

MINORU YASUI: YOU CAN SEE THE MOUNTAIN FROM HERE

by

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A DISSERTATION

Presented to the Department of History  
and the Graduate School of the University of Oregon  
in partial fulfillment of the requirements  
for the degree of  
Doctor of Philosophy

June 1997

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An Abstract of the Dissertation of  
Barbara Annette Bellus Upp for the degree of Doctor of Philosophy  
in the Department of History to be taken June 1997  
Title: MINORU YASUI: YOU CAN SEE THE MOUNTAIN FROM HERE

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This dissertation is a narrative account of the life of Minoru Yasui, 1916-1986. Minoru Yasui was a Nisei (second generation Japanese American), born in Hood River, Oregon, and a graduate of the University of Oregon (B.A., 1937) and University of Oregon Law School (L.L.B., 1939). In March 1942, Yasui brought the first constitutional challenge to the curfew imposed upon Japanese Americans. The curfew was the first step in the restriction and internment of Americans of Japanese ancestry, citizens and noncitizens alike. He believed that as a citizen and lawyer it was his responsibility to oppose, and test, orders which distinguished citizens solely on the basis of their ancestry. After World War II, Yasui lived all of his adult life in Denver, Colorado, from 1945 until his death in 1986.

Minoru Yasui was a leader in the Redress movement which fought for a government apology and some form of token monetary compensation for the unconstitutional wartime internment of Japanese Americans. His own coram nobis case, which reopened in 1983, along with two other wartime internment cases, provided a rehearing of issues related to the wartime incarceration of Japanese Americans, with additional evidence and perspective. The dissertation examines the relationship of the Redress movement and Yasui's coram nobis case, after chapters which tell the story of his early life, the context of the wartime case, and his life in Denver between World War II and the beginning of the Redress movement in the 1970s. The focus of the author's original research is material from Yasui's files, archived in Denver, Colorado. Minoru Yasui's legal case had not concluded, nor had legislative Redress passed, when he died on November 12, 1986. The dissertation includes an account of the attempt to carry on the case after his death. Minoru Yasui is buried in Idylwild Cemetery in Hood River, Oregon.

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## ACKNOWLEDGEMENTS

I appreciate the generous assistance of the staff at the Archives and Special Collections of the Auraria Library in Denver, Colorado, especially Rudy Witthus, head of the Archives during the time I was doing my research. I was able to watch the huge mass of material take shape into the Minoru Yasui Collection,

To True S. Yasui and Holly Yasui and Peggy Nagae, deep gratitude for sharing their hearts and resources with me over many years.

I thank all of those who consented to be interviewed, to talk through the material with me, and to help me think through my questions and reflections. I am grateful to all those who shared recorded audio and video tapes with me in the course of my research, to the students who helped me realize the importance of Asian American History, and colleagues in the Association for Asian American Studies who have stimulated my work.

Thanks to Professor Daniel Pope for his assistance as advisor. To all who have been on the journey with me, especially to David, Daniel, and Hannah, to Patricia and Rita, and to Kim, Martha and Theresa, who have animated and supported, I give great thanks.



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## CHAPTER I

### INTRODUCTION

Minoru Yasui was a young lawyer from Hood River who decided to challenge the curfew which was instituted in 1942 against Americans of Japanese ancestry during World War II. He had an active career in law and community relations, and became a leader in the fight for Redress in the 1970s and 1980s. He was active in both the legislative and judicial aspects of the struggle for reassessment of the relocation and internment of Japanese Americans.

This work is not a chronicle of Japanese American internment during World War II, nor an analysis of the wartime test cases against internment, nor a thoroughgoing biography of Minoru Yasui. It is rather an exploration of the connection of the test case that Min Yasui brought to the curfew in 1942 and the later reopening of that case to the Redress movement in which he was involved in the 1970s and 1980s. The work is constructed to give the reader necessary orientation to Yasui's acts and motivation in bringing the test case, and to provide sufficient context of the wartime events and process of his trial to appreciate the situation in which he found

himself as well as pressures he was under. The description of the years between the end of the war and the beginning of Redress is brief in order to help the reader connect Yasui's activities and thought during those years with what came later. It is the reopening of the wartime case in the midst of the Redress movement which is the key focus of this dissertation. The heart of the work as an original contribution to the field is contained in Chapter V, "Redress and Coram Nobis: 1979-1986."

Min Yasui brought a unique history and perspective to his Redress work, and neither research nor writing has previously explored the connection between his case, occurring in the 1940s and the 1980s, and the Redress movement. During the 1980s, three wartime cases reopened by means of an obscure but still potent means of legal appeal called a writ of error coram nobis. As it was possible to prove through new evidence that there had been intentional fraud practiced on the court during prosecution of the cases, they could come "before us again" in light of the new evidence and perspective. Yasui was the only one of the petitioners in the coram nobis cases who was also active in the Japanese American Citizens League (JACL), and a vocal advocate for the JACL Redress movement, including the creation of the Commission on Wartime Relocation and Internment of Civilians (CWRIC). The

process of the Commission hearings and reports was vitally interconnected with the findings which opened the possibility of the coram nobis cases. The cases opened in 1983 in the midst of the issuing of the Commission reports. Min Yasui's extensive correspondence from this period, providing a unique perspective from a major figure, has been a key research tool in relating the coram nobis cases to the Redress movement.

Peter Irons has written of the background and process of the wartime and coram nobis cases from the perspective of a researcher and lawyer who played a key role in those cases. His 1983 work, Justice at War: The Story of the Japanese American Internment Cases, tells the story of three wartime cases--Min Yasui, Gordon Hirabayashi, and Fred Korematsu--describing the political and legal battles that surrounded them and how his research "uncovered a legal scandal without precedent in the history of American law."<sup>1</sup> Its account of the emerging evidence showing a deliberate campaign to present tainted records to the Supreme Court is vital to tracing the origins of the cases.

Irons' later book, Justice Delayed: The Record of the Japanese American Cases, is largely a case-by-case record of the judicial decisions in the test cases, occurring in the 1940s and 1980s, with

an introduction which describes the trial process of the coram nobis cases.<sup>2</sup> Another resource which provides the case records with an historical introduction is Nobuya Tsuchida's American Justice: Japanese American Evacuation and Redress Cases.<sup>3</sup> Tsuchida's work also includes the texts of the Executive Orders and Proclamations which ordered and directed the curfew, relocation, and internment.<sup>4</sup>

It has not quite been ten years since the passage of the legislation which enacted legislative Redress on August 10, 1988. There are some studies of the movement describing the background and purpose of Redress before the final passage of the bill. Works which were written and published in the midst of the Redress movement by individuals associated with JACL include JACL In Quest of Justice by Bill Hosokawa (1982), and John Tateishi's collection of oral histories from surviving internees describing their wartime experiences, And Justice For All: An Oral History of the Japanese American Detention Camps (1984).<sup>5</sup> Tateishi's volume includes an account by Min Yasui of his wartime memories.<sup>6</sup>

Published in 1988, William Hohri's book, Repairing America: An Account of the Movement for Japanese-American Redress, tells the story of the National Council for Japanese American Redress (NCJAR), a Redress group founded in 1979 which opposed the

Commission strategy that the JACL Redress Committee pursued, and proceeded with direct legislation and a class-action lawsuit. It is a valuable personal account of Hohri's perspective on the background and process of the Redress movement.

Roger Daniels and others have assembled an excellent anthology of articles about the Redress movement as part of the work Relocation to Redress, 1991 edition.<sup>8</sup> It includes an introductory essay by Daniels, articles by John Tateishi on "JACL and the Struggle for Redress," William Hohri's "Redress as a Movement Toward Enfranchisement," and a brief article on "Coram Nobis and Redress" by Dale Minami, one of the Sansei lawyers who worked on the cases.<sup>9</sup> Minami's article focuses on the dynamics and process of the coram nobis cases. None of those works specifically discuss the role which Min Yasui played as one of the subjects of coram nobis and leading figure in JACL during the Redress movement.

Leslie Hatamiya's 1993 study of the passage of the Civil Liberties Act of 1988 (the formal name of Redress legislation), Righting a Wrong: Japanese Americans and the Passage of the Civil Liberties Act of 1988, is a good overview of the whole legislative process.<sup>10</sup> It was the first major work written after the passage of Redress. Written by a daughter of internees and a Special Assistant

to New Jersey Senator Bill Bradley, it is a case study of the political, institutional, and external factors which led to the redress legislation's passage.

To date, no work has been done which ties a narrative and analysis of the Redress movement to the perspective of a particular subject of the coram nobis cases. No study has looked extensively at Yasui's correspondence as a source to convey a sense of the person and of the period. This study's contribution is to experience Min Yasui's point of view through the lens of his correspondence, looking at the issues and debates of the Redress movement from the late 1970s through the emergence of the coram nobis cases in the 1980s, until the time of his death in 1986.

Biographically and historically, there is complexity to the case Yasui brought in the 1940s as well as his voice in the later Redress movement, including his own coram nobis case. He was both firebrand and limit keeper; he was insistent on his own form and style of protest as well as being insistent about the limits of acceptable protest. As discussed primarily in Chapters III and V, forming a set of bookends in looking at the wartime case and the later coram nobis case, Yasui had a strong, yet constrained, sense of resistance. He wanted to affirm the principles of citizenship he was taught, and to do that he felt that the extraordinary measures of the

times pushed him to an extraordinary, yet constrained act, of testing an unconstitutional order, and taking it through the judicial process for review. His deep sense of obligation as a citizen to register protest when a citizen's rights were violated combined with a sharply delineated view of how protest should be registered. In many ways he was a cultural conservative, deeply patriotic, inclined to support systems and institutions, and was only brought to a point of limited resistance by the firm conviction that the restriction of United States citizens, solely on the basis of ancestry, was both profoundly wrong and demonstrably unconstitutional. By his own understanding, Yasui exercised a consistency of principle in working within the system and trying to make that system work.

This dissertation uses primary resources from the wartime test case as well as the later redress and coram nobis experiences to illuminate the decisions and options in the context of each particular historical moment. There is no attempt to judge whether his position was right or wrong in each instance, but rather to present in the words and context of each situation, how Yasui viewed and made his choices.

Following this introduction, the first substantive chapter of this work, Chapter II, "Hood River, Family Background," is intended to give the reader sufficient background to understand key aspects



which shaped Yasui's family history and early life in Hood River. His father Masuo had a critical influence on Min Yasui's opportunities and ambitions. Chapter III, "The War Years: 1941-45," presents the wartime situation in context to illuminate the choice that Min Yasui made when he tested the curfew in March 1942, and the personal and political situation in which the ensuing trial placed him. Chapter IV, "In the Meantime: 1946-1978," presents a broad outline of Yasui's life between the end of World War II and the reopening of the wartime issues in a serious Redress movement in the late 1970s. Chapter V, "Redress and Coram Nobis: 1979-1986," is the heart of the work, and the place where the research makes an original contribution. The focus is on the meeting of the Redress movement with the coram nobis cases through the perspective of Min Yasui. The author has worked with extensive primary material from Yasui's correspondence to illuminate particular dynamics, conflicts, and turning points in the process of the Redress movement during that period. Some of the key issues which emerge from this study are explicated in Chapter V:

- The debate about "commission strategy," touching debates about emotion and strategy in protest movements;
- The power and style of public story telling which happened in the "Days of Remembrance" and in the CWRIC hearings,

- generational dynamics of dealing with past injustices; and
- How Yasui responded when, in the midst of the Redress movement, he discovered the possibility of his own case reopening, and what the connections were between the personal legal case and the general movement for Redress.

The focus of this work is exploring what one person chose to do in response to a collective injustice and trauma; initially, at the time of the internment and relocation, and later, in the reopening of the telling of the story. Threads of affirmation and resistance weave in and out of this study, and the hope of the author is that, in considering it, the reader may appreciate the struggle of one individual to hold his principles, while reflecting on the challenges and choices in our own context.

### Notes

<sup>1</sup> Peter Irons, Justice at War: The Story of the Japanese American Internment Cases (New York: Oxford UP, 1983) viii.

<sup>2</sup> Peter Irons, ed., Justice Delayed: The Record of the Japanese Internment Cases (Middletown, CT: Wesleyan UP, 1989); for a description of the trial process of the coram nobis cases: 3-46.

<sup>3</sup> Nobuya Tsuchida, American Justice: Japanese American Evacuation and Redress Cases (Minneapolis: Asian/Pacific Learning Resource Center, U of MN, 1988).

<sup>4</sup> Tsuchida, American Justice 29-42.

<sup>5</sup> Bill Hosokawa, JACL in Quest of Justice: The History of the Japanese American Citizens League (New York: William Morrow and Co., 1982); John Tateishi, ed., And Justice For All: An Oral History of the Japanese American Detention Camps (New York: Random House, 1984).

<sup>6</sup> Tateishi, ed., And Justice For All 62-93.

<sup>7</sup> William Minoru Hohri, Repairing America: An Account of the Movement for Japanese-American Redress (Pullman, WA: Washington State UP, 1988).

<sup>8</sup> Roger Daniels, Sandra C. Taylor, and Harry H. L. Kitano, eds., Japanese Americans: From Relocation to Redress (Seattle: U of Washington P, 1991).

<sup>9</sup> Daniels, Taylor, and Kitano, eds., Japanese Americans, Daniels, introductory essay 188-90; John Tateishi, "JACL and the Struggle for Redress," 191-5; William Hohri, "Redress as a Movement Toward Enfranchisement," 196-9; and Dale Minami, "Coram Nobis and Redress," 200-2.

<sup>10</sup> Leslie Hatamiya, Righting a Wrong: Japanese Americans and the Passage of the Civil Liberties Act of 1988 (Stanford, CA: Stanford UP, 1993).

## CHAPTER II

### HOOD RIVER, FAMILY BACKGROUND: 1916-1941

Those who write about the Hood River Valley usually begin by extolling its beauty. There is much to extol. From the towering peak of Mount Hood to the south a twenty-six mile long rolling corridor of lush valley spreads out as the Hood River makes its way down to the mighty Columbia River. Six miles wide, the verdant valley has been changed from wild forest to stump land to cultivated orchard by generations of hard work, to its current day shape as fertile fruit orchards and homes. The town of Hood River is set at the meeting place of the water winding down through the patchwork fields of the "upper valley" from the height of the mountain, connecting with the commerce and concentrated population of the town bearing the same name as the river which empties into the Columbia amidst the towering columns of the Columbia Gorge.

