

From:

20 November 1997

Subject: REDRESS APPEAL  
File No: 900289

To: David K. Flynn  
Chief, Appellate Section  
Civil Rights Division  
U.S. Department of Justice  
P.O. Box 66078  
Washington, DC 20035-6078

cc: The Honorable Janet Reno  
Attorney General, US Department of Justice  
Constitution Ave. & 10<sup>th</sup> St., NW  
Washington, DC 20530

## I. INTRODUCTION

Reference: letter from David K. Flynn, US Department of Justice, ORA Eligibility Appeal, File No: 900289, Corrected Copy, dated 23 Jul 1993.

1. I, George Hiroshi Sunada, appeal to the Attorney General of the United States, presenting facts showing that my and my family's constitutional rights were violated as a result of racial prejudice, war hysteria, failure of political leadership, and the direct involvement of agencies of the Federal Government of the United States of America. I am including additional information that was not submitted in earlier requests for redress and appeal. I am not satisfied that the situation has been addressed and resolved.

2. I turned 78 years old on 17 October 1997. I am in good health and have a sound mind but I am quickly losing energy for pursuing the paperwork of Redress Appeal. I am only motivated by the harbored deep feelings of hurt for the injustices my family and I, and others of Japanese ancestry in my community, suffered during the World War II period. At the same time, I am deeply patriotic and loyal to our country. I proudly served in the U.S. Army's highly decorated 442nd Regimental Combat Team, and am a Disabled American Veteran of World War II. It is my intent to convey my thoughts and feelings, and provide you with information to more effectively evaluate this request for redress.

3. I understand that the Assistant Attorney General of the Civil Rights Division, pursuant to 28



C.F.R. 74.17 (a), has delegated to you the authority to decide Office of Redress Administration (ORA) appeals. We are sending a copy of this appeal package to The US Attorney General, The Honorable Janet Reno, since I am alleging that Constitutional rights were violated in ways that are under the authority of the ORA, but may be beyond the scope of the ORA authority alone.

## II. CONSTITUTIONAL ISSUES

1. At age 22, I, George Hiroshi Sunada, was the breadwinner for my family consisting of my mother and eight surviving children. My father died in 1938 and my older sister had died in 1935. I was employed by the Union Pacific Railroad (UPRR) from June 1939 to my unconstitutional layoff on 19 February 1942. I, a Utah born Citizen of the United States of America, was fired simply on the grounds that I was of Japanese ancestry and after I was investigation by the Federal Bureau of Investigation. I was also subject to adverse rulings by the US Treasury Department. My family and I were also inappropriately, directly and adversely, affected by rulings by the Department of Defense, the US Attorney General, and other arms of the Federal Government.

2. Proclamations were issued by the U.S. Government that excluded all persons of Japanese ancestry from being near railroad company facilities in Wyoming, where my family lived and worked. Furthermore, persons of Japanese ancestry were subjected to a curfew and prohibited from traveling beyond a five-mile radius of their homes, while other Americans were not. Schools, churches, and stores they had frequented as well as streets they had walked upon suddenly became off-limits. These unconstitutional affronts to our personal liberty were due to poor political leadership, war hysteria, and racial prejudice because of our Japanese ancestry, and not due to any other evidence or suspicion.

3. In light of the serious deprivations of liberty and property, it is clear that I, George Hiroshi Sunada, an American Citizen of Japanese ancestry, railroad worker, and my immediate family members, who were victims to such treatment, should be found eligible for redress. Any uncertainties in our situation should trigger the use of the "benefit of the doubt" clause contained in the Civil Liberties Act Amendments of 1992. The use of this clause should enable the me and my immediate family members, to be found eligible for redress payments and apologies from the U.S. Government.

