



# National Council for Japanese American Redress

925 West Diversey Parkway  
Chicago, Illinois 60614  
October, 1983

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Dear Friends,

Court dates, I am learning, are contingent. The date for oral argument did remain at September 30th. That was the day of our first day in Court. It was to hear arguments for and against the government's motion to dismiss our lawsuit. It was thirty minutes for each side. It was just fine, I'm told, which means Benjamin Zelenko for our side did better than the government's Jeffrey Axelrad.

I'd intended to be there, but when I thought the 30th was an open date—after all, there was a meeting to reschedule—I was committed to preach a sermon at a conference of the North Central Jurisdiction of the United Methodist Church. However, Nelson Kitsuse, our newly elected vice-chairperson, did make the trip from Chicago, as did Tom Okawara and Merry Omori. Of course, Jack and Aiko Herzig were there. So was our friend Nicholas Chen.

Ken Ringle wrote a nice story for the Washington Post. (Yes, Ken is the son of Lieutenant Commander Ringle, who wrote the Ringle Report, which is an important part of our case because it demonstrates that the official U.S. Intelligence position favored selective rather than mass detention. Another Dickensian linkage.)

THE HEARING is reported elsewhere. There is, however, one little, but significant point. Judge Oberdorfer did request a copy of Personal Justice Denied, the report of the Commission on Wartime Relocation and Internment of Civilians.

Our feeling is that time is on our side. The more time the Judge spends studying and understanding the factual history, the stronger our case becomes. No one knows how long he will take to render a decision on the motion to dismiss. But the longer he takes, the more likely it is, we feel, that he will rule to allow us to have our first real day in Court. But like dates, the decision is unpredictable.

ANOTHER related item, four days later, was the recommendation by the Department of Justice attorneys in the Fred Korematsu petition for writ of error (coram nobis) to dismiss the original Korematsu indictment, to set aside the conviction, and to dismiss the current petition. This is certainly a victory for Fred Korematsu and, at the time of writing, a probable victory for Minoru Yasui and Gordon Hirabayashi. But should the Court act with the recommendation, it does avoid any finding of wrong doing by the government in the original Supreme Court decision.

ALONG with Nelson, Bob Imon was elected treasurer. Sam Ozaki came up with the idea of a vice-chairperson instead of a Chicago chairperson. So now we have a chairperson, me; vice-chairperson, Nelson Kitsuse; secretary, Yae Imon; and treasurer, Bob Imon. Harry Nagaoka continues as treasurer for the Redress Legal Fund. Just to make things a little kotonk (the Hawaiian Nikkei friendly pejorative for mainland Nikkei. "Kotonk" is the sound of a rap on an empty head.), we decided that the vice-chairperson would chair our board meetings.

MANY OF YOU have expressed your concern for our internal problems. These expressions are most appreciated. Those of us on the inside do lose sight of the forest for the trees. It is important that we keep in mind our vision and goal. I'm sure we will persist and continue. We are bound by your support and encouragement.

A PERSONAL note. I've quit my job and have begun to write a book on the redress movement. I've given myself a year. It's a challenge. Michi Weglyn has been pushing hard at me. My 9 to 5 job was really getting to me. I can't think of a poorer motivation for management than "taking care of Number One." I hope I haven't jumped from the pan into the fire. Writing will be tough enough. I've got to do it while the juices flow. Tougher yet is writing something that is truthful and worthy of publication.

I'VE READ Peter Irons' new book, Justice at War: the Story of Japanese American Internment Cases. I am intimidated. The book is well-written and a bombshell. Everyone must read it.

I first met Peter Irons at the University of Utah conference on Japanese American Relocation and Redress. I had heard about him and we'd talked on the phone. He is a guiding vision behind the three petitions for coram nobis by Korematsu, Yasui, and Hirabayashi. I came to respect his courage in standing up and correcting some of Minoru Yasui's statements about the law and our lawsuit. For me, it was necessary but difficult to make the response. The errors needed correction; they were substantial. But as a lay person, I lacked the credentials to correct Yasui, the attorney. Irons got up and made the corrections with grace and precision.

In his book, he states with the same sense of objectivity that the JAACL acted as collaborator and informant for the government during World War II. He also analyzes the legal processes by both defendants' and government attorneys in the Supreme Court test cases, using his unique combination of skills as an attorney and historian-political scientist. He lays bare the serious compromises made by the American Civil Liberties Union in its unwillingness to attack Roosevelt's Executive Order 9066 and the truly shocking machinations of the military and the "old boys' club" atmosphere of the "Brethren" that stifled much needed dissent. Although Irons stayed close to the record, he manages to lift his writing above dry recitation and give believability to legal history. I could never hope to write as well.