The growing town and the surrounding landscape were immensely appealing to Masuo Yasui, Min Yasui's father, when Masuo was traveling east on the train along the Columbia Gorge in 1908. What Min's father later told his children was that he took one look at

the Hood River Valley and decided to stay. When Masuo came to the Valley at the age of twenty-one, he had already been in America for five years, having come from Japan at the age of sixteen. He was using a railroad pass from his father and older brothers to travel to a land he had heard of, "Shin-Shin-no-chi," which means in Japanese "new new land." He never got to Cincinnati, Ohio, where he thought he would head: his sense of aesthetics and opportunity stopped him in Hood River. This life story summary is drawn from accounts in Robert S. Yasui's The Yasui Family of Hood River, Oregon and Lauren Kessler's Stubborn Twig, as well as oral histories shared by family members.<sup>1</sup>

The oral tradition that Masuo passed on to his children about his immediate decision to settle in Hood River may be a somewhat compressed version of a larger truth of his attraction and all it represented to him. Truly, he decided to sink his roots deep, as he spoke proudly and with great conviction of doing, and as he encouraged other Japanese immigrants to do. He brought much from his native land to his chosen land, and he encouraged his children to take advantage of the great opportunities open to them in America, as American citizens by birth. All nine of his children were born in Hood River. Masuo took a Japanese sense of stability of place and

immensely ambitious, a creative businessman, driven in his work, convinced that he would use his skills in this new land to give his children even greater opportunity. He worked "kodomo no tame ni," for the sake of the children: he was fiercely ambitious for their education and honor, and wanted them to assume an important role in the Japanese American community and in the land of their birth. Masuo's children remember him repeatedly saying: "This is your home," "Every one of you children was born here and you are all good American citizens," "This is a land of unparalleled opportunity," and, most frequently, "You are put here for a purpose, and that purpose is to make the place that you live a better place." The distinctive Yasui "kotowaza" (sayings, aphorisms) reflect Masuo's energy, focus, and tireless commitment to making a home and passing on a legacy in this new place. Hood River was the new land for him, a place with stunning beauty, a booming town with dazzling opportunity, a place to raise a family and put down roots. Masuo said he was reminded of the mountains and rivers of his homeland. He saw in the area the opportunity to make a new home in a beautiful agricultural valley which had growing commercial needs, a land and a market in which hard work and entrepreneurial sense could gain him a prosperous and useful life as a prominent and responsible citizen. He worked hard over the next decades to make this vision a reality.

Masuo was part of the first generation of immigrants to come and settle in America from Japan, the Issei. They came mostly around the turn of the century, in a fairly narrow window of opportunity which the opening up of Japan and the labor need and immigration laws of the United States provided. The door was opened by America's need for labor in the West, especially after the Chinese Exclusion Act of 1882, and closed with immigration restrictions which closed the door to further immigration from Japan in 1924.

Two key factors made a great difference in Masuo's life, and the life of other immigrants from Japan. First, because of immigration law and complications due to foreign relations as well as domestic policy, and the narrow period in which it was possible for Issei to come to this country, the lack of continued immigration shaped the community generationally. The immigrant generation was not joined by other Japan-born future generations. Japanese Americans are unique in having still relevant and widely used names for particular generations of immigrants, beginning with the Issei who came from Japan around the turn of the century. The second generation, the Nisei (first to be born in America) were distinctly American, and by the time of World War II, fully two-thirds of the population of Japanese ancestry in the United States was American born. Focus on the promise and rights of this first American born



generation was further sharpened by a second key factor in American immigration and naturalization policy: immigrants born in Asia were not able to become United States citizens. Naturalization was not an option for Masuo, until the law concerning naturalization of immigrants from Asia changed in 1952, after World War II. He and fellow immigrants lived with the impossibility of officially becoming United States citizens, whatever their desires and loyalties. Their expectations for their children became even more exalted, since the children would be able to have the privileges denied to the immigrant parents. The already strong family ethic of working for the children took on a patriotic and wistful tone: the children would be and do in this country what the parents could not.

Masuo was impressed by stories of President Abraham Lincoln, and his role in freeing the slaves. The Civil War was in living memory, and Masuo had a deep interest in the role of the law in preserving human freedom and dignity. Masuo was interested in becoming a lawyer, but that was an impossibility for him because of the citizenship restriction by nation of birth. He had a deep desire for one of his children to carry on that deferred legacy. The family dynamics of the third born, which Masuo was in his own family, turned out in his own children (by death of the first son and disinclination of the second) to pass that legal legacy on to the third son,

Minoru, with a particular emphasis and yearning. Min would later tell stories of his father's prominence and influence in Hood River with great pride. Describing himself as the "most expendable," Min sought to carry on his father's hope of exercising his love for language and passion for equality under the law in his new land which had been dashed by the closed door of citizenship.<sup>2</sup> Min, as all Masuo's children, had deep respect for their father's ambition and industry. The Nisei children were all marked strongly by Masuo's expectation for them, and his insistence on family honor, never bringing shame to the family. They were told that they had been given great opportunities at great cost, and much was expected of them. Throughout their growing up years, the Yasui Nisei children were the only Japanese American family "in town," and so had a distinctive experience and role, different from other Japanese American families whose children lived in the agricultural communities in the "Upper Valley" (such as Pine Grove, Dee, Parkdale, Oak Grove).

In some ways, Masuo fit the profile of the immigration of the Issei, most of whom came on their own, the first to come to an unknown land. In other ways, he had particular family and personal experiences which distinctly shaped his growing up and his sense of

opportunity. Masuo was sent for by a father already in the United States. Masuo's father had come to the United States as a seeker after capital to invest back in Japan. The first workers of the Yasui family to come to America were part of the migration of early settlers who were looking to work at relatively high wages, given their lack of opportunities in Japan at the time, to save money, and then to return home to Japan. This had been the plan of Masuo's father, Shinataro Yasui, who left Japan and came to work on the railroad in the mid-1890s. It was difficult physical work, but Shinataro was encouraged at what could be saved for future ventures in Japan. He sent for his two older sons, Taitsuro, then nineteen-years-old, and Renichi, then fifteen, to join him on the railroad crew in the spring of 1897.

Masuo, the youngest son, was eleven when his older brothers joined his father. He grew in a household from age eleven to age sixteen without his father or brothers present, waiting for the time when he would be summoned, too. In the spring of 1903, Shinataro sent for sixteen-year-old Masuo, and he arrived to join his older brothers and father on the railroad.

Masuo told his children later that he was simply not physically suited for railroad work, and that "it hurt his feelings" when he had to be the water boy and cook.<sup>3</sup> The nature of the work and the desire

to return "home" never really connected for Masuo as it did for his father and the oldest brother. Masuo had something different in mind than the gathering of wages to return to Japan. Because of his status as third son, Masuo knew he would be severely limited in the part he could play in the family and economy of his native Japan, even with the earnings from his hard work. The family might work for a common nest egg, but there was no doubt that back in the "ie" (Japanese "house": strict birth-ordered structure of authority within the male-dominated family) the father and eldest son would have the decision-making power about the use and investment of the resources earned. The second son, Masuo's next older brother Renichi, had been adopted into another family as a "yoshi," taking their family name of Fujimoto. Masuo was intent on a distinctive role for himself in the new nation, and it wasn't on the railroad. His inclinations were in different directions, and having been given the opportunity of coming to the new nation, sent for to do a job he had neither the physical strength nor the inclination to perform, he looked for other options in the new landscape of the American West.

Hungry for education, in order to communicate better and gain opportunities for advancement, Masuo was convinced that learning English would be necessary for his ambition to put down roots and make his mark in the new country. Unlike many Issei, whose work

left them no opportunity for formal education and whose physical work required no English language facility, Masuo consciously chose to leave the manual labor and itinerant life his father and older brothers lived, and attend night school. He applied himself diligently to the study of English and watched for the opportunity to establish himself and begin a family. He became a "school boy" in Portland, Oregon, working for a family as a domestic and receiving room and board while he attended school.

Masuo studied hard, and loved his studies, enjoying the acquiring of a new language and savoring new hopes for how he could use it to further his own ambitions and also to be a go-between, a kind of linguistic and cultural bridge, for other immigrants from Japan. He knew the world of the railroad workers, the rough bachelor society which saved its earnings for return "home," and he knew he wanted something different. He had been raised in the household of his mother to be cultured, in a way that his brothers had not experienced. He saw that his opportunity would be to establish a particular niche for himself and his talents. Masuo studied hard, and by the time he came to Hood River in 1908, he had a good command of the English language, and a strong determination to make a new life for himself.

He was one of the first to mark a significant change in the

immigrant community of Japanese origin away from those who came to earn money and return home. While Japanese immigration to America started with some of the same labor market dynamics in the West as the earlier Chinese immigration (which began around the middle of the nineteenth century), the Nikkei (Japanese American) community became more family based as time went on. Laborer husbands sent for wives from Japan, and put down roots in the land and hopes for the future in the offspring. Masuo as an individual and the Nikkei community as a whole moved into a settled family mode. They were no longer a bachelor society, which is what the Yasui father and older brothers had been when they first came, gathering capital, scrimping, and living a rough and mobile life. Japanese Americans became a more rural and agriculturally based community, in contrast to the more urban and business based patterns which characterized the Chinese American community.<sup>4</sup> Family based, the emphasis both on Japanese ideas of honor and American ideas of opportunity joined to create a new entity. Masuo Yasui was both the inheritor of a tradition of adventure and seeking out opportunity in the new country, and the beginner of very new traditions. He had a head start because of his situation, but more particularly because of his own ambition and the diligence of his study in and outside of

class. By the time Masuo came to Hood River in the Spring of 1908, he definitely had decided to stay in the United States. He was seeking the new new land (Shin Shin No Chi), and, as an enterprising young man, wanted to exploit its opportunities and make his investment in the soil and the community of the Hood River Valley. His father Shinataro returned to Japan to invest in an enterprise there. Shinataro and Taituro established a profitable textile factory in Okayama-ken, and Masuo and Renichi remained in the United States, although Renichi had already been married by proxy to a Japanese woman, Matsuyo Fujimoto, who stayed in Japan to take care of his (adopted) parents, not coming to America until after their death, when both Matsuyo and Renichi were in their forties.

Masuo convinced his older brother, Renichi, to go into business with him in the Yasui Brothers Store in Hood River. It was the beginning and the grounding for many other enterprises and ventures in which Masuo engaged while Renichi took care of the day-to-day operations of the store. Lauren Kessler's work Stubborn Twig aptly describes the growth and extent of the Yasui enterprises in the valley.<sup>5</sup> Renichi, who was variously known as Uncle Ren, OjiChan, Chan, and Uncle Datsoo, was very definitely the at-home and hands-on father figure in the family. All of his nieces and nephews were

convinced they they were his favorite. He tended to the store, loving its social role and status as a supplier for and haven for Japanese Americans who came "to town." Ren never seemed to have contradicted or disagreed with any of Masuo's plans or even much entered into his younger brother's business dealings outside of the store. Masuo was the entrepreneur, venturing out in business and in many other ways, while Uncle Datsoo literally minded the store, and was more present to the children than their own father.

Masuo built from the base of the store and its function as a community center for the Japanese laborers in the area. He was engaged in many tasks as interpreter, go-between, loaner of money, negotiator of contracts, and, in general, an entrepreneurial and cultural representative of the community. Masuo began to correspond with a young woman in his home village in Okayama, and in 1911 proposed marriage to her. Shidzuyo Miyake, born in 1886, the same year as Masuo, was by then twenty-five years old, past the age by which most girls were married in Japan. The two families knew one another, and Masuo and Shidzuyo had some memory of each other as children. She was a teacher, having pursued her own education through high school and college, and settled into earning her own livelihood. She had gone against her father's wishes when she went away to college. Her son Robert tells the story that she was on her



way to college:

as the train was pulling out of the small rural station, she was in tears knowing that she had defied her father and might be severing her ties with her family; she looked up to see her father running alongside the train shouting that he gave her his permission to attend the college.<sup>6</sup>

She took that risk of breaking with her family to further her education and express her own talents. Later, in coming to America, she took another set of risks to come to a new country and start a new life and family. Shidzuyo was somewhat unusual among women in her immigrant generation in her somewhat older age of marriage, and her college education. She brought a tremendous depth of education, culture, knowledge, industry, and energy to the life she joined with Masuo in Oregon. He was the undisputed head of the household in all decisions, and she exercised the traditional role of "okusan" (honorable interior one), managing the affairs of the household, working hard at home and out in the fields. She taught ikebana, (flower arranging), cha no yu (tea ceremony), and other cultural arts and graces in her new community.

Masuo and Shidzuyo were married in November 1912, and in the next fifteen years, nine children were born to their union. Masuo's brother Renichi lived as a bachelor uncle for years, doting on his nephews and nieces. Only when his adopted parents, the Fujimotos,

died in Japan, did his wife Matsuyo join him in Hood River. Unlike many Issei parents, Masuo and Shidzuyo were not threatened by the Americanization of their Nisei offspring: rather, they actively encouraged it. The family heritage combined traditional Meiji values such as: respect for elders, paternal authority in the family, regard for one's place in and contribution to the community over many generations, the legacy of the family, the importance of honor and reputation, the value of a good name, with a lively espousal of American values of hard work to achieve success, opportunity for all, equality under the law, and the value and initiative of the individual. Masuo was convinced that his children would be given exceptional opportunities and would thrive as Americans, but would maintain a special responsibility to the Japanese American community. Masuo felt and exercised a strong responsibility to be a connection between his native and adopted countries. He sought to be a help to his country people in Hood River and to be a go-between to aid them in the establishment of their lives in America.

Min and his siblings grew up as children of a prominent merchant, businessman, and public community figure who was the first Japanese to be a member of the Fruit Growers Association, to be in the Rotary Club, to be visible and vocal in the relatively urban setting of "town." Masuo expected his children to be exemplary, to

excel in education and citizenship. Three sons were born in rapid succession , in 1913, 1915, and 1916: Kay, Ray Tsuyoshi, and Minoru. Next born was a daughter, Yuki, who died in an influenza epidemic at the age of five; a daughter, Michi, born in 1920; three more sons born closely together from 1922-24, Roku, Shu, and Homer; and in 1927, the youngest, a daughter, Yuka.

The first three children, Kay, Ray, and Min, were close in age and vastly different in temperament and talent. Kay was the first born son, chonan, and was sensitive and expressive, a writer. He was greatly gifted in talent and opportunity, and deeply troubled by the intersection of expectation, possibility, pressure and racism in his family and community. Kay's death in February of 1931, the year he would have graduated from high school, left two younger brothers who suddenly inherited the mantle of expectation the first born had worn uneasily. Ray and Min were sixteen and fifteen at the time of Kay's death, in their last years of high school, preparing to leave home in the next few years.

