



# Banner

a newsletter of the Nikkei for Civil Rights & Redress

Winter  
2001

## "Building A Stronger Community Through Civil Rights & Redress" the Theme of DOR 2001

By Kathy Masaoka



Alberta Lee, daughter of Dr. Wen Ho Lee, will be the keynote speaker at DOR 2001. (PHOTO BY JANICE YEN)

Alan Nishio, a founding member of the organization.

Nishio spearheaded the grassroots lobbying delegation of 125 people in 1987 and has been actively involved in Little Tokyo issues from redevelopment in the 70's to economic development in the 90's. He serves on the Boards of the Little Tokyo Service Center and the LTSC Community Development Corporation, which is seeking a recreation center in Little Tokyo. The JACL will also present a Community Award. Special recognition will be given to the Hanaoka survivors who recently won a settlement from Kajima Corporation.

Keynote speaker, Alberta Lee, daughter of Dr. Wen Ho Lee, will discuss the case of the Los Alamos National Laboratory scientist who was accused of mishandling documents by the Department of Justice and placed in solitary confinement for nine months. Public protest and outrage at his treatment led to his release in September with all but one of the 59 counts being dropped. The Day of Remembrance Committee believes that his imprisonment, based largely on his ethnicity parallels the incarceration of Japanese Americans during World War II.

The Campaign for Justice, Redress Now for Japanese Latin Americans! will discuss the ongoing redress struggles for hundreds of Japanese Americans and Japanese Latin Americans who suffered fundamental injustices and human rights violations by the U.S. government during World War II. The organization is currently seeking the passage of the Wartime Parity and Justice Act, a comprehensive redress bill sponsored by Congressman Xavier Becerra (CA, 30), which will provide for public education funding, redress for Japanese Americans who have been unjustly denied under the Civil Liberties Act of 1988, and redress for the over 2,000 Japanese Latin Americans.

The event is free to the public but reservations are required. Reservations can be made by calling JANM at (213) 625-0414. For general information, call NCRR at (213) 680-3484 or JACL at (213) 626-4471.

NCRR has been working with members of the Japanese American Citizens League Pacific Southwest District (JACL PSWD) and the Japanese American National Museum (JANM) to plan this year's Day of Remembrance. The event is scheduled for Saturday, February 17, 2001 from 2PM to 4PM at the Japanese American National Museum.

In keeping with the theme, "Building a Stronger Community Through Civil Rights and Redress," a multimedia presentation will feature highlights of the 20-year campaign for redress as well as the civil rights activities of both JACL and NCRR. In addition, NCRR will acknowledge several attorneys who have worked *pro bono* on redress cases and present the Fighting Spirit Award to

## NCRR Joins Tokyo Group to Report Landmark Settlement

By Kathy Masaoka & Ayako Hagihara

On Dec. 17, NCRR members Kathy Masaoka and Ayako Hagihara joined the Hanaoka Support Committee in Tokyo at a public forum, attended by over 100 supporters and the former workers' family members from Beijing.

The forum, titled "Report on the Kajima/Hanaoka Trial and Memorial Gathering," was held to announce and report on the settlement agreement between eight Chinese former mine workers and Kajima Corporation, marking an important milestone in the ongoing struggle by the Chinese survivors, their attorneys and community-based support organizations in demanding an apology and reparations from international general contractor and hotel conglomerate Kajima Corporation.

NCRR and the Committee had worked together to not only educate each other's constituency about the Chinese forced laborers but also to support each other's campaigns against Kajima.

According to the settlement, Kajima will provide 500 million yen (approximately \$5 million) to a redress fund that will be administered by a Management Committee whose members are appointed by the plaintiffs and will provide reparations to survivors and heirs of deceased laborers toward their welfare and education.

Between 1944 and 1945, 986 Chinese men were captured by the Japanese military and taken to Kajima-owned Hanaoka labor camp in the city now known as Oodate, located in northern Japan. Forced to perform hard labor in the mine for over 12 hours a day, the workers were not fed or clothed adequately and were regularly beaten.

When they could no longer stand the abuses, leader Geng Zhun declared, "Rather than sit and wait for death, we must stand up and strike," and on June

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30, 1945, the workers revolted. The workers escaped off the mine but were soon captured and hundreds of Chinese laborers were tortured to death. In all, 418 Chinese were killed at the Hanaoka mines.