REPRESENTATIVE Mike Lowry is running for the Senate to replace the late Henry Jackson. I can't think of another political figure more deserving of Nikkei support than Lowry. He introduced the first Lowry Redress Bill in 1979 in fulfillment of his campaign pledge to his Nikkei constituency in

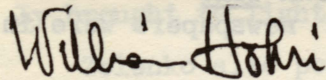
Seattle. That was defeated by the bill that established the Commission on Wartime Relocation and Internment of Civilians, not unexpectedly. But he said he would persist. Redress legislation remained quiescent while the Commission conducted hearings, wrote its report, and formulated its recommendations. When the CWRIC was done, he introduced the second Lowry Redress Bill on June 22, 1983. He is a man of his word. That's recommendation enough for a political candidate. On top of this, I believe he's a fine human being. So make your check to:

Mike Lowry for U.S. Senate Committee  
P.O. Box 4246  
Seattle, WA 98104

THE CONTRIBUTIONS we've received from our recent fund appeal were heartening. We deeply appreciate each and every one. But it is still too few supporting the rest of us. Our mailing reaches around 1,300. Less than 100 responded. That's not healthy, especially for those who suffer atrophy of the pocketbook. We didn't send Nelson to Washington. He went on his own. We still have no paid staff and pay no rent.

We want to be prepared for an appeal in the event of an adverse decision. We may have to press hard for legislation to waive procedural obstacles. (By the way, why not write to your representative or senator about introducing enabling legislation? Write to me if you're interested.) Send us your measure of support.

Peace,



William Hohri



I had a heart attack and I am an old Issei.

I'll never live to see the day.

However—enclosed is a small check for your worthy cause.

( A note from one of our supporters. )

IT WAS in the afternoon, on Friday, September 30, 1983, that the hearing for oral arguments was held. The scene was the U.S. District Court for the District of Columbia, Washington, D.C.

Attending this historic event from the Windy City were Merry Omori, Tom Okawara, and Nelson Kitsuse. It is probably fair to say that the three Chicagoans were a wee bit awed by the solemn and formal setting.

Jeffrey Axelrad, the Department of Justice attorney, was questioned strongly on the legal aspect of military necessity connected with internment. Mr. Axelrad did not appear to be well-prepared. The Judge was peeved. In my view, attorney Axelrad showed little interest in the case. We were told that 15 lawyers from the Department of Justice were present in the courtroom.

Attorneys Benjamin Zelenko and Ellen Godbey Carson were very competent in presenting NCJAR's case. There are still obstacles to overcome, but to have witnessed the progress we have made; it leaves us with a feeling of euphoria.

One of the lawyers said that it is a generally accepted view in governmental circles that either the legislative or judicial branch must deal with the illegal internment of the Japanese American issue. Each branch is now hoping the other will take the responsibility.

It was my understanding that Judge Oberdorfer would hear the arguments from both parties, ask questions, and quickly render a decision. Instead, we learned that the Judge's decision would come later.

Win or lose, is the way many of us judge events, decisions, arguments, happenings and so forth. In my own prejudiced mind, NCJAR won!

By the way, several writers from Japan's leading newspapers were in the courtroom covering the hearings.

ONE OF THE highlights of our two-day Washington visit was meeting Aiko and Jack Herzig. For over three years, the Herzigs have spent hours upon hours going through thousands of documents in the National Archives. Our lawfirm; the Commission on Wartime Relocation and Internment of Civilians; and Peter Irons were all helped immeasurably by the Herzigs.

On Friday morning, September 30th, Aiko took the Chicago delegation on a tour of the Archives. We actually looked through several WRA files. And we visited the law offices of Landis, Cohen, Singman and Rauh after the Court proceedings ended. Still, later that day, the NCJAR group which included Ellen Carson and Nicholas Chen (a young attorney residing in D.C.) enjoyed a delicious Mandarin dinner at a place called The Great Wall.

For NCJAR supporters in California who have not met Attorney Carson, a bar group in Los Angeles has invited her as their guest speaker. Plans are being made for her appearance.

Finally, the "Poor People" Airline safely delivered three tired bodies to O'Hare on Saturday night, October 1, 1983.

Saturday, October 1, 1983

WASHINGTON POST

Justification?

by Ken Ringle

**I**N THE FIRST civil damage suit ever to arise from that historic "relocation," attorney Benjamin Zelenko argued that newly declassified documents affectively refute past government claims that 120,000 Japanese Americans were herded to barbed-wire camps in the desert because of "military necessity."

While their loyalty was widely suspect at the time, Zelenko said, recently uncovered government papers show not only that the Japanese were loyal, but that government officials had intelligence reports saying so and "grossly misrepresented evidence" to justify an action that was based on prejudice and political fear.

"Even the Supreme Court couldn't find out the real reason for it," Zelenko said of the mass relocation. He cited memos showing that government lawyers at the time concealed from the court naval intelligence and FBI reports that declared the relocation to be unnecessary.

Assistant U.S. attorney Jeffrey Axelrad argued that the statute of limitations on the relocation expired long ago and that Congress voted in 1948 to compensate Japanese Americans for monetary losses suffered in the camps.

He asked U.S. District Judge Louis F. Oberdorfer to throw out the damage suit.