The second son, Ray Tsuyoshi, was athletic and social. After graduating from Hood River High School with an extra year added to allow a more active athletic career, Chop (one of his nicknames) started college at Oregon State University in Corvallis. He was among those who were the first to integrate the dormitories there,

but he was not enthusiastic about the classroom aspects of college life. He was not intellectually inclined or gifted academically. Chop was the only one of the Yasui Nisei siblings not to graduate from college. He returned to the Valley to run the family orchard, which his sons still operate today.

Chop ended up being the family patriarch, orchardist and businessman of his generation. He held down the land and family enterprise in Hood River, and was the only one of the Yasui's to return to the Hood River Valley after the war. Ray had many nicknames-- "Chess, Chessie" ( in childhood) and "Chop"--throughout his adult life. He carried on the civic involvement of the Yasuis in the Hood River Valley, in his own style, operating in the community with a great love for the place he lived and a desire to establish broader connections with the rest of the world. It was said at his funeral in 1989 that he had both deep roots and wide vision. Chop traveled widely even in the last years of his life when he was in poor health. He remained a key figure in the expansion of the fruit trade of the Hood River Valley to international markets up until the end of his life, and he was instrumental in the establishment of a strong sister city relationship between Hood River and Tsuruta, Japan.

When Ray declined to carry on the academic ambitions Masuo had for his children, the mantle fell on Minoru. He seemed to have

been greatly gifted academically from an early age. Min graduated from Hood River High School at the age of sixteen, as salutatorian. In his daughter Holly Yasui's play "Unvanquished," she depicts the young Min character as walking into the water reading his book, and losing Robert's Rules of Order down the river.<sup>7</sup> It is not literally accurate, but according to the siblings who saw Min's daughter's play, it was consistent with the brother they knew to be lost in books, with an uncanny ability to focus on the written matter at hand. Min went on to college at the University of Oregon in 1933. Completing his undergraduate work in 1937, he entered law school, graduating in 1939, and participated in ROTC, with a reserve officer's commission.

After college graduation, Phi Beta Kappa, law school graduation, and passing the Oregon Bar Exam in September of 1939, Min Yasui's job prospects were not bright. He wrote later that he was astonished at having worked so hard to be facing so little possibility of gainful employment. He felt disoriented at not seeing job prospects which would be satisfying intellectually and vocationally, or pay well.<sup>9</sup> Given all that he had poured into his education, and all that his family had sacrificed, he felt a sense of futility and frustration. He did practice law briefly in Portland, and then on his

father's advice and recommendation took a job working for the Japanese Consulate in Chicago as an attache'. This was a move which had a profound affect on his life which he could not have foreseen at the time. In March 1940, Min Yasui traveled to Chicago to take a job he neither sought nor enjoyed. He remained employed there until the attack on Pearl Harbor, December 7, 1941. He resigned the next morning, and moved into life "for the duration," joining the rest of the nation in a remarkable chapter of U.S. and world history which is still a central shaping drama of the twentieth century.

Judging by his early journals kept in Chicago, Min Yasui didn't enjoy his work at the Japanese Consulate. His employment was boring and tedious to him, involving reading and clipping newspapers, cataloging, translating letters and other materials: "am organizing Document Room tomorrow," he wrote on May 3, 1940.<sup>10</sup> He wrote speeches about Japanese cultural arts, and griped about having to submit to authority of those in the office who were throwing their power around, including one "Murphey" to whom Yasui had taken an intense dislike. He wrote in his journals about frequent sleepless nights, sometimes from insomnia, sometimes from late night "carousing and drinking."

Minoru Yasui frequently wrote about his frustration writing and memorizing speeches, and berated himself about not being able to be productive in getting speeches and letters written: "Geez, up until about 2:00 a.m. trying to whip out a presentable speech. Am in a helluva mood! Can't get started,"<sup>11</sup> and the next day, "Nyaa, nyaa! Tried to write speech at office, but couldn't get organized."<sup>12</sup> His heart was not in his work. He kept irregular hours, had what he later referred to as a "hyperactive social life,"<sup>13</sup> and was involved in a variety of Nikkei social circles in the Chicago area. He wrote in detail in a small journal each day about who he had seen and talked with, and wrote often of his frustration with himself: "What a hell of a life I'm leading. Doing nothing constructive; haven't written home in weeks, or to friends in Hood River. Book survey uncomplete [sic] as yet. Got to do some work!"<sup>14</sup> He was dissatisfied with his own connection with work, and didn't feel that he was an effective speaker in many settings: "Made damned poor showing in speech", and expressed his frustration with himself, all in capital letters, writing, "GEEZ, I'M A LAZY S.O.B. HAVEN'T DONE ANYTHING CONSTRUCTIVE TODAY EITHER. WILL WRITE TO DAD TOMORROW."<sup>15</sup>

Minoru Yasui's reasons for continuing in the work were

connected with the reasons that he took it. First, there were no other appealing options. Second, it did allow him to carry on his father's driving legacy of making an attempt to contribute to good relations between Japan and the United States. Min, as Masuo, was suited to be a bridge between cultures. He had great bilingual and cultural skills in a setting in which the two cultures/nations he knew were seen as opposites, mutually exclusive. Min Yasui was discovering the limited options he had as a Nisei. He was a citizen, but restrictions and prejudice were still very real, and wartime stirred them up, so that he faced them more directly and vividly. The war did draw out his energies as he had to make decisions about how he would respond to the growing restrictions and imprisonment imposed upon Americans of Japanese ancestry.

Chapter III on "The War Years" will begin with an account of Yasui's first hearing of the attack on Pearl Harbor, and progress through the choices he had to make in the ensuing wartime. What options did Min Yasui have as a well educated bilingual Nisei with a law degree and a reserve officer's commission, and as someone who in good faith had been employed as an attache' with the Japanese Consulate? The attributes that made him a bridge made him both greatly gifted and immensely vulnerable. Even in trying to buy a train ticket to travel home to report for duty after Pearl Harbor, and



certainly later in the legal options he contemplated, he encountered seriously limited options and roadblocks, and he had to decide how to respond. As he negotiated the transition from peacetime to wartime, as an American of Japanese ancestry, he experienced a shift of gears which engaged him in a new and entirely unexpected way, yet one which was consistent with forces which had shaped him from early childhood. The consulate job clearly had not creatively engaged his energies. Wartime life, turbulent and trying, would engage his choices and skills in other ways. Minoru Yasui was not allowed to fight for his nation on the military front, but he found another task. He carved out his own options in a radically circumscribed area.

Combining the energy and heritage of an Asian immigrant family with the fruits of educational opportunity and natural gifts, Min Yasui tried to evaluate and exercise his options as best he could. Making use of unexpected turns of events in time of crisis, he confronted the failure of democracy at the very inception of policies of restriction and internment of citizens solely on the basis of ancestry. As Min Yasui reflected on his background and early life in a 1983 Japanese American Citizens League interview, these are the parts of his heritage he emphasized as he talked about how he came to have the chances and make the decisions he did:

- The opportunity that drew his father to this country, and the way Masuo shaped that opportunity by his choices
- His mother Shidzuyo's background and college education, her culture in traditional Japanese arts and her willingness to take risks, as well as her tireless support of the family
- The beauty and fertility of the land around Hood River, Masuo's part in developing land ownership among the Japanese American community, in contrast to tenant farmers in many other places, encouraging families, building a solid economic foundation and interest as a way of being part of the soil, part of America: to become American was "the doctrine he preached"<sup>16</sup>
- The absurdity of restrictions placed on Issei in regard to naturalization and land ownership, in spite of which they persevered
- The unstinting hard work, and stubbornness of the Issei generation, buying up logged-over areas, clearing stump land: they refused to believe anything was impossible, tackled anything, learning from their failures and their successes
- Masuo's desire to be a lawyer, desire that one of his sons become a lawyer, Masuo's intense patriotism, belief in

democracy, power of law

Those are the self-identified key influences of Min Yasui's family and background. They contain inherent contradictions. Min inherited an intense and unintegrated legacy. What he was taught to be and accomplish did not fit the options he found open. Taught to be active, verbal, initiating, and enterprising, to value and defend his citizenship, he was ill prepared to accept the limitations and discriminations the war years brought to Japanese Americans. Taught, even pressured to use his talents and develop them to the fullest, Min did not find an easy family or national context in which to use his skills and find his voice.

Kay, the eldest son, had killed himself in his senior year in high school.<sup>17</sup> The second son, Chop, was putting down roots in Hood River, focusing on the land and family. Min was the first Yasui Nisei to exercise the assumed privileges of higher education, in addition to his vaunted United States citizenship. The dissonance he was to encounter between the values he was taught and the discrimination he experienced presented him with a disturbing and compelling set of options at the outbreak of World War II. Chapter III, "The War Years", will explore the dynamics of the choices he faced when the attack on Pearl Harbor brought war. The internal heritage of racism,

along with wartime hysteria, brought discriminatory measures into the lives of Americans who "looked like the enemy."<sup>18</sup>

Notes

<sup>1</sup> Robert S. Yasui, The Yasui Family of Hood River, Oregon (n.p.: Holly Yasui, Desktop Publishing, 1987) 3-24; Lauren Kessler, Stubborn Twig (New York: Random House, 1993) 3-127.

<sup>2</sup> Japanese American Citizens League, JACL interview with Minoru Yasui, videocassette, n.p.: Japanese American Research Project, JACL, Jan. 1983.

<sup>3</sup> Japanese American Citizens League, JACL interview, Jan. 1983.

<sup>4</sup> For a more detailed account of the contrasts between Chinese American and Japanese American community patterns, see Roger Daniels, Asian America: Chinese and Japanese in the United States Since 1850 (Seattle: Univ. of Washington Press, 1988); Ronald Takaki, Strangers From a Different Shore: A History of Asian Americans (New York: Little, Brown and Co., 1989); and Sucheng Chan, Asian Americans: An Interpretive History (Boston: Twayne Publishers, 1991).

<sup>5</sup> Kessler 80-106; aptly describes the growth and extent of the Yasui enterprises in the valley.

<sup>6</sup> Yasui, The Yasui Family 27.

<sup>7</sup> Holly Yasui, "Unvanquished," 1990, Act I, Scene i, Interlude.

<sup>8</sup> Minoru Yasui, letter to Suma Tsuboi, Feb. 1940, Minoru Yasui Collection, Archives and Special Collections of the Auraria Library, Denver, CO.

- 9 Minoru Yasui, "Chicago Journal," May 12, 1940, Yasui's personal files, in author's possession.
- 10 Yasui, "Chicago Journal," May 3, 1940.
- 11 Yasui, "Chicago Journal," May 12, 1940.
- 12 Yasui, "Chicago Journal," May 13, 1940.
- 13 John Tateishi, ed., And Justice for All: An Oral History of Japanese American Detention Camps (New York: Random House, 1984) 65.
- 14 Yasui, "Chicago Journal," May 25, 1940.
- 15 Yasui, "Chicago Journal," May 31, 1940.
- 16 Japanese American Citizens League, JACL interview, Jan. 1983.
- 17 Kessler 141-53; discussion of Kay's life and death: "If Masuo had high expectations for all his children, he had monumental ones for his firstborn son," 142.
- 18 Peggy Nagae, personal interview, Oct. 31, 1989.

## CHAPTER III

## THE WAR YEARS: 1941-1945

The bombing of Pearl Harbor on December 7, 1941 abruptly changed everything in Min Yasui's life. He had been out late the night before, as was not unusual for him. He was asleep on the couch, in his Chicago apartment, when he received a phone call from his friend Suma Tsuboi, who told him about the bombing, to his initial incredulity. She wrote, in 1986:

Speaking of pain remember that day - Pearl Harbor - I called you - there was complete disbelief on your part (that's all right - the Chicago FBI didn't even know until I called them) - Pain, the cold hard bloodless kind - how we both pained. two county bumpkins feeling that horrible, horrible stomach wrenching pain.<sup>1</sup>

She wrote in the same letter about some of Yasui's earlier ambition back in his high school days, when they knew each other as young people "- and your dream then - ironic, isn't it? - you wanted to be an FBI agent! Who ever heard of a Japanese-American being an FBI agent! Indeed!"<sup>2</sup>

At the time of the Japanese attack on Pearl Harbor, Min Yasui's military commission and his loyalty to his country immediately

directed his course of action---he resigned his job at the Japanese Consulate, intending to buy a return-train ticket to Oregon and report for active duty in the United States Army. Trying to buy a train ticket in Chicago , he got a taste of what the wartime could be like for Japanese Americans, and the sort of action which he would be taking "for the duration" to affirm his citizenship. Although Yasui showed travel orders from the U.S. Army to the ticket agent , the agent would not issue a ticket to him. Yasui made an appointment with an attorney for Union Pacific Railroad to prove his rights to buy a ticket in order to report for active duty with the United States Army: "I had to point to the Fourteenth Amendment to the Constitution of the United States to persuade that lawyer that I was a citizen of the United States, on the basis of my birth certificate alone."<sup>3</sup> When he reported for active duty, he was told that he could not expect any American soldier to obey his commands.<sup>4</sup> He repeatedly attempted to enter active military service, later in his files cataloging five different occasions on which he made the effort, but he was refused, on the basis of his race and later on the basis of his criminal conviction for curfew violation.<sup>5</sup> Later, in applying for membership in the Colorado State Bar, Yasui again had to confront his criminal record for the curfew violation when he was denied a



license and had to appeal the denial to the Colorado Supreme Court in order to practice law in the State of Colorado.<sup>6</sup>

When Masuo was arrested, along with other Issei in a general round up of community leaders soon after Pearl Harbor, and taken to Missoula, Montana, Min was horrified to see the kind of evidence that was being used to imprison them, many of whom were arrested before there was any policy of mass evacuation for all Americans of Japanese ancestry. Min asked permission as a lawyer and Masuo's son to attend his father's hearing.<sup>7</sup> In the process of the interrogation, Masuo was shown some childlike drawings of the Panama Canal, found in his home, which were done by the children for their schoolwork. The questioners charged he had the maps and diagrams in order to direct the blowing up of the canal locks, and had intent to damage the Panama Canal. When Masuo denied any such intent, the officer said, "Prove that you didn't intend to blow up the Panama Canal!" Min's response to the line of questioning was characteristically direct: "It seemed to me then, and it seems to me now, to be the height of absurdity!!! It was on this kind of 'evidence' that my father --and thousands of others were confined to internment camps."<sup>8</sup>

Min Yasui expressed disbelief and frustration as individual

trials and public policy were moving in the direction of placing increasingly rigid restrictions on Americans of Japanese ancestry. It particularly troubled him that there was no distinction made between citizens and non-citizens. He was living on two tracks. First, he was trying to figure out the political and legal options in considering his knowledge of the constitution and the right, and, indeed the need, to register a formal protest or test case. At the same time he was living with the daily dislocations of a community facing not only uncertainty about the future but business and property challenges and accompanying need for procedural legal assistance.<sup>9</sup> There were application forms and reports in connections with his father's and uncle's businesses, and the legal affairs of other Oregon Japanese American families, including the wives of the internees. Returning to Portland after the hearings in Missoula, he found himself swamped with work. As the only Japanese American lawyer in the state of Oregon, and the only Oregon lawyer who could speak Japanese, he reopened a law office in the Foster Hotel on NW Third Avenue in Portland. He practiced law from February to the end of April 1942: "My law practice was a blur of trying to do too much in too short a time."<sup>10</sup> Yasui wrestled with growing restrictions, what might happen to Japanese Americans, and what should be done

to stop, or at least register, protest to discriminatory laws. He began to write great volumes of letters, trying to gather together like-minded individuals to consider a legal challenge, and found that he did not have support from the Japanese American Citizens League (JACL) in bringing such a challenge.

