



National Council for Japanese American Redress

925 West Diversey Parkway
Chicago IL 60614

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or more; some remain anonymous.
+member, NCJAR board.

Dear Friends,

If the redress movement were a movie, now would be a time for the music to become insistent. We are in the final movement of the movement. Dramatically, the outcome, while inexorable, stretches its uncertainties exquisitely. The final days of negotiations between the House and Senate members of the Conference committee seem to be producing compromises on eligibility. A victim may be eligible by being alive on the date of the legislation's enactment into law—not upon receipt of payment. Most of the renunciants and repatriates may be eligible. The so-called "voluntary evacuees" may be eligible. Even the few living Issei who were interned in Justice Department camps may be eligible. The conference committee seems also to be compromising with the President and may extend the period of appropriations over the ten-year life of the legislation. The Senate version had a five-year period. ("Pray you're alive when you reach seventy-five.") The content of the legislation is emerging. Nor do we know as of this writing whether the President will sign or veto the legislation. However, with the apparent acceptance by Congress of the President's ten-year appropriations proposal, the odds, I think, favor enactment.

We will know soon enough. Meanwhile, our lawsuit has been rejected by the Federal Circuit. For the second time, our case moves towards the Supreme Court with a petition for certiorari. After the White Hats and Black Hats have shot it out on Capitol Hill and in the White House, our case may be reduced to a legal exercise, a minor note, a device on which to end the film.

To summarize some respected legal opinion, our petition to be heard could be rebuffed. (You will recall that one requests to be heard by the Supreme Court; one does not appeal. An *appeal* implies a right to be heard.) The first time around, it was the government's request to be heard that was accepted by the Court. We had been victorious in the U.S. Court of Appeals for the D.C. Circuit. And legislative redress seemed moribund. This time around, NCJAR is requesting to be heard. We have neither the government's prestige nor its 4600 attorneys. We were defeated in the Federal Circuit's Appeals Court. And if the White Hats are victorious with the President's signature on H.R. 442, Japanese-American redress will have been resolved and our lawsuit appear moot. Because of these changes, the Justices may decide not to hear us.

Continued

An Issue for All Americans

Continued DEAR FRIENDS

But we remain the clients. What do we think? What will we decide? Here is what I think.

The Supreme Court deals with issues. In June 1987, it unanimously remanded us to the Federal Circuit in order to resolve an ambiguous portion of the 1982 Federal Courts Improvement Act. This ambiguity is now resolved. If the Court were to deny certiorari now, it would be upholding the 1984 decision of the U.S. District Court. It could have done this the first time around. To me, the June 1987 remand makes sense only if it made no difference to the Court how the Federal Circuit ruled; win or lose, our case would return for the Justices to rule on its merits.

I will concede that the enactment of H.R. 442 into law makes our class action appear moot. Redress is redress, whether enacted by the legislative and executive branches of government or adjudicated by the courts. Of course, I continue to prefer the courts with their careful attention to the historical and legal issues. And I suspect that our reaching the Supreme Court in 1986-7 resuscitated legislative redress. Still, the Justices would not be facing the major issue of redressing the grievances of Americans who were unlawfully excluded and detained during World War II.

But the enactment of H.R. 442 will not close all doors and resolve all issues. The legislation does provide the opportunity for victims to refuse payment and to continue with the lawsuit. Some of us will do just that. Moreover, victims do not opt out of the lawsuit until they receive payment, and payments will probably not commence until the 1990 budget and stretch to the end of this century. So for the next year and a half, all victims will probably continue as potential members of the class.

As a class, we seek to argue that the statute of limitations must be tolled (postponed) until we were able to discover evidence that the government committed fraudulent concealment that materially affected the Court's decisions in *Hirabayashi* and *Korematsu*. Through the splendid victories achieved by the coram nobis appeals of Fred Korematsu, Minoru Yasui, and Gordon Hirabayashi, the lower courts have agreed that fraudulent concealment occurred. But their wartime Supreme Court decisions remain intact. Only the Supreme Court can reconsider its decisions. I think now is the time for the Court to decide what effect, if any, the government's fraud will have on the Court's wartime decisions. Clearly, the Court's denial of certiorari will sustain these decisions.