Upon returning to China, Geng and others formed the Hanaoka Victims Federation ("the Federation"). After gaining the support of attorney Takashi Niimi and a community organization, the Committee on Chinese Forced Labor ("the Committee"), the Federation began negotiations with Kajima for a sincere apology, development of Hanaoka Memorial Halls in Oodate and Beijing, and reparations of 500,000 yen (approximately \$5,000) each to all 986 laborers and their heirs.

On Jul. 5, 1990, the Federation (represented by Geng and Niimi) and Kajima produced the Joint Announcement wherein Kajima accepted

contained some parts that have drawn criticism from some members of the Chinese community.

"The settlement agreement begins with a reconfirmation of the 1990 Joint Announcement. Then Kajima states that it bears no legal responsibility and that the plaintiffs take note of this statement.

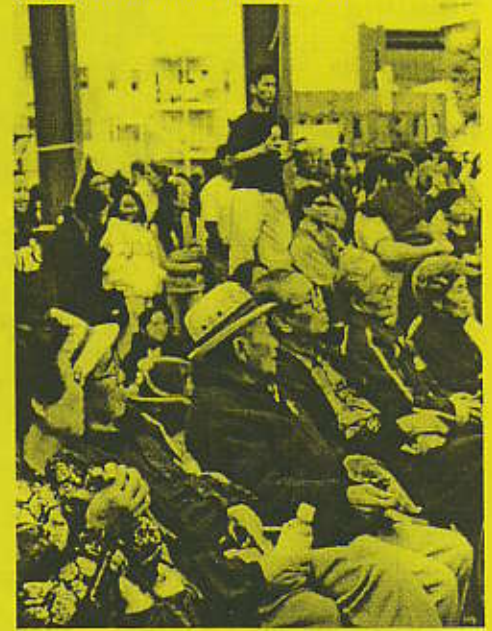
"During the negotiations, the plaintiffs wanted most of all for Kajima to admit responsibility. But Kajima resisted this blanket statement and came back with the proposal that Kajima admits moral but not legal responsibility.

"The judge and plaintiffs refused to accept this statement. We had to phrase the proviso in a way that allowed Kajima to make such a statement but did not connote acceptance or agreement on behalf of the plaintiffs."

Niimi also explained another controversial section that states in part that this settlement "confirms the resolution of all claims against Kajima

## Recreation for the Generations

Over 500 people of all ages (below) attended the rally in for the Little Tokyo Recreation Center on Oct. 28 and made handprint petitions to show their support for the project (opposite page). PHOTOS BY JANICE YEN



visited the plaintiffs in Beijing to report on the settlement proposal. Upon agreeing to the settlement, Geng wrote the following poem on a large canvas and had it signed by the other seven surviving plaintiffs:

*Taking back the true path of history,  
We will protect the dignity of humans.  
Promoting friendship between China and Japan,  
We will advance world peace.*

It was the sentiment of all present at the forum that there is still much work to be done. There are over 60 wartime compensation lawsuits against other Japanese corporations. In addition, many are calling for the Japanese government to acknowledge its role in forced labor and military sexual slavery and to atone for its actions.

At a reception that immediately followed the forum, NCCR presented a plaque that read "Victory, at Last!" to the Hanaoka Support Committee for all their many years of educational work and support of the Chinese survivors.

On Dec. 29th, Niimi and the members of the Committee travelled to Beijing to meet further with the plaintiff and discuss how to carry on the terms of the settlement agreement.



(TOP) NCCR members Kathy Masaoka and Ayako Hagihara flank Wan Hong, daughter of a Hanaoka mine worker and plaintiff in the suit against Kajima.

(BELOW) Ken Arimitsu of Tokyo's Citizens Fund for Redress and Kathy look on as Akinori Fukuda of the Hanaoka Support Committee joyfully accepts the congratulatory plaque from NCCR. (PHOTO BY AYAKO HAGIHARA)



the forced labor at the Hanaoka mines "as a historical fact and that [Kajima] bears responsibility as a corporation." Furthermore, Kajima vowed to continue negotiations in the spirit of the late Communist Party leader Zhou En-Lai: "Preparing for the future by not forgetting the past."

Despite this promising start, negotiations were drawn out for over four years, and finally, on May 3, 1995, were called off. On Jun. 28 of that same year, Geng and ten others filed a suit in the Tokyo district court demanding reparations from Kajima.

After 14 months, 20 official settlement negotiations and dozens of heated arguments, both parties agreed to the settlement agreement announced publicly on Nov. 29, 2000.

At the Dec. 17 forum, Niimi described the settlement agreement, which

redress fund. If they do not accept, they could still bring suit of their own.