Throughout his life, Min Yasui had a mixed relationship with this organization, having much in common with its essential goals and also key disagreements on tactics. The ideals of the group matched his own, but his sense of the necessity of legal protest within the system when citizens' rights were abridged came into conflict with the national leadership's view of necessary compromise.<sup>11</sup> Later, in the postwar years when Yasui worked hard for the immediate community and legislative goals of the JACL, there was communication difficulty and heated discussion of expenses and retainers. In spite of sometimes saying he could no longer continue doing JACL work for reasons of finance or frustration or both, Yasui seemed to keep at it.<sup>12</sup> He served as the regional representative for the Tri-State Japanese American Citizens League District, including Colorado, Wyoming, and Nebraska, from 1944-1952.

Min Yasui had been a charter member of the JACL in the Mid-Columbia JACL in 1931, and at age seventeen, president in 1933.

The JACL had been founded by Nisei who wanted to promote their rights as American citizens, and encourage American values and mainstream assimilation of Japanese Americans. The requirements for membership included American citizenship. It was a relatively small but influential organization with a national office and regional representatives to coordinate activities of local chapters. The general view of the leadership was that cooperation with the government was the only patriotic line of action during the war.<sup>13</sup>

Min Yasui affirmed participation in such activities as would be desired and required of all American citizens in wartime, but he could not agree that loyalty meant surrendering the rights of an American citizen.

As 1942 wore on, Min Yasui became increasingly convinced that bringing a test case was an important patriotic duty, and that if he could not find the support of an organization or another individual to be the subject of the case, he would have to do it himself. He came to believe that the record of an immediate constitutional test was a necessity, both for an immediate possibility of reconsideration of discriminatory actions, and for point of later reentry in litigating and reconsidering such actions.

Yasui was a man given to working within the system. He

believed that the national organization of the JACL should voice a direct challenge to any restrictions which treated citizens differently on the basis of ancestry. He was very specific in desiring to challenge the denial of rights of citizens, and appealed to his legal background and the historic emphasis of JACL on "Better Americans in a Greater America." The national officers of the JACL did not agree with him, and Min realized that any action he took would be his own. Yasui sought counsel from many sources: he talked to Federal Bureau of Investigation (FBI) agents in Portland about what was happening and what might happen, and what could be done to stop it. (These conversations were discussed by Yasui, and the agents involved, in testimony in June 1942 hearings of his case, and will be discussed in detail later in this chapter.) The first time Yasui went to talk with FBI Agent Vincent Quinn in Portland, on January 12, 1942, it was to see whether Yasui could assist his father in any way.<sup>14</sup>

In the same month as Min's father Masuo Yasui's hearings in Missoula, on February 19, 1942, President Franklin D. Roosevelt issued Executive Order #9066, which gave the military the right to remove "any and all persons" from areas of the West Coast. This executive order effectively gave to the military decision-making

power over civilians, with no distinction on the basis of citizenship. On March 21, 1942, Congress passed Public Law 503, providing criminal sanctions for violation of Executive Order 9066. On March 24, 1942, General John DeWitt issued Public Proclamation No. 3 which imposed an 8 p.m. to 6 a.m. curfew on all persons of Japanese ancestry. It took effect on March 27, 1942, and on March 28, 1942, Min Yasui intentionally violated the curfew.

It was not a decision made lightly . Min Yasui often said later that he knew he was not the most suitable candidate to make the challenge due to his employment by the Japanese Consulate, so he tried to find someone else to make the test case. Finding no one, he walked the streets of downtown Portland, along Third Avenue, near Burnside. He walked those streets until about 11:00 that night. Joe Komoto, who ran a drugstore in the area, remembers Yasui stopping to buy cigarettes and writing paper.<sup>15</sup> He always smoked and wrote a lot. Min Yasui asked his legal office assistant to notify the local Portland police of his actions and intentions to bring a test case to the curfew. It was the first restrictive order and had to be tested immediately, Yasui believed, to provide either a timely challenge or a later point of reentry to the issue.

It would later prove to be a key legal dynamic of Yasui's case

that all he actually challenged was the curfew, not the internment itself. The orders for "evacuation" and internment had not yet been issued, and so the case brought when Yasui walked the streets could not have challenged those later actions. Yasui felt keenly as a lawyer and a citizen that the first crossing of the boundary of what he considered constitutional protections had to be resisted, and that it had to be done within the system. He was, after all, both intensely patriotic and legally trained. He believed in the system, and thought that the best means of "stopping this thing" was to get a timely ruling by the United States Supreme Court that would uphold the constitutional principles of protecting all citizens equally. "The principle," he said, "was whether the military could single out a specific group of U.S. citizens on the basis of ancestry and require them to do something not required of other U.S. citizens."<sup>16</sup> The immediate challenge that night was to get someone to arrest him. Yasui stopped a Portland police officer, and showed him a copy of the military proclamation and a copy of his own birth certificate, asking the officer to arrest him. Told to "run along home, Sonny Boy, or you'll get in trouble," Min, finally, presented himself to the authorities on their own turf and insisted on being arrested: "I had to go down to the Second Avenue Police Station and argue myself into

Jail."<sup>17</sup>

After the test case began, JACL National Secretary and Field Executive Mike Masaoka did disavow Yasui's actions in the case, issuing a bulletin in which Masaoka said that "National Headquarters is unalterably opposed to test cases to determine the constitutionality of military regulations at this time."<sup>18</sup> Clearly, Yasui had made a break with the opinions and recommendations of the national JACL, which argued that cooperation with the military in the wartime emergency was essential to demonstrating American loyalty in order to ensure favorable public opinion of Japanese Americans.<sup>19</sup>

Min Yasui did write a paragraph-by-paragraph rejoinder to Masaoka's arguments, stating why he brought the case, answering each statement point-by-point. Yasui agreed with the importance of both American loyalty and consideration of public opinion, but he believed that it undermined the value of one's citizenship to agree to be treated as less than a citizen without protest. Yasui insisted that because of the great importance of one's citizenship, there had to be a point of noncooperation when the fundamental rights of citizens were unconstitutionally denied: "We must contribute more to our nation than any other American citizens, but even so there is a



limit beyond which an American citizen will not go" (underlining added).<sup>20</sup> Yasui believed that the status of citizenship had to be defended, even while, as he stated then and later, the duties of a citizen that pertained to other citizens had to be rigorously exercised: Yasui said that "it has always been the paramount motive to make it a matter of record that an American citizen has thought enough of his citizenship to take every legal step to preserve that status" (underlining added).<sup>21</sup>

In face of opposition from many angles, Min Yasui became convinced that to demonstrate loyalty and regard for his American citizenship he would have to take the risk of an immediate legal challenge to the curtailment of rights of U.S. citizens. Yasui was convinced that later legal action would have no effect: "As for the advice that legal actions be left until after the war, it is believed that such action would be of no purpose. After the damage is done, then it is too late to insist upon our rights."<sup>22</sup>

From his angle of vision, and in his range of options, Yasui chose what he thought was the most appropriate and immediate action by bringing the test case. The process of the case made him even more committed to a stand both for a narrow definition of resistance within the legal process, and for patriotic loyalty and

military service. The ensuing legal issues and political pressures surrounding the case were complicated. The legal history of this wartime case and its later reopening has been chronicled in detail by Peter Irons, the lawyer who found the evidence and point of reentry to try the cases in the 1980s.<sup>23</sup>

The focus of the following section is not to detail each part of the legal process, but to highlight the interrogations made of Min Yasui in his court hearing in June of 1942, and the situation in which he found himself during the case and at the time of the statement he made when he was sentenced in November 1942. Yasui was in a vulnerable situation made more so by the line of testimony and interrogation he encountered, and by the surprising decision of the court in this case. This is particularly significant in consideration of the rhetoric Yasui employed and the intensity of his patriotic sentiments.

In the United States Supreme Court Record of the Yasui case is a transcript and testimony of the proceedings of June 12, 1942.<sup>24</sup> In the transcripts of the trial is testimony from two Federal Bureau of Investigation (FBI) agents with whom Yasui spoke. The two agents described three conversations with Yasui in January, March, and April 1942. FBI Agent Vincent M. Quinn testified about

conversations in January and April 1942 with Min Yasui.<sup>25</sup> The first conversation was when Yasui first returned to Portland to communicate with Quinn about his whereabouts, and ask if there was anything that could be done to help his father. The second conversation took place in a visit to Yasui in jail after his curfew violation.

FBI Agent Ray Mize reported on a conversation, on March 30, 1942, just after the curfew violation.<sup>26</sup> Some elements of these conversations were highly theoretical, along the lines of "What would you do if you were General DeWitt?", "How would you act to absolutely prevent any sabotage?", and "How might you regret what you have done?" FBI Agent Mize had reported that Yasui "at my request, called at the office for the purpose of being questioned as to violation of the curfew regulation."<sup>27</sup> As reported by Mize, Yasui said that, in DeWitt's position, he would also intern all Japanese aliens and Japanese citizens.<sup>28</sup> The transcript contains this description from Yasui of the conversation:

Ray Mize posed the question that if I were the Commander in Chief of the Western Defense Area, knowing that an imminent invasion was possible, how would I be absolutely sure that the security of this country would not be in danger. Well, the only logical answer would be to intern the Japanese. However, I

asked the academic question, if Mize himself was God almighty how would he prevent wars, to be absolutely sure to prevent wars. Mize answered that he would destroy the people. Of course, that is the extreme view, but we did converse along those lines.<sup>29</sup>

Further questioning established that at the time of this discussion no American citizens had been affected by any orders, and "It was a hypothetical discussion at the time."<sup>30</sup> The conversation, as reported, indicates use of speculation to implicate, unfairly, out of context. It is in the nature of speculative conversations that they are highly susceptible to misinterpretation if taken out of context.

Agent Mize also reported, somewhat out of context, that Yasui regretted what he did. This came back to Yasui later, as did other assertions, also somewhat out of context. Mize's version was, "I asked him if he felt that during these particular times his action would reflect very favorably on the Japanese colony, and Mr. Yasui stated that when thinking it over he did not think that it would be a very good reflection and that he in a certain sense was sorry that he had taken the action that he had."<sup>31</sup> When later addressed with, "I believe Mr. Mize also said that you were sorry that you had taken the action that you had", Yasui replied, "The question was whether I believed any repercussions would happen from my testing the constitutionality of the curfew act, and I believed that possibly

there would be repercussions that would be harmful to the Japanese colony."<sup>32</sup>

There was repeated questioning about Min Yasui's visit to Japan with his family in 1925 , about how he secured his position as attache' with the Japanese Consulate, what he did there, and that he was required to register as an agent of a foreign government (as were all consulate employees).<sup>33</sup> The line of questioning from Judge Alger Fee to Min Yasui indicates the basis of interrogation on which Judge Fee decided something he had not been asked to decide; that is, whether Min Yasui was, in fact, a citizen. This was indeed a strange turn of events: neither side in the case had any indication in their briefs that there was a question as to the defendant's citizenship. The government was asking for conviction of an American citizen of Japanese ancestry on the curfew charge. Yasui was asking that the curfew be ruled void for citizens. No one seemed to expect the judge would find key to the case whether Yasui was an American citizen. As Yasui had demonstrated when he presented his birth certificate and the Fourteenth Amendment of the United States Constitution to the legal office of the Union Pacific Railroad in Chicago, he was simply and clearly a citizen by birth. Judge Alger Fee, the presiding circuit court judge, ruled on the case since Yasui

waived the right to a jury trial. Although Judge Fee said that he had not come into the trial with this set of assumptions, he came to believe that the defendant, though right in principle, had mentally elected to be a citizen of Japan rather than of the United States.

In the decision he rendered, the key point for Judge Fee, as for Min Yasui, was whether it was valid for these restriction orders to be issued by the military pertaining to some citizens and not others. Fee concluded that the orders would only be valid as imposed on aliens, because of wartime necessity, and would be void as pertaining to citizens:

When their country is at war with the United States, Congress or the President may intern, take into custody, restrain and control all enemy aliens within the territorial limits of the United States, and neither are restrained by any constitutional guarantees from such action. While the orders of General De Witt, therefore were void as respects citizens, unquestionably from the history of the proclamations, Congress would be well on notice that the General might intend to establish regulations relating to enemy aliens within the areas designated by the previous proclamations. The regulations, which make these acts crimes, by adoption thereof by act of Congress are thus valid with respect to aliens. The only question now for the court to determine is as to whether Yasui, the defendant, is a citizen or an enemy alien (underlining added).<sup>34</sup>

And on what basis was this determination made? Judge Fee had taken the opportunity to make his own interrogation of Yasui. At the

Coram Nobis Symposium in Denver In February of 1987, after Min Yasui's death, Peter Irons and others on the coram nobis legal team discovered this bit of interrogation, and presented it onstage with great dramatic effect. Peter Irons recommends this piece as singularly revealing of the level of thought which informed the outcome of the case (from the questioning of Yasui by Judge Fee in the June 12 hearing):<sup>35</sup>

The Court: What is Shinto?

A: Shinto? As I understand, Shinto is the national religion of Japan.

The Court: Do you give adherence to its precepts?

A: My father and mother were Methodists in Japan, and I myself have been a Methodist in this country and I don't know the precepts of the Shinto religion.

The Court: Was not Shinto practiced in your household?

A: It was not, no, sir.

The Court: That includes some of the phases of ancestor worship, does it not? You know enough about it to know that.

A: Yes, if I understand it, that is so.

The Court: Does the Emperor of Japan have a religious capacity?

A: Well, I am not really versed enough to state definitely, but I understand that he has, yes.

The Court: And do you give adherence to that belief?

A: I do not. To me he is a human being.

The Court: And you do not accept divine pretensions on the part of the Emperor of Japan?

A: No, sir, I do not.

The Court: Nor the belief of the Japanese people to that effect?

A: No, sir, I do not.

The Court: Were offerings ever made in the graveyard or before the grave of any of the people of your family?