## III. BACKGROUND

George Hiroshi Sunada's

Employment history with UPRR:

1939 Peru, Wyoming: Section Hand

1939-40 Green River, Wyoming: Section Laborer

1941 Green River, Wyoming: Car Shops Helper: serviced passenger trains

1941-42 Green River, Wyoming: Roundhouse Helper: Did maintenance & helped in roundhouse office as trainer & operated turn-table



# OTHER JAPANESE OR JAPANESE AMERICANS WORKING FOR UNION PACIFIC

The table below shows my parents, me, and my brothers and sisters.

<u>Name</u>	<u>Birth</u>	<u>Age as of 19 Feb 1942</u>		<u>Age as of 11 Nov 1997</u>
Morijiro "A" Sunada	22 Sep 1882 in Ehime-Ken, Japan	Died 19 Sep 1938	Father	Deceased
Toku Kurokawa Sunada	21 Dec 1894 in Ehime-Ken, Japan	47	Mother	Deceased
Mary Kaoru Sunada	22 Apr 1918 in Superior Wyoming	Died 5 Nov 1935		Deceased
<b>George Hiroshi Sunada</b>	17 Oct 1919 in Layton, Utah	22	Breadwinner	78
Edith Misao Sunada	24 Apr 1921 in Layton, Utah	20		76
Agnes Tomiko Sunada	22 May 1923	18		74
Janet Chiyuka Sunada	5 Mar 1925	16		Deceased
Kayo Kohei Sunada	8 Dec 1926	15		70
Mae Utaka Sunada	4 Dec 1929	12		Deceased
Leo Shigeru Sunada	11 Apr 1932	9		Deceased
Ray Sakae Sunada	17 Nov 1936 in Green River, Wyoming	5		Deceased

## III. BACKGROUND

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Employment history with UPRR:

1939 Peru, Wyoming. Section Hand

1939-40 Green River, Wyoming. Section Laborer

1941 Green River, Wyoming. Car Shops Helper: serviced passenger trains

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OTHER JAPANESE OR JAPANESE AMERICANS WORKING FOR UNION PACIFIC RAILROAD IN 1942

12 Feb 1942, the following Isseis (First Generation Japanese in America) were laid off from Union Pacific Railroad that I knew or heard of.

1. Masaichi Kawate, Section Foreman, Uinta, Utah
2. Noboru Ota, Section Foreman, Marston, Wyo
3. Wataru Kamigaki, Section Foreman, Bryan, Wyo
4. Paul Chicka Horiuchi, Section Foreman, Peru, Wyo
5. George Kunichi Sugano, Section Foreman, Green River, Wyo
6. Yasaku Ono, Yard Foreman, Green River, Wyo
7. Heishiro Muta, Branch Foreman, Reliance, Wyo
8. Kishichi Sugano, Section Foreman, Baxter, Wyo
9. Toshio Horiuchi, Section Foreman, Salt Wells, Wyo
10. Morinosuke Fukumori, Section Foreman, Point of Rocks, Wyo
11. George G. Komoto, Section Foreman, Thayer Junction, Wyo & Peterson, Utah
12. Masaichi Tanimine, Section Foreman, Superior, Wyo
13. Frank K. Kumagai, Section Foreman, Thayer Junction, Wyo
14. Yorite Uyeda, Section Foreman, Wamsutter, Wyo
15. Kumakichi Endow, Section Foreman, Ft. Fred Steele, Wyo
16. Yosaku Iwamoto, Section Laborer, Hallville, Wyo
17. N. Hori, Section Laborer, Green River, Wyo

(As far as I know all except one of these Isseis are dead. The one living, Paul Chicka Horiuchi, is in a nursing home.)

Niseis — Second Generation Japanese Americans, US CITIZENS who were working for UPRR:

1. Jiro Okano, Section Laborer, Rock Springs, Wyo
2. George H. Sunada, Roundhouse Laborer, Green River, Wyo
3. Bill Sugano (drafted into the U.S. Army while working for UPRR prior to Dec. 1941.)

