find a more satisfying way to expend life.

Nelson stayed with his nephew Dean Yoshioka, who lives within walking distance to the Federal Courthouse. Yuriko and I stayed with Aiko and Jack Herzig in Virginia. We slept next to the Japanese-American "branch" of the National Archives. (The Herzigs have converted their ample master bedroom into an office filled with cabinets of primary source documents and index cards, various office equipment, and a large work table.)



During our stay, the latest issue of Amerasia Journal arrived with Jack's fine essay on the Magic cables and Jimmy Omura's devastating review of Bill Hosokawa's JACL in Quest of Justice, both highly recommended reading. Aiko had prepared a full itinerary of events to utilize our visit.

On Sunday, we were invited to Kaz and Jean Oshiki's home in the District near the Maryland border. The Herzigs, Hohris, and Kitsuse were joined by Winifred McGill, another NCJAR board member. We met with our lawsuit's named plaintiffs from the District, the ones required by filing in the District's Federal District Court. Kaz, a staunch JACler, became our first named plaintiff from there. Kumao Toda and Gladys Sumida also joined as representatives of the class.

We discussed the status of the lawsuit and the prospects for enabling legislation, should that be necessary. Kaz, an experienced and congressional expert, provided valuable insight into legislative tactics. Although we needed him for the lawsuit, he may best be used for his legislative knowledge. The one unanimity we found during our three days was the zero probability, in the face of the deficit, for an appropriation for redress. Assuming that the appeal fails, enabling legislation may become the preferred alternative. After two hours of discussion, we enjoyed Jean's hors d'oeuvres and getting acquainted.

On Monday, the Herzigs, Hohris, Kitsuse, and McGill met with JACL National President, Frank Sato, in his office of Inspector General of the Veterans Administration. Frank was refreshingly candid about JACL's problems in seeking legislative redress. He and, by inference, the JACL do perceive the barrier of the federal deficit. We discussed the possibility of a second "summit" meeting of the redress groups for early 1986, in anticipation of House hearings on the topic of legislative remedies. I noted the absence of any discussion of the grass roots convocation which had been projected for the same time. Frank discussed some novel approaches to bypassing the obstacle of the federal deficit. But these need to be examined by more persons more expert in congressional matters.

Tuesday was, of course, the big day. Printed elsewhere (page one) is an article on the hearing. The biggest value I found was in receiving some sense of how the judges had assessed the case's written material. I thought that Judge Ginsburg had accepted some of our arguments. I also had a chance to meet Tim Gojio, JACL's Washington representative.

On the way back, Nelson and I got into a discussion on the difference between wishing and hoping. I thought there was a difference. As a young man, I wished for Marilyn Monroe but never had any hope of fulfillment. I wish for victory in the appeal but cannot hope for it. We simply do not know. But not all future events are unknown. We made a wager for an ice cream cone for who could estimate our time of arrival at Nelson's home. *I enjoyed the ice cream thoroughly!*

Peace,

William Hohri

LETTER

(To the Editor) As I said when I was in Chicago last year, redress, NCJAR, coram nobis—we are all in the same fight. What advances one makes helps the other. The trouble is, we can't be gung-ho on all fronts all the time. Naturally, I'm participating in the coram nobis and we think maybe the decision on that will be handed down in November (my guess), or January (my lawyers' guesses). We think it will not be December. We also feel that the decision will be favorable—just how favorable, we don't know.

In your September newsletter, there was an FOIA (Freedom of Information Act) release of an Issei case. It reminded me of Edward Ennis' statement from the witness stand: It was perfunctory and streamlined, but the aliens did have a kind of hearing; there was none for citizens who were accused by their ancestry. He pointed out another discrepancy; some aliens were eventually cleared of espionage and sabotage danger and released. But they were then placed in concentration camps!

I've been appreciating your newsletter and enclosed is a small contribution. Actually, in spirit, I'm one of your ronins.

GORDON HIRABAYASHI
Edmonton, Alberta

EPISCOPAL CHURCH
PASS RESOLUTION
FOR REDRESS

THIS YEAR AT its 68th annual general convention held in Anaheim, California, the Episcopal Church passed on September 9, a resolution supporting legislative redress bills HR 442 and S 1053. The resolution was introduced by members of Christ Episcopal Church in San Francisco. Speaking on behalf of the resolution were Dr. Don Nakahata, Dennis Delmond and Nigel Renton of the San Francisco Bay area; and Rev. Michael Yasutake and Dr. Christen Hovde of Chicago. Yasutake is a supporter of NCJAR.