A: Offerings? Floral offerings, yes, on Memorial Day and Sundays.

The Court: Were there not food offerings placed?

A: There were no food offerings placed. Both my father and mother are good, devout Methodists. They are really Christians.<sup>36</sup>

Previous to this line of questioning, Judge Fee had asked Yasui a series of questions about a Japanese diplomat who had attended school at the University of Oregon. Following the Shinto questions, Judge Fee asked about Yasui's responsibility as a soldier to obey all commands.<sup>37</sup>

In the course of the trial, Judge Fee decided that Min Yasui was right in principle. The military curfew could not be imposed on citizens, only on "enemy aliens." However, the key factor in the case was that the court could determine by an individual's "mental act" what election of citizenship a person made.<sup>38</sup> Citing Yasui's vacation trip to Japan with his family, at the age of nine, and his employment at the Japanese Consulate,

the court thus concludes from these evidences that defendant made an election and chose allegiance to the Emperor of Japan, rather than citizenship in the United States at his majority. . . . Since Congress provided for the punishment of persons violating the proclamations of



the commanding officers, and since Yasui is an alien who committed a violation of this act, which included by reference the regulations of the commander referring to aliens, the court finds him guilty (underlining added).<sup>39</sup>

This must have been a great surprise to everyone. It was an outcome for which neither legal team was prepared. Both sides appealed, and Judge Fee was overruled on both points. The Supreme Court ruled that the curfew would be valid as pertains to citizens, and that Yasui was indeed an American citizen, and so he was guilty for different reasons than the district court indicated. By the Supreme Court ruling, he was a citizen testing a law which could pertain to citizens only of certain ancestry, rather than, as Judge Fee decided, an alien thinking he was a citizen of the United States testing a law that would not pertain to him if, in fact, he were a citizen of the United States. The whole series of trials and imprisonments must have been disorienting and unreal for Yasui, the unreality further emphasized by the unexpected nature of the judge's ruling which affirmed his principles and denied his citizenship.

Min Yasui's daughter Holly wrote a play about her father's case.<sup>40</sup> The play, "Unvanquished," is set entirely in Min Yasui's prison cell, during his nine-month confinement in solitary for the curfew violation in the Multnomah County Jail. The scenes take

place in dialogue with other prisoners offstage, memory flashbacks, dreams, visits by lawyers, all in a skewed reality which reflects what Yasui's experience would have been. Min Yasui had been imprisoned in many different facilities by the end of the war. When he assembled his biographical data in 1983, he recorded the exact dates of his incarceration in the North Portland Assembly Center, the Minidoka Relocation Camp, and the Multnomah County Jail. Later, in 1985, writing to Roger Shimomura, a Sansei artist who illustrated his Issei grandmother's diary with ukiyoe ("floating world") paintings in a traditional Japanese painting style, Yasui commented on the unreality of those years of imprisonment:

Having been a resident at the Minidoka WRA camp in Idaho myself--for a period of from Sept.-Nov. 1942, and again from Aug. 1943 until June 1944--and being an older Nisei, now pushing 70--your painting evokes deeply felt emotions. . . . Your use of the "ukiyo-e" technique is singularly most appropriate for people like me--for memories are indeed of a 'floating world' . . . it didn't happen--but it did . . . it isn't real--but it is.<sup>41</sup>

In 1942, from the March 28 arrest to the June 12 hearing to the November 12 sentencing, Min Yasui had been in and out of several confines. He had been in an assembly center in Portland, and in a relocation camp at Minidoka, Idaho, from which he was taken to his sentencing. He was, in fact, escorted to the assembly center under

armed guard, following military police along the Columbia River from Hood River to Portland. This happened since he told them that he would not willingly report to assembly center, but would not physically resist being taken.<sup>42</sup> After his time in the Portland Assembly Center, and some months at Minidoka, Yasui was brought back under armed guard by military police from Minidoka Relocation Camp, near Jerome, Idaho, to hear his sentencing. In his cell at Multnomah County Jail, Yasui wrote his speech in jail the day before he was sentenced.

He was in a remarkably difficult position trying to respond to both aspects of Judge Fee's decision. This extraordinarily precarious balance contributed to the tendency of his rhetoric then, and later, to equate citizenship with loyalty, demonstrated by willingness and eagerness to participate in military service. He certainly had been patriotic and in support of the military before, but it seems that the tone of the rhetoric and the insistence on equating loyalty and military service increased with the intensity of his trial and sentencing. In an odd way, under intense scrutiny, being stripped of his citizenship, at least by district court ruling, Yasui became more patriotic, and perhaps more narrow in his definition of what patriotism was and how it was demonstrated. He was so dramatically on

the defense in such unexpected ways, given the strange nature of Fee's decision, it was not surprising that his speech and general pattern of thought took on an even stronger patriotic and military mode. Min Yasui could not but applaud the constitutional findings, since they were just as he had hoped. But he had to balance his affirmation of the court's decision on principle with a clear defense of his own citizenship, and on that basis he had to appeal the decision. The entire text of his speech follows:

YOUR HONOR:

If the court pleases, I should like to say a few words. There is no intent to plead for leniency for myself or to request a mitigation of the punishment that is about to be inflicted upon me.

Despite the circumstances, I am compelled to pay tribute and give my unreserved respect to this honorable court for its clear-cut and courageous reaffirmation of the inviolability of the fundamental civil rights and liberties of an American citizen.

As an American citizen, it was for a clarification and the preservation of those rights that I undertook this case, confident that the American judiciary would zealously defend those rights, war or no war, in order to preserve the fundamental democratic doctrines of our nation and to perpetuate the eternal truths of America.

My confidence has been justified and I feel the greatest of satisfaction and a patriotic uplift in the decision of this honorable court, for it is full of significance for every American, be he humble or mighty.

I say that I am glad, regardless of the personal consequences to me, because I believe in the future and in the ultimate destiny of America. Ever since I was a

child, I have been inculcated in the basic concepts and the traditions of those great patriots who founded our nation.

I have lived, believed, worked and aspired as as an American. With due respect to this honorable court, in all good conscience, I can say that I have never, and will never, voluntarily relinquish my American citizenship. The decision of this honorable court to the contrary notwithstanding, I am confident that I can establish in law and in fact that I am an American citizen, who is not only proud of that fact, but who is willing to defend that right.

When I attained majority, I swore allegiance to the United States of America, renouncing any and all other allegiances that I may have unknowingly owed. That solemn obligation to my native land has motivated me during the past 12 months upon 3 separate and distinct occasions to volunteer for active service in the United States Army, wheresoever it may be fighting to preserve the American way of life.

For, I would a thousand times prefer to die on a battle front as an American soldier in defense of freedom and democracy, for the principles which I believe, rather than to live in relative comfort as an interned alien Jap.

The treacherous attack on Pearl Harbor, the bombing of Manila, the aggressor policies of the war lords of Japan are just as reprehensible to me as to any American citizen.

If America were invaded today, I, and 70,000 other loyal American citizens of Japanese ancestry would be willing, or eager, to lay down our lives, down in the streets, down in the gutters, to defend our homes, our country and our liberties!

Be that as it may; I reiterate, regardless of the personal consequences, even tho [sic] it entail the sacrifice of my American citizenship which I regard as

sacred and more dear than life itself, I pay homage and salute this honorable court and my country, the United States of America for the gallant stand that has been taken for the preservation of the fundamental principles of democracy and freedom!

----MIN YASUI<sup>43</sup>

Min Yasui was adamant about two aspects of resistance to an unconstitutional act--that it was the absolute responsibility of a citizen to register protest to abuses of citizens, and that they had to be registered within the system, to laws which needed to be tested. Within those limits, Yasui believed that appropriate resistance was the obligation of a citizen, to attempt to correct mistakes that demean us all.

From the concept of political philosophy, if a citizen believes that the sovereign state is committing an illegal act, it is incumbent upon that citizen to take whatever measures to rectify such error--or so, at least, I believed. More than that, it seemed to me then and now that if the government unlawfully curtails the rights of any person, the damage is done not only to that individual person but to the whole social structure. If we believe in America, if we believe in equal democracy, if we believe in law and justice--then, each of us, when we see or believe such errors are being made, have an obligation to make every effort to correct such mistakes.<sup>44</sup>

The speech expresses many of the key themes that motivated Yasui's test case, and that continued to inform his thinking and action.

First of all, constitutionality and the judicial process which protect

constitutional rights are given an exalted role, highly valorized. Yasui begins and ends his speech affirming the ultimate vindication which court process will provide. He proclaimed in stirring tones his "unreserved respect" for "this honorable court for its clear-cut and courageous reaffirmation [sic] of the inviolability of the fundamental civil rights and liberties of an American citizen"--ironically, in a situation where not only had those rights been violated, but his very citizenship had been denied by that court.<sup>45</sup>

Yasui claims United States citizenship as a keystone of his motivation, values, and identity. The focus of his statement and his case is to claim the rights and exercise the responsibilities of United States citizenship. In affirming his patriotism, and lifting up support of his country in wartime, he claims the like support of all his fellow Japanese Americans in a climactic affirmation of their vigorous loyalty and eagerness to defend their country. The speech can be said to accept the premise that citizenship can be proved, or disproved, by actions and loyalty. He supports his loyalty by referring to his actions and affirmation of the larger principles, "regardless of the personal consequences."<sup>46</sup> He affirms his claim to citizenship by saying that his own actions and beliefs in American values prove his citizenship. It thus becomes not a simple right of

birth, but something to be demonstrated. Of course, Yasui is in a terrible position to be insisting on the value of his citizenship when the immediate decision of the court has just formally taken that away. What an ironic and bitter moment. American citizenship is something "which I regard as sacred and more dear than life itself": the court has upheld the "eternal truths of America", and denied what he regards as most dear. This puts Yasui in the position of having to prove "I can establish in law and in fact that I am an American citizen, who is not only proud of that fact, but who is willing to defend that right."<sup>47</sup> In conclusion, Yasui resets the tension of the context, and expresses his willingness to lay down his life and more. He salutes the court's gallant stand, "even tho [sic] it entail the sacrifice of my American citizenship."<sup>48</sup> He recognizes this sacrifice, at least in a subjunctive or conditional mode, as worthy of a citizen who values American principles above all else. In the "floating world" in which he is in the midst, he proclaims how much he values what the judge says he no longer has, and then ends claiming a constitutional victory of justice.

Yasui was committed to work within the system and make the system work. The guarantees of the constitution and the responsibility of citizens to make the constitution work were his foundation.



On that basis he initiated in the forties, and later persisted in pursuing, a recognition of the wrong, breaking of the precedent, and reclaiming equality under the law. The rhetoric of this pre-sentencing speech prefigures his later claims in judicial and legislative strategizing. There are powerful parallels to the case which he and others built for Redress: seeds of later arguments are vividly present in this 1942 discourse. Interestingly, this seems to be the only speech that Yasui ever wrote down. Going through his files, it turns up frequently. He often enclosed the speech along with Redress letters in the 1970s and 1980s: whenever there was a file with material from the 1940s, it was likely to include at least one copy of this speech. He was a lively and frequent speaker, but in no other cases do his extensive files yield a verbatim speech. Ironically, the only other extended discourse he wrote about the war years was the "Oral History" which appeared in John Tateishi's edited work, Justice For All, which Yasui wrote and gave to Tateishi to publish in the compendium.<sup>49</sup>

There are several typed versions of the speech. It is intriguing to think of Yasui pounding it out over and over again, and putting it through his beloved and overheated copier and sticking it in yet another file, yet another letter, yet another Redress proposal or

lobbying effort. At the bottom of some of the copies of the speech, he wrote this legal p.s. describing Judge Fee's finding in this case, and the later overturning of Fee's decision in substance and on the citizenship ruling:

Judge James Alger Fee, U.S. District Judge, held that the military orders of General John DeWitt, as applied against U.S. citizens, in the absence of martial law, were unenforceable and unconstitutional; however, Judge Fee further ruled that Min Yasui had relinquished his U.S. citizenship by virtue of his actions prior to 1942. The case was appealed to the U.S. Circuit Court of Appeals, which certified the case to the U.S. Supreme Court for decision. The U.S. Supreme Court overruled Judge James Alger Fee on June 21, 1943, and remanded the instant case to strike findings as to loss of Yasui's US citizenship and to reimpose sentence in conformity with their ruling in the Hirabayashi case, which found the military orders to be valid, enforceable, constitutional exercise of war powers of the United States.<sup>50</sup>

This 1942 speech played a key role in "Unvanquished", Holly Yasui's play about Min Yasui.<sup>51</sup> She had great difficulty with the dramatic issue of making the Min character appear human and natural in speech, when much of the rhetoric seemed so dense and highly "principled" as to make the character in danger of seeming wooden and unreal. Each of the actors who played the Min role in various productions of the play struggled with this aspect of the character. Because it was a "play in process," several of the productions were

followed by audience discussion in which the issue of Min's character was discussed, among other things. After one of these occasions, a niece of Min Yasui's who was present laughingly said, "Gosh, Holly, people want you to make him more human and not talk like he's on some big rhetorical roll all the time: the reality was, he was more rhetorical than that: He DID talk like that!"<sup>52</sup>

By Holly Yasui's description, there were times, as she was growing up, that her father would go from a normal conversational tone into exalted rhetorical mode, sometimes in the middle of a dinnertime conversation, and would hold forth at great length, without pauses for dialogue. She found it interesting that he never was a courtroom lawyer, and argued his cases in the public forum, or around the dinner table, rather than in formal court-session advocacy.<sup>53</sup>

Min Yasui often vented his feelings and thought things out through writing. In all of his correspondence, pounded out on typewriters, which he literally wore out, he developed idiosyncratic habits of spacing and punctuation. He seemed to think in phrases, thought bursts with frequent aphorisms and slang, especially in correspondence. Later, as his daughter Holly became expert in computers, she tried to get him interested in becoming computer

literate and writing via word processing, but he was never interested in making the transition. He said that he was too attached to the immediacy of seeing words on the page as he pounded them out, and the computer process seemed removed from that percussive effect and immediate contact.

How Min Yasui loved his IBM typewriter, and its various fonts available on different balls. He was adept at odd margin settings in correspondence, and at pulling the typewriter balls on and off to change to italics and back to regular print, sometimes several times within a document or letter. Also, all his life, he loved to send out itineraries of where he was going, including a copy in great detail with each letter he sent, which often mounted up to dozens in a day. He wrote for a number of periodicals, contributing columns, articles, and writing frequent letters to the editor. Yasui and his wife True published Nikkei newsletters in the Denver area for years, doing all the printing and assembling at home.