Now is the time for our decision. A denial of certiorari would end the lawsuit. The lawsuit would also end if we decided against a second attempt. Be assured that the NCJAR board has decided to petition for certiorari. We are asking for your financial support to make our second ascent. It is up to you to decide whether to join us. It is still a high-risk venture. We've set a goal of \$40,000 to carry us through the Supreme Court hearing. This is a movie that requires audience participation.

Another means of supporting our effort to reach the Supreme Court is to attend one of NCJAR's book parties promoting my book, *Repairing America: An Account of the Movement for Japanese-American Redress*.

Continued

Continued DEAR FRIENDS

Sunday, July 10 in New York from 2:00 to 4:00 p.m. at Japanese on Hudson, a restaurant at 551 Hudson Street (near 11th Street).

Saturday, July 23 in Los Angeles from 2:00 to 5:00 p.m. at the Japanese Cultural and Community Center, 244 South San Pedro.

And later the same day from 8:00 p.m. to 1:30 a.m. at the NCJAR fund raiser dance, "40s to the 80s," produced by Crystal Palace Enterprises, Inc. at the Los Angeles Airport Hilton's Plaza Ballroom, 5711 West Century Boulevard, Just east of LAX. It will cost \$15. If you have two left feet like me, come anyway and talk—but please, not until 1:30 a.m.

August 6 in Seattle at 1:00 p.m. at the University of Washington bookstore. I'll be at each of these and would enjoy seeing you and autographing *Repairing America* for you.

Peace,

William Hohri

(Right)
Chicago's book party
held at Heiwa Terrace
on June 4, 1988.



Rev. Michael Yasutake Carolyn Grisko Mindy Roseman William Hohri

NOTES

Thanks a lot for everything.
Keep up the good works.

FRANK T. NISHIMOTO
Gardena, CA

Would you print in your next newsletter the text of your tribute to Michi Weglyn on the occasion of her receiving the *Hikari* award?

Her dedication is awesome and inspiring.

Thanks a lot for what you do.

Warm regards,

NIKKI BRIDGES
San Francisco, CA

- NOTE: See page 4 for
A Tribute to
Michi Nishiura Weglyn

CONTRIBUTORS

ARIZONA: Roger W. Axford.

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MASSACHUSETTS: Okiru Yoshida.

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WASHINGTON: Mr. and Mrs. Tada Abo, Helen H. Doi, William and Taimi Dudley, Tsuyoshi Korekiyo, Ted and Sumi Kuramoto, George T. Morikawa, Peter and Muts Okada, Kaz and JoAnne Yutani.

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



A tribute to Michi Nishiura Weglyn

I feel deeply honored and privileged to be here to accept on behalf of my dear friend Michi Weglyn this richly deserved recognition of one of Japanese America's seminal writers and to speak about her influence. I came to know Michi through reading Brendan Gill's Here at the New Yorker, in which Gill relates that writers for The New Yorker sometimes received no fan mail. This prodded me to write to Gill because I admired his superb command of the language and to Michi Weglyn when I was enlightened by Years of Infamy. Gill took a reluctant six months to reply; a friendship of correspondence blossomed between Michi and me.

Years of Infamy did one thing for the wartime devastation of Japanese America: it properly placed the burden for this massive and egregious violation of civil and constitutional rights squarely on the President and the government of the United States. During the war and for three decades following, for most Japanese-Americans, Michi's accusation was unthinkable. Loyalty, acculturation, adaptation, and deference had been the lessons of these years of infamy.