PACIFIC CITIZEN
September 20, 1985

LEADING HOUSE CONSERVATIVE SUPPORTS HR 442

THE ANNOUNCEMENT OF Representative Henry Hyde (R-Illinois) as a co-sponsor of redress bill HR 442 on September 20, was hailed as an important development in the efforts to pass the bill. A leading conservative lawmaker, Hyde is particularly conservative on fiscal matters. He is respected by members from both sides of the aisle.

In announcing his support, Hyde stated:

"Following the tragedy of Pearl Harbor, it is easy to understand the hysteria that animated our government to intern American citizens of Japanese heritage... On the other hand, these were loyal American citizens or persons otherwise legally residing in the United States. For them to have been imprisoned because of their ethnicity or appearance was a grave injustice.

"Americans have always prided themselves on the fact that we are a nation where all men and women—in the words of our Declaration of Independence—are created equal, and should be equal before the law.

"I am pleased to co-sponsor legislation which seeks to make amends for this unfortunate series of events."

PLEASED WITH HYDE'S support as a co-sponsor were Rep. Norman Mineta (D-Calif) and Robert Matsui (D-Calif). Mineta stressed that Hyde, who is on the House Judiciary Committee—where the bill must be passed before it goes to the full House for a vote—is a senior member of the committee.

"I'm sure that other members... will take notice that Mr. Hyde is now a supporter of the bill," Mineta said.

Said Matsui: "His support highlights the fact that redress is a matter of fundamental justice and not just a partisan issue."

Edited from the PACIFIC CITIZEN
September 27, 1985

VIGILANCE

The speech (below) was delivered earlier this year on April 27, 1985 at the dedication ceremony naming Manzanar a National Historic Landmark. The ceremony and portions of the speech were featured in the June newsletter.

LADIES AND GENTLEMEN, the Japanese American internment camp at Manzanar was the first of ten such camps established in the United States during WW2. Manzanar is representative of the atmosphere of racial prejudice, mistrust and fear that resulted in American citizens being uprooted from their homes, denied their constitutional rights, and with neither accusation, indictment, nor conviction, moved to remote relocation camps for most of the duration of the war. Manzanar is symbolic of a tragic event in American history, an event that reminds us that a democratic nation must constantly guard and honor the concept of freedom and rights of citizens.

IN ADDITION TO recognizing Manzanar's significance in American history, the National Park Service has a special interest in this site. Two Civilian Conservation Corps barracks at Death Valley National Monument near here housed a number of internees during the disturbances of the winter of 1942 and 43. Personal accounts of these internees mention the hospitality and friendship offered them by the National Park Service employees. Many of the internees sent to Death Valley volunteered their labor in park improvement and maintenance projects at a time when the war effort diverted manpower and funds away from the parks. The experiences recounted by the internees have become part of the official history of Death Valley National Monument.

THE HISTORIC SITES Act of 1935 charged the National Park Service with identifying sites, buildings and objects possessing exceptional value in illustrating and commemorating the history of the United States. Landmarks are selected through studies and undertaken by the National Park Service, evaluated by the National Park System Advisory Board, and approved by the Secretary of the Interior. Since the creation of the National Historic Landmark ... approximately 1600 sites, structures and objects have been declared national historic landmarks. Manzanar becomes the 76th national historic landmark in the state of California. The California state government, of course, designated Manzanar a state landmark in 1972. National historic landmark designation is a high honor reserved for places which, by the strength and clarity of their historical associations, architectural excellence or archaeological value, can be professionally and publicly recognized, understood and appreciated for their significance to the nation as a whole. They are visible reminders of events and persons that have made American history.

MANZANAR HAS BEEN made a national historic landmark under the theme study entitled "WW2 and the Pacific." This study considered the millions of people, civilian and military, Japanese and Allied, who took part in the fateful years between 1941 and 1945. Because the Department of the Interior rarely evaluates places less than 50 years of age for landmark status, these sites are considered to be of exceptional significance. Although the events of the war are only 39 to 43 years behind us, WW2 is truly of national significance indeed. It is one of the momentous events in human history. Manzanar differs in its nature from the military bases, the Pacific islands, the battlefields and the bomber plane identified in the theme study as properties that played important roles in the war's progress. Because the events of the war occurred a comparatively short time ago, many of you present here on the platform with me today experienced the Manzanar of 1941 to 45. Although this property bears a different appearance and atmosphere today, the memory of what this camp represents survives.