Though Yasui never seemed to have written poetry after the war, or at least, if he did, he didn't save or file it, he did write a good deal of poetry during the time he was in jail and in Minidoka. He was fond of quoting poetry in his speeches, and could recite a good deal from memory which was familiar to his audiences, especially "Invictus" ("I am the master of my fate/ I am the captain

of my soul"), and Frost's "Stopping by Woods on a Snowy Evening", ("But I have promises to keep/ And miles to go before I sleep"), with which he often ended his Redress speeches.<sup>54</sup> Following are three samples of his poetry, written in jail, from 1942-43: (1) "Yasui In Jail", Multnomah County Jail, December 1942; (2) "Christmas At Minidoka", written in Multnomah County Jail, December 1942; and (3) "Meditation on a Pair of Torn Pants", from Multnomah County Jail, January 2, 1943. These poems give a sense of Yasui's anguish in jail and how he shaped and expressed it, as well as the forms in which he poured out his hope in the midst of the bleakness of imprisonment. All three of these poems were written during his time in the Multnomah County Jail, after his November 12 sentencing, in December of 1942 and January of 1943, while waiting for the appeal in his case to be acted upon:

#### YASUI IN JAIL

Three steps forward, and three steps back,  
To and fro, on an endless track,  
All day, I pace the prison floor  
And beat against the unyielding door.

Time hangs heavy, and hours seem slow,  
Nights are lonely and filled with woe,  
While iron bars in cold embrace  
Confine me within this accursed place.

No sun to shine, no stars to glow,  
No brave breezes in freedom blow  
Where I lay my throbbing head,  
And cry for sleep in a steel clad bed.

Thin shadows on the prison wall,  
Reflecting bars, my soul to gall,  
No friendly face to smile on me  
To give me hope of again be free.

Yet, when I ask, "Why am I here?",  
I can answer with no trace of fear:  
I'll let my country do no wrong,  
And I'll be true to freedom's song!

The eternal doctrines of life  
Must be preserved in times of strife;  
Tho wars may rage, and blood may flow  
Hatred of race must forever go!

When man meets man, tho one be white  
And the other as black as night,  
God judges the man, by not his role,  
But by what exists within his soul.

All human rights are equal rights,  
And tho gallant our nation fights  
For freedom and a world peace pact  
We cannot ignore that sacred fact.

Tho we win the war, the peace we fail  
If that doctrine cannot prevail  
For man is man, and not condemned,  
By the ancestry from which he stemmed!

And so I pace the prison floor,  
And tho I stay forever more,

I'll hold true to my high ideal  
For that gives strength of strongest steel.

Tho the nights are long and lonely,  
And wheels of law grind but slowly,  
I have faith that RIGHT must prevail,  
And in this endeavor, I cannot fail!!

MIN YASUI  
Multnomah County Jail  
December, 1942<sup>55</sup>

#### CHRISTMAS AT MINIDOKA

A cold winter morn is bleakly dawning  
Across wind-swept fields of glittering snow,  
Waking children are sleepily yawning  
Somewhere out in the deserts of Idaho.

The austere sun glares in frozen glory,  
But the children wake with hearts strangely gay  
For they have been taught that old, old story  
And they know that today is Christmas day.

Our barrack homes are glazed with snow, and iced;  
Overhead, wintry lights streak the sky:  
Humbly we dedicate the birth of Christ  
And renew our faith in God on high.

It's bitter cold, and ice-chilled winds murmur,  
But undaunted we sing of "Peace on Earth,  
Goodwill towards man," with heart-felt fervor,  
And pray for brotherhood of man on his worth.

It's bitter hard to cling true to faith  
Out in the lonely wastes of Idaho,  
Beside half-warm fires that plume their feeble wraith,

While outside, freezing winds of winter blow.

Our lives, desolate and soul-destroying,  
Stagnate in these miserable, empty shacks;  
Bounded by steel, debasing and annoying,  
Hounded by fences and guns, from the beaten tracks.

Sagebrush and dust, in summer heat incurred,  
Snowstorms and muck, bitter cold, raging wind;  
These things uncomplainingly have we endured,  
Til doubts and fears into our hearts have dinned.

And yet, but comes the time of Yuletide cheer,  
Half-forgetting, yet remembering, that past,  
Dismissing our present and future fear,  
Bravely we raise our hopes to fly full-mast.

We join our voices in world prayers for peace;  
Fervently we hope, reverently we pray  
That blessings of freedom will never cease  
And bring to all the world, happiness to stay.

Full well we know, as the night yields to day,  
And after winter comes glories of spring;  
To all the world, in hopefulness we say;  
May this Christmas, joyous visions bring.

Of a radiant New Year of hope and peace,  
That after the war, when victory is won,  
Liberty and understanding will increase,  
So that we all may say, "God bless everyone".

Now children are waking, noisy and gay,  
The morning is crisp, but the day dawns clear,  
Sincere our wish, cheerful our greeting, we say,  
"A MERRY CHRISTMAS, AND A HAPPY NEW YEAR!"



## The MAD MONGOLIAN

Multnomah County Jail

December 17, 1942<sup>56</sup>

## MEDITATION ON A PAIR OF TORN PANTS

Ah, so you've split yourself from stem to stern!  
To yield without breaking you'll never learn!  
You'll find in life there are stresses and strains,  
And he who resists and stubbornly refrains  
To bend with pressure and offer a token  
Of obedience will be ruthlessly broken.

All things in life will eventually meet  
Some stronger force which they cannot defeat  
With brute resistance and sheerness of might,  
And some, like you, will fool-heartedly fight  
'Til they're battered in ruin or split in two,  
Useless and broken, like I now find you.

Now, as I see your fault that made you weak,  
These observations, I will plainly speak:  
Even for a cause, yield to reality  
But never accept it as finality,  
Never relinquish ideals on which we act  
But learn to accept inescapable fact.

Yes, you can be repaired to look like new  
But souls that heal are precious few;  
So I'll keep my principles always right  
And never sacrifice them in my fight,  
I'll yield and I'll bend when troubles begin,  
But at the end, I'll see that they win.

## JAILBIRD YASUI

Multnomah County Jail

January 2, 1943<sup>57</sup>

In his poetry, and also in his correspondence with friends and family, Yasui was often informal, and named himself such things as "Jailbird Yasui," and "The Mad Mongolian." In letters to, and from, his youngest sister Yuka, both of them would jokingly and endearingly use slang and nicknames.

Yasui had gone to Minidoka Relocation Camp from the Portland Assembly Center. After his sentencing, he was in the Multnomah County Jail for nine months in solitary confinement, from November 1942 to August 1943. His case was appealed to the United States Supreme Court, and in the summer of 1943, in conjunction with the case of Gordon Hirabayashi, his appeal was denied. In the case, the Supreme Court upheld Gordon Hirabayashi's conviction on charges of violating curfew and evacuation orders: the validity of the orders was supported. In the Yasui case, the Supreme Court reversed Judge Fee's findings. Fee had written an opinion holding the curfew order unconstitutional as applied to citizens of the United States, but denying that Yasui was an American citizen. The Supreme Court upheld the constitutionality of the orders, and Yasui's citizenship, and thus, by that double reversal, unanimously upheld his conviction.<sup>58</sup>

After Yasui's appeal was ruled on by the United States Supreme Court, it was decided that he had served enough of his sentence in jail. In August of 1943, he was "freed" to return to Minidoka Relocation Camp, where he returned and lived, with interruptions, until June 1944. Yasui was released for employment in Chicago, Illinois at that time. He was given a railroad ticket and a \$25.00 government check, and worked as a common laborer in a Chicago ice plant at 60 cents an hour. Echoing Masuo's experience on the railroad, Min said that he couldn't lift the big blocks of ice, and so ended up hauling bags of ice cubes. In September 1944, not quite twenty-eight years of age, Min Yasui relocated to Denver, Colorado, where he lived until his death on November 12, 1986.

While at Minidoka, Yasui did a great deal of traveling, frequently on "short-term leave" to Denver where much of his family had relocated, and on trips for JACL business. He had never formally broken with the ideals or the organization of the JACL, in spite of the opposition to his test case. He was in support of JACL's strong policy in support of military service, and his test case did nothing to diminish his stand in this regard. Yasui did a good deal of legal assistance for those who remained at Minidoka, frequently hauling his typewriter over to the mess hall and pounding out letters and forms late into the night. He felt he needed to remain at Minidoka

long enough to repay those who supported him in his test case, and give back to the community. He could have applied for permanent leave earlier, but did not apply for relocation until the summer of 1944.

In Hirabayashi and Yasui's case, the United States Supreme Court had ruled on June 21, 1943 that:

The curfew order was valid . . . and the conviction must be sustained. . . . Since we hold, as in the Hirabayashi case, that the curfew order was valid as applied to citizens, it follows that appellant's citizenship was not relevant to the issue tendered by the Government and the conviction must be sustained for the reasons stated in the Hirabayashi case. . . . The conviction will be sustained but the judgment will be vacated and the case remanded to the district court for resentencing of appellant, and to afford that court opportunity to strike its findings as to appellant's loss of United States citizenship.<sup>59</sup>

Yasui was pleased at the ruling on his citizenship, but disappointed that the court upheld the curfew and relocation orders. Yasui's sense at that time was that the highest court in the land had ruled, and he would get on with his life, concentrate on doing his part to contribute to the war effort, and hope that there might be a way to use the point of legal entry, he had so painfully made, to make a different judgment possible.<sup>60</sup>

In December 1943, Min Yasui received a letter from Joe Grant

Masaoka, asking him to accompany Masaoka on a trip to Arizona. Joe Grant Masaoka, Mike's brother, was working with the JACL on policies and public sentiment in states in which internment camps were located. In the areas where camps were situated, there were often issues with local and state populations who were opposed to the release of the internees into the immediate area, and threatened legal restrictions and extra-legal violence. In a letter requesting short-term leave for the purposes of travel to Arizona, written to Minidoka Project Director Harry Stafford, Yasui described the purposes of the trip he had been asked to make:

As I understand, the purposes of our trip to Arizona would be to make contacts and create better public relations, to confer with the JACL leaders in Arizona, and to investigate the possibilities of mass violence and restrictive legislation in that state, in order to work out effective means to combat such tendencies.

I would report directly in person to the National Offices of the JACL in Salt Lake City, Utah, and return directly to Minidoka thereafter. No travel would be in any of the restricted or prohibited areas.<sup>61</sup>

Although he had strong disagreements with the JACL at the time of his test case, and the JACL worked against the group at Minidoka that wanted to support him in his case, Yasui was intensely active in JACL activities, during and after the war. Yasui commented about

this at his leave-clearance hearing in May 1944. (When someone in the camp requested a long-term leave, there was a leave-clearance hearing to consider their request.)

Now the only point of difference between the JACL-- difference with Mike Masaoka. I have a thing or two to say to him some day. . . . I have worked for them during the last six months . . . I would deny any conflict or fight with the JACL which soured me on the attitude of the JACL. I believe in the principles they expounded. I disagree on certain details, yes. The aims and ambitions of JACL, well, they speak for America.<sup>62</sup>

Yasui was active in his correspondence throughout this period. Among other things, he wrote fervently in support of Nisei military service, arguing against those who resisted, or promoted resisting the draft. He wrote to The Colorado Times from Denver in March 1944, commending their reprint of an article about the selective service situation. He gives an account of his position about Nisei response to the draft, and relates the military service of Nisei with the "Nisei future in America":

Personally, I have great faith in the Nisei future in America. True, we have undergone a great deal of things which we would rather forget. But it is equally true that the reinstatement of the draft for the nisei is one of the mile-posts on the 'road back'. We know that the rights for which the agitators are petitioning will, in due time, be restored to us. We know that our nation cannot and will not want to deny to any citizen the rights for which he has risked his life to defend. The rights of citizenship

will follow as surely as we fulfill the obligations.<sup>63</sup>

Yasui traveled to other internment camps, sometimes with other JACL representatives and staff, primarily to promote military service, and, in at least one case, to meet with draft resisters in order to dissuade them from their stance. He also met with Issei mothers to convince them to send their sons into military service willingly. At his leave clearance hearing, Yasui responded to questions about his trip to Arizona, and to his position on the draft. He explained to the questioner that supporting the draft and encouraging military enlistment was his way of participating in fighting the war for his country even if he couldn't be in the active military: "I think it's a contribution to the Japanese Americans of Japanese Ancestry and for America. If they don't want me to fight overseas I could fight right here."<sup>64</sup> Earlier in the interview, Yasui explained why he felt he had influence on the draft resisters due to his own preceding case, why he felt they were wrong and what he did about it:

In regard to the draft, you've seen the petitions here; I think I explained it to you. These kids came in with the wrong attitude. They won't go into the Army unless granted certain rights. In talking with them arguing and discussing with them, whipped up a petition. I think it's perfectly reasonable, perfectly legitimate. Mothers came up and said they weren't going to send their sons.

That was their attitude. I spent three hours talking to them. My Japanese is not good but finally we came out with the statement that they'll cheerfully send their sons to the Army. . . .

You see, people have heard of me, it's exploiting I suppose the publicity I have received in the past; to influence with the good, that's why I'm doing these things. . . . If I help a person to see light on these questions, it's a good thing.<sup>65</sup>

In conclusion to this chapter, "The War Years," perhaps these spontaneous comments from Min Yasui's leave-clearance hearing best summarize how he viewed his role in resistance and affirmation. He believed intensely in the need to formally register opposition to constitutional abuses. Yasui was compelled to make the test case by his understanding of constitutional law and of the rights and responsibilities of citizens. Also, he believed in the need to fulfill obligations, including military service, that citizens shared, even when other civil rights were seriously abused. He could not, and did not, support all forms of resistance, and, emphatically opposed the actions of the draft resisters. Yasui's sense of "the road back" for Nisei into full rights in American life included the paving of the wartime military proof of loyalty, and required exemplary lives and local political activism in postwar America.<sup>66</sup>



Notes

<sup>1</sup> Suma Tsuboi, letter to Minoru Yasui, Nov. 1986, Minoru Yasui Collection, Archives and Special Collections of the Auraria Library, Denver, CO.

<sup>2</sup> Tsuboi, letter to Minoru Yasui, Nov. 1986.

<sup>3</sup> John Tateishi, ed., And Justice for All: An Oral History of Japanese American Detention Camps (New York: Random House, 1984) 66.

<sup>4</sup> Robert S. Yasui, The Yasui Family of Hood River, Oregon (n.p.: Holly Yasui, Desktop Publishing, 1987) 56.

<sup>5</sup> As of the time of his November 1942 speech, Minoru Yasui mentions three times he tried to enter active military service. He tried again twice more. Early in the war he was turned down when he tried to activate his reserve officer's commission, seemingly on the basis of race, although there is also indication later that he was restricted in terms of some types of active duty because of his eyesight : "Lieutenant Yasui will be retained in the Infantry Reserve with eligibility for limited service only"; *Yasui v. United States*, 320 U. S. 115 (1943) 167. Later in the war, when Japanese Americans were allowed and even drafted into the military, Yasui again tried to get into active military service and was turned down, and his criminal record was mentioned in the refusal; file on "Military Service", personal files; Yasui, The Yasui Family 62; and, Tateishi, ed., 83.