Although I was born in the United States of America, a U.S. Citizen, I was still investigated by the FBI and then layed-off by UPRR on 19 February 1942. In or about January 1942 two FBI agents accompanied by the Green River Chief of Police, Chris Jessen, searched my house and belongings in Green River. They were looking for cameras, weapons, knives, and other suspicious items. Out of fear of being arrested, the my family had buried in their back yard, our Japanese heirlooms and valuables of significant personal value (such as ancient family samurai swords, and family records written in Japanese). Those items have never been recovered and a parking lot now paves the area that was once the Sunada back yard. The family cameras, hunting rifles, and knives were turned in to the local police under the direction of the FBI and US Attorney General Francis Biddle, again because of our Japanese ancestry and not due to any other evidence or suspicion.

The local newspaper in Rock Springs Wyoming stated the reason for the layoffs. **"Shortly after the outbreak of the war the railroad froze all pay checks of employees who were of Japanese, Italian and German descent and who were not American citizens in conformity**



**with a Treasury Department regulation.”** This was a front page article in the “Rock Springs Rocket,” Friday 13 February 1942. (Enclosure \_\_\_\_). Less than a week later, on 19 February 1942, I was fired from the Union Pacific Railroad. Why would the Railroad continue to employ me and my fellow workers of Japanese ancestry people if they had been directed by the Treasury Department to not pay us? The US Treasury Department as well as the military departments, the Federal Bureau of Investigation, and other Federal entities were involved in actions to EXCLUDE Railroad workers in Wyoming from employment and from leading the normal life of a Citizen of the United States of America.

The situations I experienced fits the Redress criteria: “exclude, relocate, or intern persons of Japanese descent, whether taken pursuant to Executive Order 9066 or not.” (Enclosure \_\_\_\_)

The Federal Register states that, “actions of the Department of Justice, the Federal Bureau of Investigation, the Army, the Navy, or any other federal entity, to exclude, relocate or intern persons of Japanese descent, whether taken pursuant to Executive Order 9066 or not, provide the basis for eligibility (for redress) for these groups of evacuees.”

The Isseis, me, and our families were not evacuated but we were fired and subjected to unconstitutional hardships due to actions of the federal entities. This group of people was not in the mainstream groupings of people interned from the West Coast. None the less, we lost our pay, lost our jobs, and were in more difficult economic shape than those on the West coast who were evacuated, interned, and given at least a concentration camp quality of life. Those of us in Wyoming and Utah were left to fend for ourselves in the harsh winter climate in the meager surroundings of the railroad towns we lived in.

Imagine yourself as a 22 year old man with a mother and seven younger brothers and sisters to care for, in the snowy, windy, sage brush country of Green River, Wyoming, on 19 February 1942, having just been unjustly laid-off from the Union Pacific Railroad (UPRR). I wrote a letter to the President of UPRR, Mr. William Jeffers, within a day of being laid-off. The attached copy is the draft of the letter that I wrote and sent (enclosure \_\_\_\_). In the letter my I point out that we were laid-off because we were Japanese or of Japanese ancestry — not because of our conduct or actions. I state, “Is this true Americanism? It certainly is not - - Not to the way that I’ve been brought up in our great country, where all the nationalities and races unite to make this country so great.” I go on to say, “And now, after you had said that it was just the Japanese Nationals that were to be laid off, you’ve ordered American Citizens of Japanese ancestry, in good standing, laid off too. That certainly is unfair and unconstitutional.”

Mr. Jeffers never responded directly to my letter. However, within a few days, the FBI came again to my home, asking, “Did you write this letter and send it?”

The agent couldn’t believe a Japanese could speak and write English so well. I responded, “I’m a high school graduate and probably got better grades than you!” The Chief of Police, Chris Jessen, who accompanied the FBI agents, laughed because he knew me and my family.



(Note: Chris Jessen was Chief of Police in Green River from 1933 to 1963, and is now dead.)

No unemployment benefits were offered by UPRR nor the government. Fortunately the people with the local Catholic Church helped my family.

