



National Council for Japanese American Redress

925 W. Diversey Parkway, Chicago, Illinois 60614

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*designates *rohin*,
contributors of \$1,000 or more.
Some remain anonymous.

The drum beat for redress has become stronger, more insistent. I was in Washington for the issuance of the long awaited, oft postponed report of the Commission on Wartime Relocation and Internment of Civilians. I functioned as a reporter for the New York Nichibei. My report is included. Then there will be a major conference on redress at the University of Utah which has some promise. A flyer describing that event is included. And then, finally, on Wednesday, March 16, 1983 our lawsuit will be filed in the District Court of the District of Columbia. We will have heard the overture. The curtain rises. The main act begins.

The press conference for the CWRIC report was heavily attended. Most of the commissioners were there. Joan Z. Bernstein presided. I could barely see her for all the microphones. The questions immediately focused on reparations, which was not in the announcement of the day. That will have to wait for the CWRIC's recommendations. (Or for the filing of our lawsuit.) A tiny tempest was perceived in a possible split between chair Bernstein and vice-chair Lungren but was quickly quenched by Lungren who, as he explained, had issued his own press release because he had to leave immediately afterwards to catch a plane and wouldn't be able to answer questions afterwards, don't you know? The only Nikkei press person to ask a question was the New York Nichibei reporter who wondered why the report made DeWitt culpable but not his superiors and the leaders of government. Bernstein disagreed that the report does this. You read and decide.

The University of Utah event promises to be interesting. The JACL will be there in force. So will Frank Chin and Jimmie Omura. I've prepared a major paper on the history of the redress movement. I still don't know if I'll be able to read the whole thing. It may be a time for some dialogue, i.e., a rational exchange of differing opinions. Or maybe just another side-show of hooting 'n' hollerin.' Or maybe boring. Probably a mix. At any rate, the Japanese-American community will be doing some thinking together. I remember in the black civil rights movement, thinking used to happen at marches. The James Meredith "March Against Fear" which began as one man's march against fear, quickly coalesced into a major march with the shooting of James Meredith, and ended weeks later in Jackson, Mississippi with shouts, still subdued, of "black power". The thinking was about black power and what it meant. We're much more sedate. And lots more reluctant to accept emerging realities. But at least some of the people in Utah will know that a lawsuit is being filed on their behalf. Maybe we do some collective thinking.

Public awareness of the lawsuit should escalate dramatically on March 16th. We are holding major press conferences in Washington, DC, Chicago, and Los Angeles. The main event will be in Washington. The others are being held in cities where our named plaintiffs reside. It will be reparations, clear and simple. It will be \$200,000 per victim times 120,000 victims or twenty-four billion dollars. It will be newsworthy. The legal issues, which I feel are the most important, will be spelled out in our court complaint and in our press release. It will be an historic occasion. The preparation requires that the participants attempt to anticipate a wide range of questions: legal, racial, historical, and personal. There are restrictions and pitfalls. Public discussion on camera or in the press should be withheld until the 16th. The legal issues will be spelled-out in the press release. But the attorneys may not discuss the case publicly. We do not wish to give the impression of avoiding questions. At the same time, our responses must be reasonably correct. It's difficult. We've begun to work out a strategy for making it all work. Of course, what you see will be but a televised glimpse. What you read will be more detailed. The battle will have been joined. We hope many more out there will join us in the fray.

* * *

Our February 19th commemoration of the issuance of Executive Order Number 9066 was an important event. Jimmie Omura was first to arrive and the last to leave. He made use of our archival materials to do his personal research. He also enlightened us with stories from his vast life of rich, wonderful, painful experiences. His stories alone comprise an event. Ellen Godbey Carson came in a day early to visit a former classmate living in Chicago. She came with her husband Bob Godbey. She was a brightly shining source of illumination that penetrated the murky caverns of legal procedure and reasoning. Though not United Methodists, she and Bob attended church with Yuriko and me on the following day. Finally, there was Joy Kogawa. I almost missed her diminutive self at the airport. She transforms us with her words. Her speech is ordinary enough, becoming more Canadian as she gets excited. Her writing sings. She read from her poetry. She read from Obasan. As Jimmie said, "You can read the whole book to me."