"Although this provides funds for the entire group [of Chinese laborers at Hanaoka], this settlement agreement is only between Kajima and the 11 plaintiffs."

Present at the forum was Wan Hong, daughter of Wan Ming, one of the plaintiffs who passed away one week before the settlement was achieved.

"The war tribunal court declared the Japanese supervisors at Hanaoka guilty of torture and abuse. Whether or not Kajima admits legal responsibility, the law has sided with us," stated Wan passionately.

"Life cannot be bought by money. Money is only a way for Kajima to try to erase the past. But truth will always remain."

In late November, Niimi and others





## The Struggle For Redress Continues

By Richard Katsuda

Over the last few years NCRR has been working with members of the Japanese American Bar Association to develop strategies and file redress cases.

As a team, we have filed four lawsuits in the Consolo/Ishida category of redress claimants. These claimants are children born after their parents had "voluntarily" left the West Coast or left camp. After a lawsuit by Linda Consolo, in which her attorney, Gerald Sato, successfully argued that Ms. Consolo had been prohibited from returning to her domicile (in legal terms her fixed, permanent residence, the same as her parents' legal domicile on the West Coast), the Office of Redress Administration (ORA) made claimants in this category eligible for redress. ORA, however, set an eligibility cutoff birth date of Jan. 20, 1946 by arguing that, because the last main order rescinding exclusion from the West Coast took effect on that date, anyone born after that date was no longer legally prohibited from returning to their domicile.

To challenge ORA's argument, the legal team filed four cases. Carole Song, represented by Lisa Ikemoto, won her case and was awarded redress. Ms. Ikemoto successfully argued that Ms. Song's parents had received inadequate notice of the rescission order.

Carol Higashi, represented by Julia Mass and Scott Yamaguchi, recently lost her case before the U.S. Court of Appeals for the Federal Circuit. The cases for Wendy Hirota, represented by Alex Fukui and Patrick Hattori, and for Robert Murakami, represented by John Ota (an NCRR member in the San Francisco Area), are pending.

NCRR is itself a plaintiff in *NCRR and Suzuki v. U.S.*, in which we charge the U.S. government of malfeasance for failure to invest the redress fund as required by the Civil Liberties Act. NCRR, represented by Christopher Prince of McCutchen, Doyle, Brown & Enersen, states that, had the government properly invested the fund, there would have been sufficient money to fund the entire \$50 million intended by Congress for public education (only \$5 million was allocated) and to redress Japanese Latin Americans (JLAs) with the same measure of justice that Japanese Americans (JAs) received (JLAs received \$5,000 each, whereas JAs received \$20,000). A ruling is pending from the federal Ninth Circuit Court of Appeals.

NCRR has also been supporting the Campaign for Justice for Japanese Latin Americans. Please see the enclosed information sheet for more information.

## Bratt Deserves a Legal Defense Fund

By Kay Ochi

Imagine being the target of an intense three-and-a-half year investigation by the Department of Justice's inspector general into every aspect of your work and personal life. How would it feel to be interrogated by the IG for an entire week and to have your name and good reputation smeared in the national press by the unsubstantiated accusations of a disgruntled former employee?

How could this happen to a highly respected DOJ administrator with an illustrious 25-year career of government service, including successfully establishing the Office of Redress Administration (ORA) and earning the admiration and respect the Japanese American community?

The horrendous situation that Robert "Bob" Bratt, former ORA Director, found himself in, is not too different from the government's abuse of power and the denial of civil rights of Japanese Americans during WWII. It's not too different from the way Dr. Wen Ho Lee was wrongfully imprisoned by the government based on 59 charges, 58 that were eventually dropped.

The government's main accusation involved Bob using his position to help two Russian women to get visas. Bob responded by taking a polygraph test on his own accord. The results support Bob—he scored a 99.9, the highest possible. The IG also questioned Bob's use of frequent flyer miles accrued during department business, and his upgrades from coach to business class travel. Bob responded to these charges and is waiting for the government's response to his polygraph test and his rebuttals.

Recently, Bob's lawyers requested some documents through the Freedom of Information Act. The government refused to give him the information which could help his case. His lawyers will continue to press for the documents, so their fees keep mounting.

Bob has already spent over \$70,000 in legal fees to defend himself against the IG's charges when even a DOJ spokesperson stated in Sept. 2000, that the alleged conduct "didn't meet the threshold of a violation of federal criminal statutes."