My family did survive. My next younger sister, Edith, went to work as a housekeeper. Friends of the our family arranged for a younger sister, Agnes, to be married to another Japanese American, to help reduce the number of mouths my mother had to feed.

I won't go into all the details here, but my I joined the U.S. Army as soon as the U.S. Government would let me. I served valiantly in the 442<sup>nd</sup> Regimental Combat Team in Europe, receiving, the Combat Infantry Badge, the Presidential Unit Citation, and three Bronze Battle Stars for the Campaigns in Germany, North Apennines, and Po Valley. I was honorably discharged in October 1945 after being wounded by shrapnel and sent home on a hospital ship.

After the War, I went to art school in Southern California and then moved to Denver, Colorado. One day I was surprised to see agents from UPRR there in Denver. The agents said they had pursued me from Green River to Los Angeles to Denver. They wanted me to sign a statement that I wouldn't sue UPRR for re-employment rights since they did not rehire me after going in the Service. I did sign their statement since I didn't plan on returning to employment with UPRR anyway.

Federal Register Vol. 54 No. 159, Friday August 18, 1989, Rules and Regulations  
Department of Justice 28 CFR Part 74  
(Order No. 1359-89)  
Redress Provisions for Persons of Japanese Ancestry  
Agency: Department of Justice.  
Action: Final rule.

From Page 34159:

(continuation of part "II. Responses to Comments and Summary of the Regulations and Revisions")

"Some individuals evacuated as a result of specific governmental or military directives. President Roosevelt's Executive Order 9066, empowering the Secretary of War and the Military Commanders whom he might designate to prescribe military areas from which 'any and all persons may be excluded' was issued on February 19, 1942. However, even as early as December 7, 1941, agents of the government were taking custody of enemy aliens, including Japanese. On January 29, 1942, the Department of Justice announced the first of a series of zones prohibited to enemy aliens on the West Coast, ordering such persons not to enter or remain in such areas after February 24, 1942. On February 10, 1942, the Department of Justice warned all Japanese aliens (Of a total Japanese and Japanese American population of about 3,500) to evacuate Terminal Island, near Los Angeles: That evacuation took place, under orders of the Navy, on February 25, 1942. Apart from these early evacuations preceding Executive Order 9066, there was at least one later case of evacuations undertaken in response to a specific military directive. On March 24, 1942, after the issuance of Executive Order 9066, but before evacuation from Military Area No. 1 was required by orders of the West Coast Military Commander, persons of Japanese ancestry were ordered to evacuate Bainbridge Island near Seattle.

"The statute reaches all of the above described situations. Even assuming the none of these evacuations 'resulted from' Executive Order 9066, section 108(2)(B)(i)(III) declares evacuees eligible if their relocation resulted from any 'directive of the Armed Forces of the United States, or other action taken by or in behalf of the



United States or its agents, representatives, officers, or employees.' Thus, actions of the Department of Justice, the Federal Bureau of Investigation, the Army, the Navy, or any other federal entity, to exclude, relocate or intern persons of Japanese descent, whether taken pursuant to Executive Order 9066 or not, provide the basis for eligibility for these groups of evacuees."

As I stated in an earlier appeal, my family and I were faced with physical restrictions. We lived on the South side of the Railroad tracks and were prohibited from crossing the tracks with out escort. My younger brother, Kayo, was on the Green River High School football team. He was restricted from traveling outside Green River for football games. So he could only play in Green River for home games.

I continue to appeal, as stated before, "I maintain the firing of the Japanese aliens from the UPRR in Wyoming and elsewhere was the direct result of directives issued by the US government on 29 Jan 1942. This prohibited enemy aliens in certain areas or zones on the West coast and that they were to leave those areas by Feb. 10, 1942. I am sure that pressure was put on the UPRR . After all, this railroad was essential to the war effort. It was considered military area and US troops were sent to guard certain bridges, tunnels, and areas. The UPRR was working for and serving the US government. They were moving thousands of US Troops and military equipment. They were very much involved with the US government. They even had many of their employees deferred from US military duty."