Up until Weglyn's work, various reasons had been adduced to explain the mass exclusion and detention of Japanese-Americans ranging from nativist pressure groups, economic opportunism, popular racism, the racism of a lieutenant general and a colonel, yellow journalism, and even military necessity, continuing into this decade by John J. McCloy and the United States Department of Justice. God only knows, with help from John Dower's War Without Mercy, how blatant and persuasive America's hatred was of all things and persons Japanese. As Lawson Inada observed in 1981 before the Commission on Wartime Relocation and Internment of Civilians, "If there could have been a magic pill to eradicate one's 'Jap-ness,' I shudder to think how many would have taken it." I leave it to you to ponder how one pledges unqualified loyalty to this wartime America without embracing America's anti-"Jap" hatred, without hating one's "Jap" self.

There was no magic pill. There was, instead, an undiscovered and untold story of the government's deliberate efforts to circumvent, if not subvert, the U.S. Constitution, to deceive the American people, to cross the moral line of hostage reprisals, to commit fraud on the Supreme Court in order to exclude and detain, unlawfully and unconstitutionally, an entire class of Americans because of their imagined genetic perversity. In 1968, in a project that would daunt most academics, this search for hidden history was undertaken by a once successful but then retired theatrical costume designer, who never finished college. Instead of relying solely on published works, she examined primary documents in the National Archives and elsewhere. The National Archives is like a filing cabinet with a million drawers. Instead of pages, one reads linear feet. It took Michi eight years of research and writing and absorbing one hundred letters of rejection to get Years of Infamy published.

Years of Infamy became the watershed in the liberation of Japanese America. Although its 1976 publication followed the beginning of the movement for Japanese-American redress by about six years, the movement itself was slow and uncertain in beginning. Edison Uno began it as the self-proclaimed "Majority of One." His idea was picked up by the Seattle Evacuation Redress Committee of the Seattle Chapter of the Japanese American Citizens League. This committee pressed the national JACL to act. In 1976, the JACL took its first cautious step towards redress by forming a National Committee for Redress. Two years later, the JACL, still prodded by the Seattle committee, took what

Continued

Continued **A tribute to Michi Nishiura Weglyn**

appeared to be a decisive step to seek redress through congressional legislation. A few months later, however, still cautious, the JACL took a step backwards or sideways, depending on one's perspective, and switched to seeking the establishment of a congressional study commission. I was dismayed. So were members of the Seattle committee. In May 1979, in reaction to this, the National Council for Japanese American Redress was formed. The Council's first act was to ask Representative Mike Lowry to introduce redress legislation in the U.S. Congress. In November 1979, following the introduction of study commission proposals, the first Lowry Redress Bill was introduced. For the first time in our history, using this bill as vehicle, a second Japanese-American voice was heard in Congress. It rejected the commission and demanded redress. It was a voice informed by Years of Infamy.

By 1983, the spirit of Years of Infamy found its way into the court complaint of William Hohri et al. versus The United States of America. By 1983, the National Council, with Aiko and Jack Herzig following Michi's example, had exhumed tens of thousands of documents from the National Archives. One of the striking differences in redressing grievances between a lawsuit and a legislative act is the court's requirement that one spell out one's grievances, citing historical events and legal principles that impell litigation, while the Congress mutes rationale and concentrates on the remedy. Another difference is in the leverage of the law based upon the Constitution that protects individual and minority rights as opposed to the will of the majority as expressed through their elected representatives. The discoveries and accusations in Years of Infamy found official expression in this lawsuit. And Japanese America responded.

It is hard to measure the effect the redress movement has had on Japanese-Americans. But I think we have some indication in the hundreds of thousands of dollars the National Council has raised from 1980 to the present for a high-risk lawsuit. Most has come from individuals, largely Nisei. I think it is safe to say that Japanese America will never be the same.

We have been to the Supreme Court once. We will probably be there again. Our day in the Court last April was memorable. Michi and Walter Weglyn, Fred and Kathryn Korematsu, Gordon Hirabayashi, most of our named plaintiffs, friends, and supporters gathered in Washington in a confluence of forces, heroes, symbols, and ordinary people from the past and present. In a moment as memorable as the courtroom and press conference, I had great fun accusing Michi, with all her politeness and properness, of being the quintessential Nisei. She *is* Nisei. She is also the liberation of the Nisei.