Some of Bob's supporters during this ordeal, in addition to NCRR/Los Angeles members, include Sox Kitashima, Carole Hayashino, Jonathan Kaji, Bill Kaneko, Aiko & Jack Herzig, William Hohri, Carol & John Saito and Rita Takahashi.

In order to help our friend, NCRR and JACL/PSWD ask the community to contribute to Bob's legal defense fund. Donations can be made to "NCRR" (put Bob's name at the bottom of the check). Donations are tax-deductible and can be sent c/o NCRR, 231 E. 3rd St. Ste. G104, LA, CA 90013.

For more information, call NCRR at (213) 413-6537.



Bratt, left, with NCRR members after the Aug. 8, 1988 commemoration of the sunset of the Civil Liberties Act. (PHOTO BY JANICE YEN)



Are you an NCRR member? Join or  
renew now and support continuing  
efforts for redress, civil rights and social  
justice!

NCRR Membership (tax-deductible):

\$30 One-year

\$15 Students and low-income

\$500 Lifetime membership

Please make checks payable to NCRR

Mail to: NCRR

231 E. Third Street G104

Los Angeles, CA 90013

Name

Street Address

City

State, ZIP

## NCRR Education Committee: The Show Must Go On



Carol McKnight, drama teacher at Marshall High School, looks on as Director John Esaki explains the storyline and history of **STAND UP FOR JUSTICE** to students. The docudrama about

Ralph Lazo, who joined his Nisei friends at Manzanar during World War II, is co-produced by Visual Communications and NCRR. The project is currently in the casting phase of production. (PHOTO BY JANICE YEN)

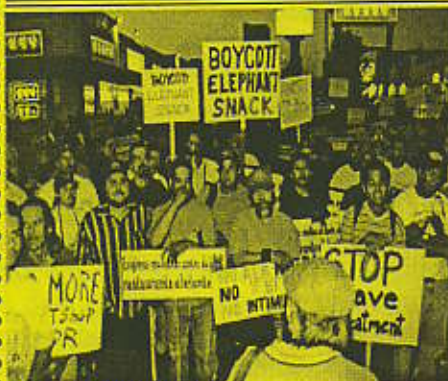


PHOTO BY JANICE YEN

### SUPPORT THE WORKERS OF ELEPHANT SNACK CAFE

in their claim for over \$210,000 in  
back overtime wages  
Pickets every Friday at 6:30 pm (Rain  
or Shine)

Corner of Western and James Wood  
(formerly 9th Ave.) in Los Angeles.  
For more information, call KIWA  
(213) 738-9050.



NIKKEI FOR  
CIVIL RIGHTS & REDRESS  
231 E. THIRD STREET G104  
LOS ANGELES, CA 90013  
(213) 680-3484

Don't miss the Day of Remembrance 2001:  
Building a Stronger Community Through  
Civil Rights & Redress  
Feb. 17, 2-4 p.m. at Japanese American  
National Museum (details inside)



# BUILDING A STRONGER COMMUNITY THROUGH CIVIL RIGHTS AND REDRESS



## DAY OF REMEMBRANCE 2001

Remembering February 19, 1942, and America's Concentration Camps



SATURDAY, FEBRUARY 17, 2001 • 2:00 pm  
JAPANESE AMERICAN NATIONAL MUSEUM  
369 E. First Street • Little Tokyo • Downtown Los Angeles

- **Keynote Speaker: Alberta Lee, Daughter of Dr. Wen Ho Lee**
- **Continuing the Campaign for Japanese Latin Americans**
- **Redress Victory for Hanooka Slave Laborers**
- **Multi-media Retrospective**
- **NCRR's 2001 Fighting Spirit Award to Alan Nishio  
and Special Recognition to Redress Attorneys**
- **JACL Community Achievement Award to Mitchell Maki**

### Reception to Follow Program

Admission is FREE but Reservations are Required (limited seating) Call 213.625.0414 (JANM)  
For More Information Call 213.680.3484 (NCRR) or 213.626.4471 (JACL)

Sponsored by

Nikkei for Civil Rights and Redress (NCRR) • Pacific Southwest District JACL • Japanese American National Museum



# CAMPAIGN FOR JUSTICE

Redress Now for Japanese Latin Americans!

January 2001

## Rep. Xavier Becerra To Reintroduce Redress Legislation

In February 2001, Representative Xavier Becerra (D-CA, 30) will introduce the Wartime Parity and Justice Act of 2001 in the new 107<sup>th</sup> Congress. This important redress legislation, which was first introduced last session as H.R. 4735, the Wartime Parity and Justice Act of 2000, gained the support of 32 co-sponsors from California, Texas, Illinois, New York, Massachusetts, Oregon, Michigan, Samoa, and Guam. The bill also received support from key members of the House Asian Pacific Islander Caucus, the Latino Caucus, the Black Caucus, and the Human Rights Caucus.