As a side note William Jeffers, the President of UPRR, was appointed the US Rubber Administrator, in September 1942. He was appointed by "WBP Chief" Donald Nelson after President Roosevelt approved. You can see how closely tied UPRR administration must have been with the Federal Government. ("The Rock Springs Daily Rocket" Wednesday, 16 Sept 1942, front page. Enclosure \_\_\_\_)

From these documents you can see that the US Treasury Department and The FBI were directly influencing the lay-offs at UPRR. Executive Order 9066 was not intended to directly influence those of Japanese ancestry in Wyoming. But, the actions taken against those of Japanese ancestry in Wyoming were as a result of US government actions and the Executive Order.

#### Reference:

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Department of Justice 28 CFR Part 74  
(Order No. 1359-89)  
Redress Provisions for Persons of Japanese Ancestry  
Agency: Department of Justice.  
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From Page 34157:

"SUMMARY: The Department of Justice hereby adopts rules for the enforcement of section 105 of the Civil Liberties Act of 1988, Pub. L. 100-383, 102 Stat. 903, codified at 50 U.S.C. app. 1989b-4, which authorizes the Attorney General to identify, locate, and when funds are appropriated, make payments of \$20,000 to eligible individuals of Japanese ancestry who were evacuated, relocated or interned during World War II."



careful and thoughtful review of this information.

From Page 34157:

"SUPPLEMENTARY INFORMATION:

"I. Background

"The Civil Liberties Act of 1988 enacts into law the recommendations of the Commission on Wartime Relocation and Internment of Civilians established by Congress in 1980 (Pub. L. 96-317). This bipartisan Commission was established to review the facts and circumstances surrounding Executive Order 9066, issued February 19, 1942, and the impact of that Executive Order on American citizens and permanent-resident aliens of Japanese ancestry; to review directives of United States military forces requiring the relocation, and in some cases, detention in internment camps of these American citizens and permanent resident aliens; and to recommend appropriate remedies. The commission submitted to Congress in February, 1983, a unanimous report, *Personal Justice Denied*, which extensively reviewed history and circumstances of the decisions to exclude, remove and then to detain Japanese Americans and Japanese resident aliens from the West Coast, as well as the treatment of the Aleuts during World War II. The final part of the Commission's report, *Personal Justice Denied Part 2: Recommendations*, concluded that these events were influenced by racial prejudice, war hysteria, and a failure of political leadership, and recommended remedial action to be taken by the Congress and the President."

Date

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(continuation of part "II. Responses to Comments and Summary of the Regulations and Revisions")

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#### IV. CONCLUSION

1. I am not satisfied that unconstitutional injustices done to me and my family have been adequately addressed and resolved by the US Government. I appeal to the Attorney General of the United States, presenting facts showing that my and my family's constitutional rights were violated as a result of racial prejudice, war hysteria, failure of political leadership, and the direct involvement of agencies of the Federal Government of the United States of America. I request a



careful and thoughtful review of this information.

20 November 1997

Logan, Utah 84341

2. This case is affected by the Redress Provisions for Persons of Japanese Ancestry, and the "benefit of the doubt" clause contained in the civil Liberties Act Amendments of 1992. I believe that the facts presented here will influence a decision that I, George Hiroshi Sunada, and my family members who were subjected to similar conditions, be granted Redress payments and apologies from the US Government.

To: David K. Flynn

George Hiroshi Sunada

I declare under penalty of perjury that the above information is true and correct.

P.O. Box 66078

Washington, DC 20031-6078

Date

cc: The Honorable Janet Reno

Attorney General, US Department of Justice

Constitution Ave. & 10<sup>th</sup> St., NW

Washington, DC 20530

## I. INTRODUCTION

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3. I understand that the Assistant Attorney General of the Civil Rights Division, pursuant to 28