Zelenko, however, said that no compensation has been made for personal suffering caused by the government's action. And he said that the statute of limitations should be waived in view of the government documents recently brought to light.

Zelenko also pointed out that it would be improper to await legislative relief for such a massive violation of rights.

"A United States Court has never yet held that the United States acted illegally in imprisoning its own citizens ... during the years from 1942 through 1946," the plaintiffs' brief states. "That must be done."

(Edited)

meanwhile . . .

**A**S WE AWAIT the Judge's decision as to our lawsuit, another redress bill has been introduced in Congress. Entitled the Civil Liberties Act of 1983, H.R. 4110 was introduced in the House of Representatives by Majority Leader Jim Wright (D-Tex.), on Thursday, October 6, 1983.

Among the 72 co-sponsors backing the bill are House Majority Whip Tom Foley (D-Wa.); Peter Rodino (D-N.J.), chair, Judiciary Committee, and Hamilton Fish (R-N.Y.), ranking Republican member of the Judiciary Committee, Reps. Norman Mineta (D-Ca.), Robert Matsui (D-Ca.), Mervyn Dymally (D-Ca.) and Mike Lowry (D-Wa.).

Redress bills that were introduced on June 22nd at the time when the Commission on Wartime Relocation and Internment of Civilians made public its recommendations were Sen. Alan Cranston's (D-Ca.) S. 1520 and Mike Lowry's H.R. 3387.

v i n d i c a t i o n . . .

**R**ESPONDING to a petition for writ of error coram nobis filed by Fred T. Korematsu on January 19, 1983, the U.S. Department of Justice on Tuesday, October 4, filed a motion to vacate his wartime conviction. The indictment against Korematsu for defying the Army's exclusion orders and for violating Public Law 503 in 1942 were also dismissed.

"Justice is finally done," said Fred Korematsu at a press conference held on Wednesday, October 5th.

"I knew the internment was wrong. I'm relieved after 40 years to know that I was right all along. I still remember when I was shackled and put in prison. Being an American citizen didn't mean a thing."

"I was burned up," Korematsu said. "I can't express the feeling I had at the time. It's something I've carried around all these years."

A draftsman, Korematsu, 64, lives in San Leandro, California.

"THIS IS A HISTORICAL victory for civil liberties," said Peter Irons, general counsel for Korematsu.

"The factual underpinnings of the Supreme Court case have been swept away by the government's decision to move for reversal of Fred Korematsu's conviction. In practical terms, the Supreme Court's decision has been overturned. It's highly doubtful the government would ever cite this case, because the Justice Department's opinion is that the government was wrong to begin with.

"The impact of this case extends to all Japanese Americans who were interned. The government has effectively admitted that the internment was a legal and moral injustice."

Evidence uncovered by Peter Irons from Archive documents revealed that the War Department, Justice Department, other government agencies and high-ranking attorneys suppressed, altered and destroyed key papers to influence the outcome of the cases against Korematsu, Yasui and Hirabayashi.

ACCORDING to Assistant U.S. Attorney William McGivern of San Francisco, Minoru Yasui, 66, and Gordon Hirabayashi, 64, will have their convictions dropped.

"The dismissal of charges against Korematsu thus undercuts the justification for the internment," said lead counsel Dale Minami, "and should strengthen the case for redress as well as the class action lawsuit brought by the National Council for Japanese American Redress."


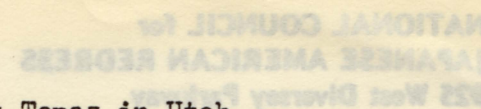
NOTE: Gordon Hirabayashi has stated that KOREMATSU and HIRABAYASHI were also cited by Nazi defendants before the Nuremburg Tribunal. The Nazis claimed that military necessity justified the "evacuation" of the Jews.

(Edited)

October 6, 1983: RAFU SHIMPO Los Angeles

HOKUBEI MAINICHI and NICHU BEI TIMES San Francisco

October 14, 1983: PACIFIC CITIZEN



  
 In the camps, first at Tanforan and then at Topaz in Utah,  
 I had the opportunity to study the human race from the cradle to the grave,  
 and to see what happened to people when reduced to one status and condition.  
 Cameras and photographs were not permitted in the camps,  
 so I recorded everything in sketches, drawings and paintings.



CITIZEN 13660  
 was first published in 1946  
 and reissued this year  
 with a new Preface by the author.

University of Washington Press  
 Seattle and London

\* To order, check listing below.

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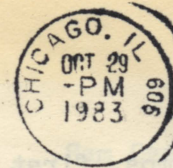
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MS SASHA

HOHRI

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**YOUR CONTINUED support is a must.**  
It is up to all of us to carry the ball.  
Pass the word to your friends about NCJAR's class action lawsuit.

- \$1,000 as one of our renin.
- \$500 as a measure of my commitment.
- \$100 and my hope that hundreds more will do the same.
- \$— and my very best wishes for success.

( All contributors will receive our newsletter. )

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