The Wartime Parity and Justice Act of 2001 seeks to resolve the remaining redress issues for Japanese Americans and Japanese Latin Americans. It will include provisions for public educational funding, reparations for Japanese Americans who have been unjustly denied redress under the Civil Liberties Act of 1988 (CLA), and redress equity for Japanese Latin Americans who suffered civil and human rights violations by the U.S. government during World War II.

Education remains a critical part of redress. Although important strides were made during the redress program to inform the public about the fundamental injustices suffered by people of Japanese ancestry during World War II, millions of Americans are still unaware that these civil and human rights violations even occurred. Under this bill, \$45 million will be authorized for educational funding to fulfill the educational purposes of the CLA.

This bill will also provide redress to hundreds of Japanese Americans (JAs) whose rights were violated during the War by the U.S. government but have been denied redress due to legal technicalities and narrow interpretations of the CLA. These individuals include: 1) U.S. citizens born in camp after June 30, 1946; 2) persons of Japanese ancestry who were legally residing in the U.S. and interned but were not U.S. citizens or permanent residents at the time of internment; 3) JAs who were born outside of camp between January 20, 1945 and March 1, 1948 but faced government barriers for return to exclusion areas; 4) JA railroad workers and miners who were terminated due to government action and their children; and 5) JAs who applied for redress under the CLA but were late applicants.

In addition, this bill seeks to provide redress equity for Japanese Latin Americans (JLAs) who were forcibly brought to the U.S. and interned for use as hostage exchange during the War. The Wartime Parity and

Justice Act of 2001 will provide an official apology and a token monetary compensation of \$20,000 for eligible JLAs, as well as expungement of the false "illegal alien" status from the records of JLA individuals, and will direct the government to disclose all information relating to the abduction of Japanese Latin Americans from their home countries during the War, including information on disappeared individuals for whom there is still no account.

## The Wartime Parity and Justice Act of 2001 Needs Your Support

This bill will need *everyone's* support to get passed and funded. We thank all of our individual and organization supporters who have joined in our ongoing redress struggle. Your help has made it possible for our fight for justice to continue, and we would like to urge others in our communities to join in helping make this bill, and redress, a reality for all of us.

As of January 18, 2001, 7 Congress members have signed on as original co-sponsors of the Wartime Parity and Justice Act of 2001. There are still an additional 23 members who served as co-sponsors of H.R. 4735 last session who have not yet signed on as original co-sponsors for this bill. (Please see list below)

### Original Co-Sponsors of the Wartime Parity and Justice Act of 2001, (as of 1/18/2001)

Steve Horn (R-CA, 38)	Ciro Rodriguez (D-TX, 28)
Tom Lantos (D-CA, 12)	Lucille Roybal-Allard (D-CA, 33)
Barbara Lee (D-CA, 9)	Janice Schakowsky (D-IL, 9)
George Miller (D-CA, 7)	

### Co-Sponsors of H.R. 4735, 106<sup>th</sup> Congress (Not Yet Signed as Original Co-Sponsor as of 1/18/2001)

Jose Baca (D-CA, 42),	Zoe Lofgren, (D-CA, 16),
Howard Berman (D-CA, 26)	Robert Matsui (D-CA, 5)
Rod Blagojevich (D-IL, 5)	Jerrold Nadler, (D-NY, 8)
David Bonior, (D-MI, 10)	Solomon Ortiz (D-TX, 27)
Anna Eshoo, (D-CA, 14)	Nancy Pelosi, (D-CA, 8)
Emi Faleomavaega, (D-Samoa)	Silvestre Reyes, (D-TX, 16)
Bob Filner, (D-CA, 50)	Pete Stark, (D-CA, 13)
Barney Frank, (D-MA, 4)	Robert Underwood, (D-Guam)
Martin Frost, (D-TX, 24)	Maxine Waters (D-CA, 35)
Charles Gonzalez (D-TX, 20)	Henry Waxman (D-CA, 29)
Luis Gutierrez, (D-IL, 4)	David Wu (D-OR, 1)
Jesse Jackson (D-IL, 2)	