The event was supposed to be not a major undertaking. But still its success depended on the hosting of guests by Yaye Katayama, Mike and Ruth Yasutake, Harry and Setsuko Nagaoka, Bob and Yae Imon, Nelson and Taka Kitsuse; the informal and delectable pot-luck luncheon at Sam and Haru Ozakis, the preparation of exhibits by Merry Omori, Eddie and Doris Sato, Tom Okawara, Emi Fujii, grunt work by John Omori, Nelson and Taka Kitsuse, Bob Imon, Harry Nagaoka and Winifred McGill. Yuriko Hohri and Yae took care of registration. Sam Ozaki chaired it. That's almost our entire Chicago NCJAR Board. The board thanks the board for a job well done.

While in Washington, I had the chance to meet Kumao Toda, one of our named plaintiffs. He bought lunch for me and we had a nice visit. Kumao, it turns out, is brother-in-law to Chicago's Ken Yamamoto, a friend who goes all the way back to Manzanar. I also had a friendly, informative meeting with Kaz Oshiki in Congressman Bob Kastenmeier's office. Kaz is another of

our named plaintiffs. I thanked him for becoming our first District of Columbia plaintiff. We needed at least one in order to file in its district court. We were having trouble finding one when Kaz, an old friend, readily agreed. We hesitated asking Kaz because of his involvement with the JACL. He has encountered flak from some of its national leaders. Interestingly, he states that Mike Masaoka was not among the naysayers. I also met Ruthann Kurose in Mike Lowry's office. It is Ruthann's mother and father who were interviewed and incorporated in Studs Terkel's American Dreams: Lost and Found. We discussed the new Lowry Redress Bill which will be introduced shortly. Mike Lowry may be willing to incorporate a section which will enable our lawsuit to gain access to the courts.

During these discussions, it became clear that there is some confusion about the various initiatives. So here is an attempt at clarification.

1. The Commission on Wartime Relocation and Internment of Civilians (CWRIC) was created by an act of Congress in 1980 for the purpose of conducting a study of the facts surrounding the exclusion and detention of Japanese-Americans during World War II and the evacuation and relocation of Aleuts. The CWRIC was charged with the specific task of preparing a report to Congress and submitting recommendations for legislative action. The report was issued on February 24, 1983. The recommendations have not been issued but must be issued by June, 1983, when the life of the CWRIC expires. The activity of the CWRIC relates only indirectly to Japanese-American redress. It may or may not recommend some form of redress legislation to Congress. Congress will then have to deliberate and act in whatever manner it decides. If a bill is passed, it will then have to be signed by the President before becoming law.
2. Coram nobis petitions were entered in three district courts earlier this year in San Francisco, Portland, and Seattle for plaintiffs Fred Korematsu, Minoru Yasui, and Gordon Hirabayashi, respectively. The purpose of these petitions is to have their convictions vacated, that is, nullified. These petitions are being submitted because evidence has emerged which indicates that the Supreme Court decisions were based upon deliberately misleading information in the government's representations and arguments against these persons. These actions have no direct relationship to redress. Any benefit that would result from a successful resolution would not be monetary, except perhaps for court costs. Indirectly, these actions tend to support the class action suit of NCJAR.
3. There is not yet any redress legislation submitted in the current session of Congress. Representative Dymally introduced a bill at the end of the last session which expired with the session's expiration. Representative Mike Lowry is preparing a bill for introduction in the next few weeks. Representative Dymally may re-introduce his bill. Other bills may be introduced later in this session. These bills will be for redress. They will have to go through the legislative process where the result is largely unpredictable. Any significant redress amount would entail a significant impact on a seriously stressed national budget.

4. There have also been several lesser redress actions taken by state and local governments to restore compensation to persons who were unfairly dismissed as part of the hysteria following the outbreak of World War II. These actions are limited to those employed and a portion of their lost wages. They do not apply to all the victims or to the many other injustices they suffered at the hand of the Federal Government.
5. Finally, there is the NCJAR class action lawsuit. This is an attempt to sue the Federal Government for its actions which resulted in the exclusion, detention, and deprivation of many constitutional and civil rights of approximately 120,000 permanent residents and citizens of the United States. The chief problems facing this suit are the legal restrictions which bar its access to the courts. NCJAR attorneys have prepared arguments to overcome them. NCJAR is also seeking to have legislation introduced which will waive these restrictions and enable the suit to be heard. The suit remains a high-risk venture.