It is altogether fitting and proper that we recognize and honor Michi Nishiura Weglyn for her achievement in writing Years of Infamy. The Asian Pacific Students' Committee of Washington State University is to be commended for establishing this roll of honor and placing Michi's name at its head. Michi asks me to express to you her deepest gratitude. But do not leave her here. Take her with you as an example of what Robert Hutchins described as education for citizenship. Take her with you as a lesson in the triumph of documented, verifiable truth over false, accepted theory. Take her with you as a guide to passionate, yet disciplined, writing flowing into, mingling with, and making history. □

WILLIAM HOHRI

- The (above) tribute to Michi Weglyn was presented on March 26, 1988 at the Fifth National Conference of the Association for Asian American Studies held in Pullman, Washington.

■ The following article by Marnie Mueller appeared in the June 1988 issue of the *Progressive*. She is working on a series of poems about life in Tule Lake.

I rarely mentioned Tule Lake

I was twelve years old, proudly wearing my first pair of nylon stockings, riding down in a hotel elevator to meet my parents for dinner, when I overheard two Japanese-American couples talking about the internment camps. They were finely dressed, the men in midnight-blue suits, the women in black silk with pearls. I had never before heard anyone outside my family mention the camps.

"Excuse me," I said, my heart beating wildly. They smiled at me. "I was born in Tule Lake Center. My father worked there."

The smiles disappeared. When the elevator doors opened at the lobby level, the couples turned and walked out without a word. I didn't tell my mother what I had overheard, or that I had told these people about living in the camp. I was too humiliated for that. It was years before I came to understand why they hadn't welcomed the news about my infancy at Tule Lake: I am Caucasian, and that meant my father had been there to guard them, perhaps with a machine gun.

I was the first Caucasian born in the Tule Lake Relocation Center. After Pearl Harbor, my father had declared himself a conscientious objector and had volunteered to work in the camps. His aim, he said, was "to do something to make an intolerable situation tolerable." But after two years' work organizing co-op stores at Tule Lake, he withdrew his request for C.O. status; the virulent racism he perceived among many camp administrators and guards persuaded him that there were certain circumstances in which he would take up arms.

When he was eventually interviewed for induction into the armed forces, he said a grievous injustice had been done to the interned Japanese-Americans. Because of that conviction, he was rejected as a Japanese sympathizer.

As I was growing up, whenever friends or teachers asked me where I was born, I simply said, "In California." I rarely mentioned Tule Lake, and when I did no one knew what I was talking about. In sixteen years of formal schooling, I never saw in a book or heard in a classroom any reference to Tule Lake or the other ten camps to which Japanese-Americans were consigned. I came to feel that if I talked about the camp, I'd be telling a tale about a place that existed only in my imagination.

In my thirties, when I began writing fiction, I thought of setting some stories in the camps. But I knew only my mother's accounts of me as a baby at Tule Lake, and my parents were now living in South America, too far away for me to question them in detail. When I went to the New York Public Library to look up Japanese-American Relocation Camps, I found only four entries in the entire catalog—a novel by Jerome Charyn and three nonfiction works.

The only book available was Michi Weglyn's *Years of Infamy*, which had just been published in 1976. The cover read, "In the early part of World War II, 110,000 persons of Japanese ancestry were interned in relocation centers by Executive Order No. 9066, issued on February 19, 1942. Manzanar,

Continued

Continued **I rarely mentioned Tule Lake**

the first ten such concentration camps, was bounded by barbed wire and guard towers, confining 10,000 persons, the majority being American citizens."