ALL NATIONS MARK and celebrate the historic places that represent their triumphs, their achievements, their great leaps forward. Even repressive governments call upon the inspiration of history to reinforce patriotism. Our nation does that, and properly so. But few nations have the fortitude to do what the United States does here today. Manzanar cannot be celebrated, for it was not a triumph, an achievement, not a great leap forward for the United States. But it must be commemorated, committed to and held in memory as a reminder that Jefferson's words mean as much in our day as they did in his—"eternal vigilance is the price of liberty." The vigilance must in fact be eternal.

Councilman Cunningham, it is an honor for the Secretary of the Interior to recognize the patriotism of those who here endured what no American must ever again be asked to endure. It is a personal honor for me to join with the City of Los Angeles in sealing the lesson of Manzanar in our national memory forever.

NOTE: Permission to print (above) granted.
Rogers' speech was transcribed by J K Yamamoto.

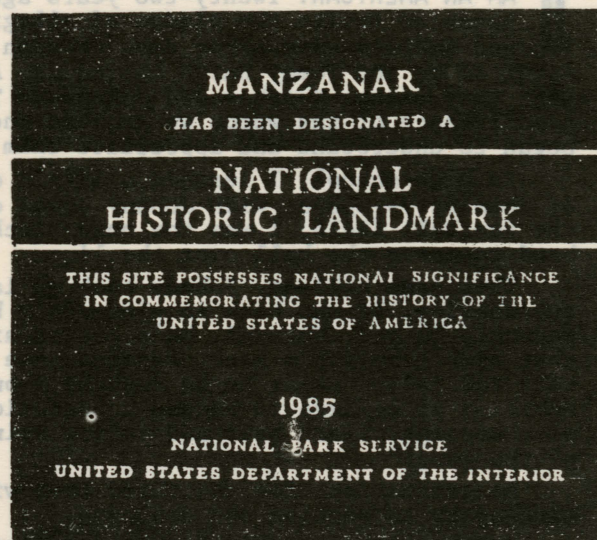


PHOTO BY J. ITO

Jerry Rogers
ASSOCIATE DIRECTOR FOR CULTURAL RESOURCES
NATIONAL PARK SERVICE
DEPARTMENT OF THE INTERIOR

I'M AN AMERICAN, TOO!

From the NATIONAL ARCHIVES

I AM AN AMERICAN! Twenty-two years ago, in a little California country school, I first began to recite the pledge of allegiance to our flag, to sing the Star Spangled Banner, and America—day after day, as soon as we marched into the class room, Johnny Jones in front of me and Tommy Smith behind me. At first, I merely memorized the words not knowing what they meant. Neither did Johnny nor Tommy. Then with time, I began to understand the significance of the words we recited and the songs we sang. Johnny Jones and Tommy Smith began to understand and appreciate them too.

In high school, I learned a little of mathematics, a little more history, a smattering of chemistry—again, with Johnny Jones on my left and with Tommy Smith at my right. Out on the football field, I was the only black, straight-haired kid among the rest, all working hard to carry the ball over the line.

Then came college. Johnny took up law to follow in his dad's footsteps. Tommy studied engineering. It was back in elementary biology that I first heard of Pasteur, Lister and Noguchi. Oh yes, Noguchi, he's got straight black hair and brown eyes just like mine, but that didn't hold him back. America gave him his chance. Look at him now. He is not Noguchi with the yellow skin; he is Noguchi among Pasteur, Lister, Koch and others. So it was my ambition in college to become a bacteriologist. I the son of a vegetable vendor, a kid with straight black hair and yellow skin, but to Johnny Jones and Tommy Smith, "Just one of the gang!"

At graduation, for the third time with Johnny in front of me and Tommy behind, we marched by to receive our diplomas.

Johnny took over his father's office back home. Tommy got a job with a large construction company out in the Pacific Coast. I found a teaching offer in the middle west. I still remember the night I got on the Chicago-bound train at the station. Johnny and Tommy came to see me off.

"Good luck, Goro ole' kid, and don't forget to let us know when you grab the PH.D.," they said. Many miles separated us then, but we planned a real get-together for Christmas.

Christmas came—after Pearl Harbor. As much as I tried, I could not conceal my straight black hair, my brown eyes, my yellow skin.

"What the heck's the matter with you, anyway?" said Johnny Jones and Tommy Smith. "As far as we're concerned, you're the same old friend. We'll all go over together to knock the hell out of this guy, Hitler and the rest of the axis stooges."