As one can see, there are really just two initiatives for redress. Both confront serious obstacles. However, I believe that NCJAR has made two certain, permanent contributions. One: We have conducted a massive research effort which has already generated benefits. We contributed substantially to the research effort of the CWRIC. The coram nobis initiative flowed directly from our research. Two: We have succeeded in defining the injury and the remedy required in unmistakably clear terms. In so doing, we have brought the issue squarely before the bar of justice and the bar of history. Let the people judge and be judged.

Peace,

Wilbur Hoshi

Washington, D.C., February 24, 1983

The Commission on Wartime Relocation and Internment of Civilians issued its report, "Personal Justice Denied," which is a compilation and assessment of primary documents, published and unpublished works, and the personal accounts and statements of over 750 individuals, mainly victims of America's WWII program of exclusion, detention, and relocation of 120,000 persons of Japanese ancestry, most of whom were American citizens. The accounts were gathered in 20 days of hearings held in cities across the nation. The report also includes a section on America's treatment of Aleuts, who were evacuated from an active war zone, and of Latin American Japanese who were deported to the United States for detention and for hostage exchange with those other American citizens held by Japan. Of its 467 pages, the bulk covers the Japanese-American experience, with a ten-page appendix for Latin Americans and a Part II of forty-three pages for the Aleuts.

The report is worthwhile reading but not particularly enlightening either in revealing new facts or in providing more fitting assessments. Joan Bernstein, CWRIC's chair, states at the end of her summary, "The broad historical causes which shaped these decisions were race prejudice, war hysteria, and a failure of political leadership." The report indicts Lt. General John L. DeWitt while treating the role of Attorney General Biddle, Assistant Secretary of War McCloy, Secretary of War Stimson, Secretary of State Hull, and President Roosevelt as one of failure of review, of inadequate attention, giving one the sense that had they been more diligent the decisions might not have been made. Thereby one is left with the anomaly of a Lt. General outmaneuvering America's Most Influential Private Citizen and the President and members of his cabinet.

Despite this limitation, the report does make for interesting reading because it is healthily laced with testimonies from many of the individuals who testified. Henry Murakami's account of his loss of \$22,500 worth of fishing nets at Terminal Island gave me a sense of how far he had to go when he relocated from Manzanar to Chicago. I can almost see Bill Kochiyama as he walked between two lines of troops with bayoneted rifles and, as he recounts, "[I] screamed every obscenity I knew at the armed guards daring them to shoot me." The gloom of Rohwer is felt from Betty Matsuo's description, "When the rains came to Rohwer, we could not leave our quarters. The water stagnated at the front steps..."

The report is another retelling of the story with substantial support from many sources, including documents from the National Archives and other repositories of primary materials, unpublished works such as Rita Takahashi Cates' doctoral dissertation, and published works including Michi Weglyn's "Years of Infamy," Tamotsu Shibutani's "Derelicts of Company K," Mine Okubo's "Citizen 13660," and many others. Doubtlessly, many new facts have been added. Still, one notices more easily those that have been omitted. In my judgment, among the most serious is the report's refusal to deal with the questions raised by Dr. Peter Suzuki over the ethics of the social scientists who worked as community analysts and the issue of informant activity. Such issues are difficult, to be sure. But as Representative Norman Mineta said in today's New York Times Op-ed piece, our need to learn from our mistakes, however human, requires a proper statement of the facts. And the investigation of the facts was the main charge given the Commissioners.

In describing the Heart Mountain draft resisters, the report mentions that the Rocky Shimp, a Denver newspaper ran articles against the draft and simply notes "...the newspaper was silenced." How was it silenced? It was silenced by the government's attempt to prosecute its English editor, James Omura, on the charge of conspiracy in making public his opinion. Omura was acquitted under the First Amendment right of freedom of the press but suffered abuses, such as solitary confinement, and was wiped out financially as a result of the litigation. That's how the newspaper was silenced.

The term "Issei," first generation Japan born, is made only to apply to parents of Nisei, when it was often applicable to their older brothers and sisters who were also born in Japan. The term "Hansei" may be used if a distinction between generations is needed. But it is not used in the report.

It correctly states that the segregation program was announced as compulsory at Tule Lake but does not note that the announcement was in error. It was to have been voluntary.