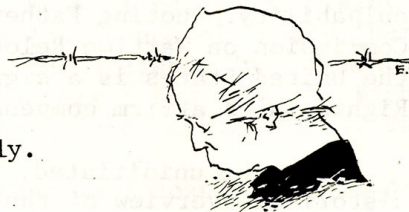
I opened the book to photographs of Tule Lake—windswept black expanses, barbed-wire fences, watchtowers. The captions said Tule Lake had been a high-security segregation center. In the distance, beyond the fences was a mountain with distinctive jagged peaks. The same mountain beyond the same fences appeared in my baby pictures.

Sitting at the long table in the library's main room, I began to weep—perhaps for the tragedy of the camps and the suffering people had experienced. I give myself that much. But closer to the truth, I suspect, is that I wept for relief that my own history had been confirmed at last.

That was twelve years ago, but I still feel confused about my identity in relation to the camps. Do I feel more like one of the jailed or one of the jailers? What I have in common with the interned Japanese-Americans is our silence in the face of the nation's silence, though at least the camps were spoken of inside my home. Among many of the Nisei and Issei, the shame was too great to allow for even that release of pain. They broke their silence only when their children and grandchildren, the Sansei—those born, as I was, in the camps or afterwards—began to ask questions.

Eventually, I suppose, there will be many analyses of the harm inflicted on people who were incarcerated in this country primarily because of their race. For now, my father's description of his first days at Tule Lake should suffice. When I finally went to visit him in South America, he told me his initial assignment at the camp had been to meet the trains and buses that brought in the internees, and to help the old people, small children, and mothers with babies. Each adult carried two suitcases—all the belongings they were allowed to bring.

My father told me of their expressions of disbelief when the internees saw the barbed wire, the towers, the barren land. He walked them through processing—being fingerprinted, having mug shots taken—and then he led them across the wide expanse of black sand to the tar-papered barracks that were to be their new homes. The worst, he said, was to see the Issei women's faces when he escorted each of them into the single room where she and her family would live indefinitely.



I give you his words:

"The room was fifteen by thirty feet. The floors were of raw wood that babies couldn't be put down on because their bottoms would be filled with splinters. The walls didn't reach the ceiling, and even in those first days cries could be heard from the family next door. There was a pot-bellied coal stove in the middle, and four to six cots with rolled mattresses on top. Nothing more. The latrines were outside and were communal.

"I learned not to enter the room with the family. I lingered behind. Their withheld pain was too excruciating to witness." □

MARNIE MUELLER

BOOK
REVIEWby
Mitsuye YamadaREPAIRING AMERICA:
AN ACCOUNT OF THE MOVEMENT FOR JAPANESE-AMERICAN REDRESS
by William Minoru Hohri
Pullman: Washington State University Press 1988

More than "an account of the movement for Japanese-American redress," this is a story of how a truly grass roots movement can come into being. The author sets out to prove "that the redress of violations of legal rights is fundamental to our form of government" and does it handily. This is a story of how several groups of Japanese Americans with separate means but similar goals managed to complement each other's efforts, though at times unwittingly, in seeking justice from their own government. There were early stirrings in the 1970's, and in the 1980's, finally after several decades, the Japanese Americans came to terms in dealing with what happened to their people during World War II, and the movement began to gain momentum through the energies of several disparate groups.

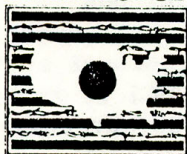
President Reagan has now returned to the Oval Office from the summit meetings in the Soviet Union where with great fanfare he chided his host for his country's human rights violations. Of course he is right; human rights issues must be raised no matter how awkward or inconvenient in time or place, including now and right here in the United States. The Civil Liberties Act of 1987 granting compensation for illegal removal and detention of the Japanese Americans during World War II awaits his signature. Whatever happens to the legislative bill, whether it dies (Reagan vetoes it, and Congress does not override his veto) or it becomes law (he signs it, or Congress overrides his veto), William Hohri, Chairperson of the National Council for Japanese American Redress (NCJAR), writes convincingly that the legal remedy, the class action lawsuit, is still an issue that should not be dismissed lightly.