IT IS ALMOST a year now since I last saw them.

Johnny and Tommy are out there now, amidst smoke, blood and muck. I was not able to go because—my hair is straight and black, my skin is yellow and my name happens to be Tanaka, Yamada or Harada. I have been denied the privilege of enlisting in the army of my country. My draft board back home had quietly passed me by.

If my confinement for the duration be a military necessity in the winning of this war, then I must be satisfied to serve my country in this way. I would much rather be among the Johnny Jones and Tommy Smiths at the front, because the principles which we learned to recite in the old class room along with Johnny and Tommy are still as important to us now as they were then.

Each day, I see little Tanakas, Yamadas and Haradas marching into crude barrack schools. It is quite different from the one I walked into twenty-two years ago, but the words are the same, and the feeling is the same.

And why am I taking time out from my work at the Gila Relocation Project to tell you this? Well, just in case you didn't know, President Atkinson, I'M AN AMERICAN, TOO!

(signed)

Anonymous

TRUMAN'S REPLY

JOHN TOLAND, author of *The Rising Sun*, *Infamy*, and more recently *Gods of War*, had much to say when he shared his thoughts with NCJAR board members back on May 16, 1985.

One of his memorable tid-bit had to do with the time he questioned Harry Truman about his decision regarding the dropping of the A-bombs on Hiroshima and Nagasaki. Truman's answer was:

"Hell, Toland, it was just a big piece of artillery!" (The former President of the United States was a captain in the field artillery during World War I.) e.s.



OVERHEARD TWO NISEI talking last week, and what they were saying was so interesting that I decided to repeat it here verbatim. Of course, the names have been changed.

"So, Ed, how've you been?"

"Fine. And yourself, Ted?"

"Yeah, okay. Say, did you get that letter from the JACL's Legislative Education Committee in the mail?"

"Sure did. I plan to send in my pledge as soon as I pay my monthly bills. How about you, Ted?"

"Not sure. Got my doubts. How is Congress going to give \$1.5 billion to us when Medicare, student loans, small business loans, veterans benefits, and Social Security are being cut back?"

"Come on, Ted. This is a justice issue, not an economic one...."

"SURE, SO WE'LL get an apology and a handshake...."

"But, Ted, we already have 120 votes in the House and 20 in the Senate. We're almost there!"

"Not quite, Ed. We've got 'co-sponsors' on the bills. It's not uncommon for a legislator to 'co-sponsor' a bill just to look fair-minded or to do a favor for a fellow legislator. When it comes to vote, that same legislator's going to have to explain to Mr and Mrs Middle America why \$1.5 billion's going to correct a forty-year old injustice and now grandma's Medicare is being cut off. There's no way those co-sponsors will all be 'yes' voters for redress."

"Redress money isn't coming from Medicare, Ted. Our money and property was taken forty years ago, and now we're getting it back."

"THE MAJORITY OF Americans don't see that, Ed. We've never given Blacks the forty acres and a mule they were promised after the Civil War. We're a nation of winner take all. If someone is in poverty or has a problem, we say that it's their own fault for not trying hard enough. Besides, most Americans still think we got what we deserved because of Pearl Harbor."

"Are you saying that we should give up because redress isn't realistic?"

"No, not at all. The coram nobis and the efforts to get endorsements of support from local legislatures, PTA's, church groups and other groups are still important. We need as many people to know about this episode as possible. That's the only way we'll prevent a recurrence."

"AND WHAT ABOUT compensation?"

"Well, Ed, I have to admit to you that the class action lawsuit seems like a much better way to go than the redress bills."

"But didn't that suit fail?"

"Yes, but only procedurally. The judge said they missed a statute of limitations. Guess that means that if they had filed earlier, that the case would still be going."

"So, if it's a loser, why should we support it?"

"It's not a loser on the issues. The judge himself said that the injustice was clear, but he couldn't do anything because of the limitations problem."

"What's the remedy for the limitations problem?"

WELL, WE CAN go to Congress and ask them to pass 'enabling legislation' which would give the court the right to look at the issues despite the limitations problem. The American Indians did that, and they got a lot of money."

"But didn't it take 100 years?"

"It took a long time for the legislation to pass, but not for the legal issues to be decided. If we used the legislative process set up to support HR 442 and S 1053 on the lawsuit-enabling legislation, we'd get into court in no time. Even the biggest fiscal conservative could say to the folks on Main Street, 'I gave them their justly deserved day in Court, not a free handout.'"