It is also interesting to see that the historical section was submitted in draft form to Professor Roger Daniels and to Bill Hosokawa for their suggestions. While Daniels is an historian, Bill Hosokawa is a journalist. While academic standards of some stringency apply to a history professor, one wonders what commends the choice of one journalist against others to an issue of such historicity.

The report drops the use of "concentration camp" because it "summons up images and ideas which are inaccurate and unfair." Inaccurate and unfair to whom? Leland Ford used it. President Roosevelt himself used it without hesitation in two press conferences to describe where Japanese-Americans were being held.

But my chief criticism of the report is of the causes it identifies for the exclusion-detention program. Those cited by Joan Zeldes Bernstein are almost truisms: prejudice, hysteria, and a failure of political leadership. They sound as though the Commission failed to uncover anything new. True enough, the press quickly picked up on the charge that detention was unnecessarily extended beyond the 1944 elections for political reasons. The credit for this finding must go to two CWRIC staff members who fed the incriminating documents to Senator Edward Brooke during the second Washington hearings in November, 1981. Brooke, a Republican, picked up on this and had the documents read and inserted into the record and into his memory. That was new. But there was something old and far more incriminating.

The report makes the important distinction between exclusion and detention, giving to each its separate causes. Exclusion and exclusion only is specified in EO9066. Detention is a different matter. Aside from the politics of a presidential election, the report ascribes detention to the problem the War Relocation Authority was having with relocation due to the perceived hostility of interior states towards Japanese-Americans. It fails to take into account the government's response to Mitsuye Endo's filing for freedom through the writ of habeas corpus. Had she been successful in her 1942 attempt, the



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camps would have been closed immediately. The response came not from the WRA but the military. The response came not from a Lt. General but from the Judge Advocate General. The military drafted legislation to suspend the writ, an action not taken since the Civil War. Clearly, the military wanted us detained. Why?

It may be that the Commission felt compelled to identify the causes for detention under the pressure of time and its mandate to investigate the facts. It has had a difficult time with its staffing problems, an uncertain timetable and limited budget. The facts are not always co-operative. But in this case a critical fact has been available for years in "Years of Infamy." Michi Weglyn quotes a memorandum from the Secretary of War to the Secretary of State. It is dated February 5, 1942, just at the time the exclusion order is being conceived.

"General MacArthur has reported in a radiogram, a copy of which is enclosed, that American and British civilians in areas of the Philippines occupied by the Japanese are being subjected to extremely harsh treatment. The unnecessary harsh and rigid measures imposed, in sharp contrast to the moderate treatment of metropolitan Filipinos, are unquestionably designed to discredit the white race.

I request that you strongly protest this unjustified treatment of civilians, and suggest that you present a threat of reprisals against the many Japanese nationals now enjoying negligible restrictions in the United States, to insure proper treatment of our nationals in the Philippines."

One wonders, even with all its distinguished members and its impressive congressional mandate, whether the Commission has really done its job. The report will undoubtedly be perceived as authoritative. We have yet to hear the remedies the Commission must recommend to Congress before it expires in June, 1983. The report does add to the sense of anticipation that is building for a definite move for redress. It heightens the theme of the coram nobis petitions, which seek to vacate the Supreme Court decisions of Hirabayashi, Yasui, and Korematsu. In mid-March, a class action lawsuit will be filed in the District of Columbia which will seek monetary relief for the entire class of 120,000 victims. Later, congressional legislation of varying sorts will be introduced. The report cannot but help these actions. But still one wishes its conclusions had been more rigorous, less reminiscent of failed political leadership.

Your request for the Commission's report entitled

"Personal Justice Denied"

may be purchased from:

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

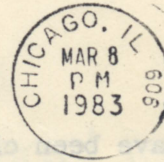
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**NATIONAL COUNCIL for
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925 West Diversey Parkway
Chicago, Illinois 60614



MS SASHA HOHRI
[Redacted]

Now that we've completed the first phase of legal preparation and paid for its cost, let's get set for the main event!
We need to keep ourselves going, extend our research, and prepare for notification of the class and court costs. There are two ways you can help:

1. make a contribution now, especially if you haven't.
2. send us names of friends who might be interested.

- \$1,000 as one of our ronin.
- \$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.

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