<sup>6</sup> Yasui, The Yasui Family 63; and Minoru Yasui, "Personal Biography", Yasui's personal files, in author's possession.

<sup>7</sup> Minoru Yasui recounted this story often, including Tateishi, ed., 67-68; Lise Yasui, A Family Gathering, videocassette, An American Experience, PBS, 1989; and, Japanese American Citizens League, JACL interview with Minoru Yasui, videocassette, n.p.: Japanese American Research Project, JACL, Jan. 1983.

<sup>8</sup> Tateishi, ed., 68; Minoru Yasui, "Thoughts on Evacuation", personal document, secured from Holly Yasui.

<sup>9</sup> Tateishi, ed., 68-69.

<sup>10</sup> Tateishi, ed., 69.

<sup>11</sup> For a general history of the Japanese American Citizens League (JACL) from a JACL perspective, see Bill Hosokawa, JACL In Quest of Justice (New York: William Morrow and Co., 1982).

<sup>12</sup> Minoru Yasui, letters to Hito Okada, Mike Masaoka, and Maso Satow, National JACL Headquarters, Jan. 8, 1947 and Jan. 10, 1947, Minoru Yasui Collection, Archives and Special Collections of the Auraria Library, Denver, CO.

<sup>13</sup> Mike Masaoka, They Call Me Moses Masaoka (New York: William Morrow and Co., 1987) presents this line of argument in detail in his description of the wartime JACL's decisions.

<sup>14</sup> *Yasui v. United States*, 320 U. S. 115 (1943) 104, cross examination by Bernard.

<sup>15</sup> Personal interview with Joe Komoto, Ontario, Oregon, 1990.

<sup>16</sup> Yasui, "Thoughts on Evacuation" 11.

<sup>17</sup> Yasui, "Thoughts on Evacuation" 11.

<sup>18</sup> JACL Bulletin 142, Apr. 7, 1942.

19 JACL Bulletin 2-3.

20 Jeffrey Paul Chan, Frank Chin, Lawson Fusao Inada, and Shawn Wong, eds., "The Big Aiiieeeee!: An Anthology of Chinese American and Japanese American Literature" (New York: Meridian, 1991) 454 ; in this anthology, the document is titled by the editors "Good Law vs. Good Publicity".

21 Chan et al., eds., 454.

22 Chan et al., eds., 455.

23 Peter Irons, Justice at War: The Story of the Japanese American Internment Cases (New York: Oxford UP, 1983), and Peter Irons, ed., Justice Delayed: The Record of the Japanese American Internment Cases (Middletown, CT: Wesleyan UP, 1989); see also, Nobuya Tshuchida, American Justice: Japanese American Evacuation and Redress Cases (New York: William Morrow and Co., 1988).

24 Yasui v. United States, 320 U. S. 115 (1943).

25 Yasui v. United States, 320 U. S. 115 (1943) 100 -07.

26 Yasui v. United States, 320 U. S. 115 (1943) 109-17.

27 Yasui v. United States, 320 U. S. 115 (1943) 110.

28 Yasui v. United States, 320 U. S. 115 (1943) 113.

29 Yasui v. United States, 320 U. S. 115 (1943) 168-69.

30 Yasui v. United States, 320 U. S. 115 (1943) 168-69.

31 Yasui v. United States, 320 U. S. 115 (1943) 112.

- 32 Yasui v. United States, 320 U. S. 115 (1943) 170.
- 33 Yasui v. United States, 320 U. S. 115 (1943), instances of questioning about the consulate job: 151-56, 157-62, 179-84.
- 34 Yasui v. United States, 320 U. S. 115 (1943), Judge Alger Fee, 45-46.
- 35 Peter Irons, personal interview, Oct. 14, 1992.
- 36 Yasui v. United States, 320 U. S. 115 (1943) 195-96.
- 37 Yasui v. United States, 320 U. S. 115 (1943), the entire interrogation covers from pp. 193-200 of the Supreme Court Record; Peter Irons indicates that it is unusual for the transcripts of the District Court to be included in the Supreme Court Record, but they are present in this case.
- 38 Yasui v. United States, 320 U. S. 115 (1943) 47.
- 39 Yasui v. United States, 320 U. S. 115 (1943) 50.
- 40 Holly Yasui, "Unvanquished," 1990.
- 41 Yasui, letter to Roger Shimomura, 1985, Minoru Yasui Collection, Archives and Special Collections of the Auraria Library, Denver, CO.
- 42 Yasui, "Thoughts on Evacuation" 13.
- 43 Minoru Yasui, 1942 Speech, Yasui's personal files, in author's possession.
- 44 Yasui, "Thoughts on Evacuation" 9.

- 45 Yasui, 1942 Speech, Yasui's personal files.
- 46 Yasui, 1942 Speech, Yasui's personal files.
- 47 Yasui, 1942 Speech, Yasui's personal files.
- 48 Yasui, 1942 Speech, Yasui's personal files.
- 49 Tateishi, ed., 62-93.
- 50 Minoru Yasui, written at bottom of copy of November 1942 sentencing speech, in Redress files, January, 1982 and November, 1983 among others, Yasui's personal files, in author's possession.
- 51 Yasui, "Unvanquished."
- 52 Sharon Maeda, personal interview, 1991.
- 53 Holly Yasui, personal interview, 1989.
- 54 William Ernest Henley, "Invictus," Home Book of Modern Verse, ed. Burton Egbert Stevenson (New York: Henry Holt and Co., 1922) 3500-01; Robert Frost, New Hampshire (New York: Henry Holt and Co., 1923) 87.
- 55 Minoru Yasui, "Yasui in Jail", Dec. 1942, Yasui's personal files, in author's possession.
- 56 Yasui, "Christmas at Minidoka", Dec. 17, 1942, Yasui's personal files, in author's possession.
- 57 Yasui, "Meditation on a Pair of Torn Pants", Jan. 2, 1943, Yasui's personal files, in author's possession.

- 58 See Irons, ed., Justice Delayed 49-72, for the 1943 Hirabayashi case, 73-75 for the companion Yasui case.
- 59 Chief Justice Harlan Stone, from Irons, ed., Justice Delayed 75.
- 60 Japanese American Citizens League, JACL interview, 1983.
- 61 Yasui, letter to Harry Stafford, Minidoka Project Director, Dec. 27, 1943, Minoru Yasui Collection, Archives and Special Collections of the Auraria Library, Denver, CO.
- 62 Minoru Yasui, leave-clearance hearing, May 15, 1944, Yasui's personal files, in author's possession.
- 63 Yasui, letter to The Colorado Times, Mar. 2, 1944, Minoru Yasui Collection, Archives and Special Collections of the Auraria Library, Denver, CO.
- 64 Yasui, leave-clearance hearing, May 15, 1944, Yasui's personal files.
- 65 Yasui, leave-clearance hearing May 15, 1944, Yasui's personal files.
- 66 Yasui, letter to Colorado Times, Mar. 2, 1944; JACL correspondence, 1946, including letters to Sab Kido, Apr. 29, 1946, and to Hito Okada, May 12, 1946 and Jul. 1, 1946, Minoru Yasui Collection, Archives and Special Collections of the Auraria Library, Denver, CO.

## CHAPTER IV

## "IN THE MEANTIME": MAKING A LIFE IN DENVER, 1946-1978

In the immediate postwar years, Min Yasui, as many other Nisei, was concerned with putting his own life back together, and establishing a home and a family. He settled in Denver, where much of his extended family had gone, including his sister Michi, who was married to a young Nisei lawyer, Toshio Ando, with whom Yasui set up his first law office in Denver. Michi introduced Min to True Shibata. True came from Mill Valley, California, and had relocated to Denver from Granada Relocation Camp, in Colorado. She had been part of the advance crew which came out to Granada, also known as Amache, to prepare it for the residents. True and Min were married in November 1946, after an intense courtship characterized by reams of paper flying both ways, while Min was deeply engaged in frenetic legal and community activity, and True was completing her undergraduate degree at University of Colorado, Boulder.

During their courtship and throughout the early years of their marriage, Min Yasui pursued with enormous energy the immediate

postwar goals of the Japanese American Citizens League (JACL). He organized the first postwar JACL convention, in Denver, along with his brother-in-law, Toshio Ando. Yasui was not employed by the JACL in a paid position, but he worked hard in putting together the convention, working with the local chapter and region, and staying in touch with the national office. The JACL formulated its immediate postwar goals at that convention, and Yasui pursued them with great energy in the years to come. They were the most immediately achievable forms of redress, involving immigration and naturalization reform, as well as financial compensation for wartime losses.

The Ninth Biennial National Convention of the JACL met from February 28th to March 4th, 1946, in Denver, Colorado. The 101-page, detailed report of this meeting, printed on 8 1/2 x 14 sheets of paper, stapled together with a manila cover, is the next most common item in Min's files after his November 1942 speech. In the basement of the house at South Williams St. in Denver, where he and his family moved in the summer of 1953, there were several dozen copies of the program from the 1946 JACL meeting. They were scattered frequently in all sorts of JACL files and stacks of correspondence. Some significant sections of the report include President Saburo Kido's report, in which he comments extensively on the JACL's leadership during the war years, and the immediate



objectives of the JAACL.<sup>1</sup> The objectives listed at the end of his address included three areas of action and litigation which Yasui spent a great deal of time working on in the immediate postwar years. Heading the list was citizenship for Issei, followed by immigration concerns regarding issues such as Asian "war brides," and the immediate legislative goal of regaining financial losses suffered during relocation and internment. Given top priority was citizenship rights for the Issei. This was one of Yasui's most passionate hopes, that his parents and other Issei parents would be able to become United States citizens. In his 1946 address, Saburo Kido expressed why this goal of Issei citizenship was the top postwar priority:

The war years have shown that the stigma of 'aliens ineligible to citizenship' must be removed for the Issei. Through no fault of theirs because the naturalization laws prohibited them from becoming citizens, we witnessed the anomalous situation of the sons and daughters fighting for America and the parents branded as 'enemy aliens.' To have a divided house is not a healthy situation for national security.

The services that the Issei rendered in the various branches of the war effort have refuted the charges made against persons of Japanese ancestry. We are hopeful the the parents of the Nisei servicemen at least will be given naturalization rights in the very near future. They deserve to have this recognition. And we believe that everyone who has remained a loyal resident and contributed to the war effort should be entitled to

citizenship.<sup>2</sup>

Once again, as in 1942, Yasui's main goal was related to United States citizenship, this time to gain it for his parents and other Issei. The Issei's situation in World War II had been greatly compromised by the fact they had not had the opportunity to become United States citizens, no matter how deep their loyalty or long their residence in the United States. The strong postwar legislative campaign mounted by the JACL to win citizenship, to help with immigration issues, and to find a basis for regaining the financial losses due to forced relocation and internment, was a vital focus of Min Yasui's life in the immediate postwar years.

During the later campaign for the Redress movement, which emerged in the 1970s, Yasui referred back to these early days of campaigning for citizenship for Issei, for some form of monetary compensation for wartime losses of internees, and for immigration reform, as the first efforts as some kind of redress.<sup>3</sup> Yasui seemed much more focused in these immediate postwar years on that kind of redress than expressing any interest in pursuing his own legal case further. He hardly ever referred to the case in correspondence in the immediate decades after the war. His energy in his legal and community work went into the postwar legislative goals of the

JACL, which he helped to formulate, and into the kind of tedious form-filing legal work which was important to his wide clientele. The financial rewards were very low, and much of the payment for legal services was made in whatever could be given from a farmer's crops or a merchant's goods.

The only reference in Sab Kido's report to the war time test cases was a word of thanks to Mr. A. L. Wirin of Los Angeles and the American Civil Liberties Union "for the generous legal aid in prosecuting various test cases,"<sup>4</sup> including Yasui-Hirabayashi, in which "Mr. Wirin filed the JACL brief as amicus curiae and made the principal argument before the United States Supreme Court."<sup>5</sup> No mention of the JACL's initial opposition to test cases was made. Yasui himself seemed to make little mention of his wartime test case during those early postwar years. He fought passionately for Issei naturalization, lobbied for and processed evacuation claims, and worked on immigration cases and postwar resettlement issues. Yasui did a mountain of legal work on very complex immigration and citizenship cases, and often despaired, in his notes on these cases, about the horrible tangle in which families found themselves during the war. The kind of legal work Yasui did in these years was neither very challenging nor financially rewarding. It certainly did not have

the flair of challenging constitutionality that his wartime case had, and that time seemed to fade into the background as getting on with life, becoming involved with the Denver community, and pursuing postwar goals of lobbying for immediately relevant legislation came into the foreground.

The comments at the 1946 convention on the JACL wartime policy on the draft were quite consonant with the statements which Yasui had made and continued to make about the importance of military service of Nisei during the war:

When the draft was instituted for the Nisei, there was considerable opposition in the relocation centers. The JACL supported the draft because it had maintained that the Nisei should be accorded all the privileges of a citizen to fight for the defense of his country in a national emergency. The argument that the suspension of civil rights by interning loyal citizens behind barbed wire fences released the Nisei from discharging their duties and obligation as citizens had a popular appeal. We believed this to be a defeatist attitude. We were firmly convinced that unless the Nisei were given the opportunity to prove their loyalty, the cloud of doubt and suspicion would be hanging over their heads and over their children.<sup>6</sup>

Many years later, when George Johnston, a young Sansei who had a radio program in Colorado featuring Asian Americans, interviewed Min Yasui in 1983 about the Redress Movement, then in full swing, Johnston asked why Redress took so long to be "an idea whose time

has come."<sup>7</sup> Yasui replied that he had been working at Redress "for more than forty years."<sup>8</sup> He talked about the postwar lobbying efforts in regard to Issei citizenship, immigration, and, in particular, the lobbying for passage of the "Evacuation Claims Act," and then the processing of those claims which took much of Yasui's legal time and energy in the immediate postwar years. It was precisely because of his experience in handling those claims, and the difficulties he experienced in proving losses, that he questioned the practicality of any later point of entry, such as a class action suit, which would require the kind of proof he had found so difficult in processing the immediate postwar claims.<sup>9</sup>

Passed in July 1948, the Japanese American Evacuation Claims Act was a measure to compensate Japanese Americans for certain economic losses attributable to their forced evacuation. Some \$38 million was paid out through provisions of the act, but it was largely ineffective even in the limited scope in which it operated.<sup>10</sup> Correspondence indicates that after the passage of the Evacuation Claims Act, Yasui was deeply engaged in filing claims for Nikkei in all parts of the country. He traveled for extended periods of time, sometimes alone and sometimes with his family, and he continued

working on those claims until the late 1950s.<sup>11</sup> They took an enormous toll in terms of time, effort, and emotional energy, with very little financial payoff for the claimant or the lawyer. Yasui worked on each case on an individual basis. At the time of his death, there were several filing cabinets in the basement on South Williams full of Evacuation Claims Act paperwork. The files went into the archives already established at the Auraria Campus of the University of Denver, but the files of those cases as well as all other legal files remain closed to researchers for fifty years, and are available only to clients to whom the claim forms pertain and their heirs.