***We urgently need your help to see that the remaining 23 Congress members renew their support of this important redress bill by being an original co-sponsor of the Wartime Parity and Justice Act of 2001. Please call their district offices as soon as possible and urge them to be an original co-sponsor. We need them to sign on before the bill is introduced next month!***

In addition, we need everyone to contact their representative in Congress to urge them to support this bill. Please call, write, or visit your representative to let them know that you care about this issue and you want them to support this bill. (You can go to [www.congress.gov](http://www.congress.gov), or [www.congress.org](http://www.congress.org), to find and/or e-mail your representative. Please also see sample letter below.) ***We especially urge you to contact your Republican representatives. Currently there is one Republican co-sponsor of the bill. This bill needs strong bipartisan support in order to pass Congress!***

If you would like to visit your Congress member's office, please contact the Campaign for Justice so that we can coordinate congressional district visits in teams.

## U.S. Court of Appeals Dismisses Redress Case

Following a hearing last December by the 9<sup>th</sup> Circuit Court of Appeals, the Court, in an unpublished decision handed down this month, upheld the lower court's dismissal of *Kato, Yano, and Ogura v. U.S.* The plaintiffs in this consolidated redress case, are 6 claimants of Japanese descent, born on three different continents, who were all wrongly imprisoned in the U.S. during World War II, and who have been denied an apology and redress by the U.S. government. The plaintiffs charged the U.S. with a continuing policy of discrimination for refusing to grant them redress, but the Court ruled that the plaintiffs were procedurally barred from filing a claim. Paul Mills, the attorney representing the plaintiffs, expressed his grave disappointment in the Court's ruling. "The Court did not even discuss the merits of the case. We did not even get a "normal" consideration. They made a special requirement that only applied in this case."

Plaintiffs will be filing a petition for rehearing by the 9<sup>th</sup> Circuit, and en banc review this month, which, if granted, would allow the case to be heard by all 9<sup>th</sup> Circuit judges. The decision by the Court on this petition is expected within 60 days of filing. Mills noted that if the Court does not grant rehearing on this case, they would appeal to the U.S. Supreme Court, and to the International courts, if necessary.

Two other redress cases filed by former Japanese Latin American internees who have been unjustly denied

redress by the U.S. government, are currently pending in the courts. In *Shima v. U.S.*, the plaintiff has filed an appeal to the 9<sup>th</sup> Circuit Court of Appeals. *Shibayama v. U.S.* is currently pending in the Court of Federal Claims.

"We have to try everything," stated Mills, "We're in this for the long haul. But we are exhausting this method [of litigation]. We now have a new President, and a new Congress. This new redress legislation may be it. It may be legislation, or nothing."

### Sample Letter of Support

(please be sure to send a copy to CFJ-No. Cal)

Date: \_\_\_\_\_

Honorable \_\_\_\_\_  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Honorable \_\_\_\_\_:

I am writing to ask that you, as my representative in Congress, be a co-sponsor and actively seek the passage of the Wartime Parity and Justice Act of 2001, sponsored by Rep. Xavier Becerra (CA, 30), which will:

- 1) Provide \$45 million for full funding of the public education mandate of the Civil Liberties Act of 1988 (CLA).** The U.S. must fulfill its original commitment to the \$50 million as mandated by the CLA, so that future generations will know the complete history of this shameful era in our history when over 120,000 Japanese Americans and over 2,200 Japanese Latin Americans suffered such fundamental violations of their civil and human rights by the U.S. government during World War II, and so that such grave injustices will never be repeated to any others;
- 2) Provide redress for hundreds of Japanese Americans who suffered deprivation of liberty by the U.S. government during World War II but have been unjustly denied redress under the Civil Liberties Act of 1988; and**
- 3) Provide redress equity for former Japanese Latin American (JLA) internees, who were forcibly uprooted from their homes in Latin America by the U.S. government for use as hostage exchange for Americans being held by Japan, unjustly imprisoned in the U.S., and have been wrongly denied redress.**

Please let me know that you will act to support the righting of this terrible wrong.

Sincerely,

Additional Comments:

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Address: \_\_\_\_\_

For more information, or, if you would like to make a donation, volunteer, or find out more about what you can do to help, please contact:

No. California Chapter: Grace Shimizu at 510-528-7288, P.O. Box 1384, El Cerrito, CA 94530, [jpohp.prodigy.net](mailto:jpohp.prodigy.net)

So. California Chapter: Mariko Nakanishi at 323-549-9425, P.O. Box 251425, Los Angeles, CA 90025, [mjnakanishi@hotmail.com](mailto:mjnakanishi@hotmail.com)