Whatever happens to the bill, the value of REPAIRING AMERICA as a document that places the redress movement in its historical context will not be diminished. Hohri and many members of NCJAR believes firmly that the lawsuit must continue because only the courts can deal with the government's culpability. Quoting Father Robert F. Drinan, one of the members of the Commission on Wartime Relocation and Internment of Civilians, Hohri notes that the United States is a signatory of the Inter-American Convention of Human Rights which affirm compensatory redress as a human right.

For the uninitiated, the author of REPAIRING AMERICA provides a concise historical overview of the events during World War II that led to the forcible removal and detention of 125,000 persons of Japanese ancestry from the West Coast in 1942. Hohri then traces the redress movement, an idea that took forty years to take root, from its beginnings and unfolds the rationale for the class action suit which ran in tandem with H.R. 442 recently passed by the House and the Senate. Understandably, there were strong differences among the Japanese American community organizations as to how redress should be approached. While some, notably the Japanese American Citizens League (JACL), sought to support palatable remedies to preserve an acceptable public image of Japanese Americans, Hohri's NCJAR remained unwavering in its stance that only through court action can this American blemish be repaired.

Continued

Continued BOOK REVIEW

REPAIRING
AMERICAAN ACCOUNT OF THE MOVEMENT
FOR JAPANESE AMERICAN REDRESS

A large portion of the book reproduces carefully selected excerpts of testimonies by witnesses at the 1981 Hearings before the Commission on Wartime Relocation and Internment of Civilians, in Washington, D.C., Los Angeles, San Francisco, Seattle, Chicago, and New York City with cogent and incisive comments by the author. Hohri was initially opposed to the Commission hearings because it placed the burden of proof on the victims to come forth and prove that a wrong had been committed, but he testified, nevertheless, on behalf of NCJAR. Though he acknowledges that the hearings, organized by the JACL, was a "tremendous public relations success," there were

major drawbacks in the process. Testimonies by the implementors and the numerous victims of the mass exclusion and detention were not taken under oath and while many of the victims' stories were poignant personal accounts never heard before, the government officials responsible for the actions taken were not held accountable for their statements that clearly contradicted eye-witness accounts and official documents.

As Hohri states in his Preface, this book merges memoir with history. It is not only an informative account of the redress movement, but essentially a very human story of his personal disappointments and triumphs as he locks horns with the bureaucracy, the courts, and other Japanese Americans. Hohri is impatient with those who worry about public images, expediency, realpolitik, and other such "necessities." He insists that "in its wartime judgments, the court breached constitutional protections and guarantees," and that the repair and restoration of these protections is vital for a safer America. Though a reluctant leader at first, once he took on the responsibility as Chair of NCJAR, he continues to pursue his goal with the singleness of an ardent missionary.

The case of Hohri et al. v. the U.S. continues to be bounced around from court to court in the statute of limitations battle. Though the Supreme Court in 1987 remanded the appeal to the Federal Circuit and the outcome of the suit is uncertain, Hohri records for us in the last pages of the book an affecting verbatim exchange between Supreme Court Justice Marshall and the Solicitor General. The exchange, which must have taken only a minute or two on that historic Monday, April 20, 1987, is a powerful reminder of the moral rightness of this cause. After the Solicitor General's eloquent reading of a report about the jurisdictional issue, Justice Marshall asks, "What is the difference between exclusion and killing?" The unnerved Solicitor General responds that "Killing is much, much worse." After a few more questions, Justice Marshall bristles, "What is the difference between banishment and hanging?" Two pages at the end of this remarkable book glow with a ray of hope. Albeit it may be a wishful glimmer of a future justice system tempered with clarity of vision and human understanding. But for now we have one Justice sitting on the highest court of the land who understands that there is no difference between "taking the life" and "taking the life," not here or anywhere. □

■ Mitsuye Yamada, of Irvine, California
is a writer and poet. She is the author
of CAMP NOTES and Other Poems.

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William Hohri
of NCJAR
will be on hand
to autograph
his book
REPAIRING AMERICA

Admission: \$15

All proceeds
to go to
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