"But wouldn't the courts take a long time on a big class action suit like this? And how do we know that the Supreme Court will ultimately rule in our favor?"

"THERE ARE NO guarantees. I hate to rely on a judge's whim just as much as you do. But the point is that courts were historically set up to protect minorities from the tyranny of the majority. We stand a better chance than in Congress. And it's better to start the court process now, rather than in ten years when we see that the legislative process didn't get us anything. Let's give redress our best shot, educate some people about the injustice, and then take our moral indignation to other social justice issues."

"Gee, I see your point, Ted. Let me think about this, and let's talk more tomorrow."

"Sure thing. And give my best to Masako and the kids."



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100,000 to 1

BOOK REVIEW

IF YOU ARE INTERESTED in peace, you ought to read The Hundred Percent Challenge, whose subtitle is more informative: "Building a National Institute of Peace, A Platform for Planning and Programs." Even clearer is this proposition on the back page of its jacket, "What does the new United States Institute of Peace mean to you?"

Charles Duryea Smith has put together a collection of essays that explain key concepts undergirding this newly established institution. (Smith may be remembered by some in the Japanese-American community as the director of research of the Commission on Wartime Relocation and Internment of Civilians.) I found intriguing the institutionalization of peace in a federal bureaucracy that already claims to be committed to peace. What would be different in an Institute of Peace from the peace-through-strength of the Department of Defense? How can a few million dollars for such peacemaking counter a million million for warmaking?

THERE ARE DIFFERENCES. I found enlightening David Little's essay on Just-war theory. We have to think about war, even if only to espouse "Peace through strength" or "Mutually assured destruction." In the Vietnam period, I recall a Roman Catholic professor's explanation of how that war failed all criteria for a just war. I found particularly striking Little's citation from the 17th century Dutch jurist Hugo Grotius:

Least of all should that be admitted which some people imagine that in war all laws are in abeyance. On the contrary war ought not to be undertaken except for the enforcement of rights; when once undertaken, it should be carried on only within the bounds of law and good faith.

Three centuries later, Grotius responds to former Assistant Secretary of War, John J. McCloy's "exigencies of war" rationale for the gross illegalities of the United States's mass exclusion and detention of Japanese-Americans.

In Ronald S. Scheinmann's "Reflections on Social Justice and Migration," I noted his omission of Japanese-Americans in his list of groups suffering expulsion. But this error only momentarily detracted from his thoughtful assessment of world-wide population growth and its resultant economic stress as threats to peace.

IN ADDITION TO such thinking, the institution is to develop skills in conflict management for propagation into other parts of the bureaucracy. The need for such skills is illuminated by three examples of negotiations during hostage-taking in Columbia, the Camp David accords between Egypt and Israel, and the U.S. and Iran hostage crisis. Many of these techniques are applicable at ordinary levels of conflict. For example, in the negotiations leading to the Camp David accords, a single text was used to state two conflicting positions. As Roger Fisher explains:

The mediator team would prepare a rough draft, and then ask each side for its criticism: "What would be wrong with something like this? We are not proposing it. In fact, we are not particularly pleased with it ourselves. But what interests of yours would it not take adequately into account? The mediator team would meet separately, first with one side and then with the other. Neither side would be asked for acceptance or for a concession, but only for criticism. It is hard to make a concession; it is easy to criticize.

Of course, ultimately there would be proposals, concessions, and, if successful, acceptance.

DESPITE THIS enlightenment and my rekindled hope in my government's interest in peacemaking, I do not see this institution of peace as the solution to our excessive preoccupation with warmaking. We face the reality of a budgetary ratio of 100,000 to 1 of war to peace. While conflict management may serve to prevent some outbreaks of violence, we citizens need to take more drastic measures to control the militarization of America and the world—and indeed the heavens.

WILLIAM HOHRI

THE HUNDRED PERCENT CHALLENGE

Edited by Charles Duryea Smith
Published by Seven Locks Press
256 pages, \$16.95

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the official publication of the Japanese American Citizens League

In the past few months, Pacific Citizen has run stories on:

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 - anti-Asian violence in U.S.
 - the campaign to win compensation for Nikkei interned during WW2.
 - Peruvian internees.
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LETTERS

That's all I can afford now. Sorry. I am disabled and unemployed. I hope it'll help.

MAY YOSHINAKA
 Seattle, Washington

Your newsletter is great and all who work on it are to be congratulated.

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 New York, NY



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Continued on page 2

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