The evacuation claims work was grinding, time-consuming work, and often the claimant settled for a great deal less than provable losses. There was considerable correspondence between Min and his father, Masuo, concerning Portland area claims, and Min's travel to Portland to process those claims. Masuo and Shidzuyo had settled in the Portland area after the war. Masuo never again set foot in Hood River, "downtown," although he visited at Chop and Mikie's ranch in the upper valley. In August 1939 Chop and Mikie Kageyama had been the first Nisei to marry in the Hood River Valley. Their first child, Joan Kay, was born in relocation camp.

Min frequently visited his parents and brother Chop in Portland

and Hood River in the postwar years, particularly in connection with JACL or evacuation claims work. Min also became more involved in Denver civic organizations, and became a one-man network of legal aid and community affairs. In 1946-48, he was a member of a fact-finding subcommittee for the mayor's committee which established the Commission on Community Relations (CCR). This commission was a key part of both his civic and work life for decades. Yasui was a commissioner of the CCR from 1959-1967, vice-chair from 1961-1965, and chairman from 1965-67. In 1967, he became the executive director of the CCR, a full-time job which he held until 1983. He was prolifically active in a host of other community activities, and deeply involved in the Denver public schools. Min Yasui's daughter, Holly, said that when he was in town he never missed a city council meeting.<sup>12</sup>

In the meantime, there was the matter of making a living. Until he became the full-time, paid executive director of the Commission on Community Relations (CCR) in 1967, Min Yasui never really had a steady income from his law practice, and sometimes things were very difficult financially. After Min and True were married in November 1946, they had three daughters in the next seven years: Iris Ayame, born in July, 1948; Laurel Dee, in November,

1951; and, after they moved into the house on South Williams in June 1953, where Min lived the rest of his life, and True still lives, their youngest daughter Holly was born on December 29, 1953. Holly thought they were rich when she was growing up because they had as many comic books as they wanted. That was one of the many barter arrangements that Yasui had with clients, who paid him in whatever they had. Min wrote to Saburo Kido in 1946 in regard to his JACL work that "it has come to a point where either I must receive some compensation for this work, or give it up entirely . . . since JACL takes up more than 75% of my time these days."<sup>13</sup> Yasui's JACL files are always the thickest correspondence files, involving extensive connections in the local and regional range, as well as national lobbying and exchanges of information with JACL and Nikkei-related issues all over the country.

In 1944-45, Yasui attended the University of Denver law school for bar-exam review, passing the Colorado Bar examination in June 1945 with the highest score of anyone who took the exam. However, due to his "bad character" based on the wartime conviction for curfew violation, the bar refused to admit him. He had to appeal to the Colorado Supreme Court to be admitted to the bar. Yasui did not know if he would win his appeal for several months. During that



time he studied sociology at the University of Denver, considering teaching as a career if he were not admitted to the bar. It wasn't until after his appeal in January 1946 that he could join the Colorado Bar. He never taught formally, and there was never a steady income from his work in all the years he had a law office.

Throughout his married and family life, Min continued to travel a great deal, speaking for the JACL all around the country, visiting his widely-scattered siblings whenever he had the chance, and taking the family along whenever possible. There were difficult and wonderful times with all the extended siblings: Michi and Tosh and their children in Denver, Chop and Mikie and their children in Hood River, Shu (Robert) and Phyllis and their children in Pennsylvania, Yuka and her husband in suburban Maryland and Osaka, and Homer and Miyuki and their children in the Portland area, and Masuo and Shidzuyo nearby .

When Masuo died on May 11, 1957, it was a particularly difficult time for Min emotionally, as well as for his sense of vocation and finances. Soon after Masuo's death, Homer and Miyuki lost their son, Allen Masuo, who died on June 28, 1957. According to his letters to Oregon, Min's response to this traumatic period of his life was a desire to be with extended family. He wanted to pack up the whole noisy brood and head to Oregon for a long visit, which they

eventually did, due largely to Shidzuyo's insistence. Shidzuyo lived three more years until 1960, and traveled widely on her own to visit her children and grandchildren.

Min Yasui was active throughout the 1960s as a scoutmaster, as well as with additional activities, organizations, service on boards, and becoming deeply involved in the Commission on Community Relations (CCR). After he became its executive director in 1967, several other related commissions of which he was the initial executive director were created, including: Commission on Youth, Commission on Aging, Commission on Human Services, Council on Disabled, and Office of Citizen Response. He invested a great deal in the CCR, and in the training and mentoring of young staff and interns who worked in the office. He was enormously creative in applying for grants and special funds to expand staff and program, and he loved watching people develop their skills. All parts of the commission added during his 1967-1983 tenure were the results of his grant applications and hiring of interns and other additional staff. He kept up extensive correspondence with people whom he worked with and mentored in CCR who went on to other work in other places.<sup>14</sup>

Min Yasui remained deeply involved with the JACL throughout

these years, on local, regional, and national levels. He told the story of the wartime relocation and internment to the many circles in which he traveled doing Commission on Community Relations (CCR) work, as well as to those with whom he came in contact with during his vast volunteer involvement. The JACL-at-large had not been involved in any further action for seeking redress of wartime internment since the immediate postwar goals in which Yasui and others had been so deeply involved. There was a long period of latency, or discontinuity, in which there was no active discussion nor programs pursuing further forms of redress. The issues which had occupied the organization had largely moved away from any immediate focus on the wartime experience, and into concerns about positions on other current civil-rights issues, building coalitions with other groups, gaining political power and voice, professional networking, and, in addition, credit unions, group tours, and social events.

Immediate postwar goals of citizenship for Issei, won in 1952, and passage and implementation of the 1948 Evacuation Claims Act, in which Yasui had been deeply involved, had passed by the early 1960s. These old forms of pursuing redress had faded, and it took a broader activism, raised in the 1960s, from which a new version of redress could emerge. This did not mean that memory of the time

disappeared, or the will for recalling and accountability was absent. For Yasui and many others who had survived the wartime internment, the new interest was welcomed. A new generation emerged and heard the stories of internment in the context of a lively national civil-rights movement. Regional coalitions became active and creative within and beyond JACL. This new level of activism began to form a movement which came to be called Redress with a capital "R". There was a different energy and focus in the emergence of the new Redress movement. The passage of time, communication across generational lines, and the Sansei generation realizing how little they knew about their family's imprisonment all contributed to the need to publicly express and rename the experience for those who had been through it, as well as those profoundly affected by events of which they were ignorant.

Roger Daniels says in an essay on the Redress Movement that it is difficult to date precisely when this later movement for Redress with a capital "R" began: it can be argued that those who protested in 1942 were "the real initiators of the movement," or a case "could be made for the very limited Japanese American Claims Act of 1948."<sup>15</sup> But, he goes on,

aside from these precursor activities of the 1940s, a more persuasive argument can be made that the

proximate causes could be traced to the late 1960s when small groups of Japanese Americans in Southern California, San Francisco, and Seattle began agitating for some kind of compensation for the wrongs done to them and their people during World War II.<sup>16</sup>

Yasui was not the immediate source of the later Redress movement, but he was a key part of the precursors for Redress in his wartime case and work on postwar legislation. He was ready to join in the calls for legislative action which began to emerge in the JACL during the early 1970s, becoming one of the most persuasive voices in the Redress movement as it emerged and grew.

Yasui and other survivors kept a fire burning within them, hoping that at the right time a broader movement would emerge. There can be no doubt from the fervor with which Yasui launched himself into JACL Redress work that he wanted a new hearing of the issues of wartime internment, believing that it should be top priority with the JACL. For Yasui, there was also the long-held hope that his wartime conviction in the curfew case might be reopened, too.<sup>17</sup> There is no doubt that Yasui always desired to find legislative and judicial points of reentry to the events of the internment and his own test case. When he did refer to his own case in correspondence, it was with some wistfulness, hoping there would be a point at which the 1943 decision could be overturned. Yasui consulted with

Frank Chuman, a Nisei lawyer, about legal procedures to reopen the case, but they found nothing considered likely to succeed.<sup>18</sup> A Nisei law professor at Berkeley had a seminar explore options of reopening the cases, but nothing substantial was found in that venture either.<sup>19</sup>

In 1970, Edison Uno of San Francisco JACL brought the first of the resolutions calling for redress as an issue to a JACL convention: "It was, in a sense, the quiet birth of what would become the single most burning issue in the Japanese American community."<sup>20</sup> Over the next eight years, as John Tateishi describes, the debate and discussion over Redress continued.<sup>21</sup> Redress resolutions were presented and debated in 1972 and 1974, and adopted as a priority issue in 1976. Min Yasui was appointed to the JACL Committee for Redress at that convention. Also in 1976, President Gerald Ford, in the bicentennial year, issued a proclamation officially rescinding Executive Order #9066, stating: "We now know what we should have known then-not only was that evacuation wrong, but Japanese-Americans were and are loyal Americans."<sup>22</sup>

In 1978, Redress was adopted as the priority issue for the JACL. Clifford Uyeda, who headed the committee which

recommended the unanimously accepted proposal, including individual monetary compensation as part of Redress, was elected President of JACL, and he appointed John Tateishi as Chair of the Redress Committee. As Tateishi describes the immediate goals of the Redress program for those first two years, they were "first, to launch a public media campaign and to seek the drafting of legislation and see its introduction in the United States Congress."<sup>23</sup> Tateishi said that the seeking of legislation was "perhaps quixotic, considering we had yet to gain even a sense of unity within the Japanese American community, and also because this was still an issue that had been discussed only within the JACL."<sup>24</sup> The committee determined to seek alliances with Nikkei members of Congress, and see what strategy would be most likely to yield successful legislation. Heading into 1979, with the new mandate from the National JACL, a new organization and energy, Redress as a national campaign within the JACL was on its way. As will be discussed in Chapter V, taking off from this turning point into active Redress in the late 1970s and early 1980s, several strands of Redress were emerging and expressing themselves in different voices and venues. The comments from S. I. Hayakawa, which will be discussed in Chapter V, were galvanizing, drawing out

voices from the Japanese American community, following the 1978 JACL National Convention. Proceeding from the mandate given at the convention, strategies to be pursued in seeking legislation became difficult and divisive issues over the next several years.

Min Yasui became a member of the National JACL Committee for Redress in 1976, and its Chair in 1981. For Yasui, the Redress Movement was a welcome channel for energies he had directed into educational and activist undertakings for many years. He told colleagues through his work on Commission on Community Relations (CCR) throughout the city and county of Denver, and so many other areas, about what happened to him and his community during the war. Judge Sherman Finesilver, a colleague of Yasui's, suggested to him, during the Carter Administration, that he (Finesilver) talk to someone in the justice department about a pardon for Yasui's wartime conviction. That would be a way, it was suggested, of getting some resolution, closing the case. That was definitely not what Min Yasui had in mind. Yasui flatly refused to consider such a thing, saying that clearing his record was not the point. That would mean that he did something wrong, whereas the government should do the apologizing, and he should pardon them. When asked what he would do if forced to accept a pardon, Yasui sputtered, "They can't pardon me without my permission."<sup>25</sup> Min Yasui was still looking for



readjudication of the issue without the silencing effect of a pardon, "as if it never happened," or as if he had done something wrong.<sup>26</sup>

In conclusion to this chapter on Yasui's life, "In the Meantime," beginning on the next page there is a verbatim reprint of "BIOGRAPHICAL DATA" which he assembled in December of 1983.<sup>27</sup> These pages indicate the range of his activities "in the meantime," and the community involvement which continued after Yasui's entry into active Redress activism. Chapter V will explore ways the Redress Movement, and research it generated, led to the possibility of reopening Yasui's case, coram nobis, "before us again," and how the case wove in and out of the Redress Movement in the last years of Min Yasui's life.

Memo: 12-31-83

MINORU YASUI:BIOGRAPHICAL DATA

Born in Hood River, Oreg., 1916.

*3rd son of Masuo and Shidzuyo Yasui (Okayama, Japan)*Hood River public schools; graduated Hood River High School, 1933  
*(Salutatarian)*Graduated University of Oregon, Eugene, Oregon-B.A. 1937  
*Phi Beta Kappa*Graduated U. of O. Law School, Eugene, Oregon-LLB. 1939  
*(J.D.-1972)*Graduate studies in sociology, Univ. of Denver 1945  
*Denver, Colo.*Sophia University 1970  
*Tokyo, Japan*ATTORNEY AT LAW: admitted to Oregon Bar. Sept. 1939  
admitted to Colorado Bar, Jan. 1946

Practiced law, 1939-1940-Portland, Oregon

Practiced law, 1942 (5 m) Portland, Oregon

Practiced law, 1946-1967-Denver, Colorado

Consular attache, (sic) Consulate General of Japan; Chicago, Illinois  
1940-1941WCCA and WRA camps, 1942-1944; North Portland WCCA May-Sept.,  
1942Minidoka WRA, Idaho Sept.-Nov.,  
1942Multnomah County Jail, Portland, Oregon Nov. 1942-Aug. 1943  
*(Solitary confinement for nine months)*

Writ of Error "coram nobis" (sic) filed Feb. 1, 1983\*\*\*

Minidoka WRA, Idaho Aug. 1943-June 1944  
(Elected spokesperson for camp residents)

Released for employment in Chicago, Illinois June 1944  
(Given railroad ticket and \$25 Gov't check.)

Worked as common laborer in ice plant, @[\$.]60/hr Summer  
1944

Relocated to Denver, Colorado: Sept. 1944

Attended Univ. of Denver law school (sic) for bar exam review  
1944-1945

Passed Colorado bar (sic) examinations June 1945

Admitted to Colorado Bar, after appeal to Colo. Sup. Ct. Jan.  
1946

Married True Shibata (formerly of Mill Valley, Calif., who had re-  
located to Denver from Granada WRA, Colorado) Nov. 1946

Three daughters: IRIS A. MOINAT July 1948  
(3 children)

LAUREL D. HAWKINS Nov. 1950  
(1 daughter)

HOLLY YASUI Dec. 1953  
(Ph.D. candidate,  
Univ. of Wisconsin)

\*\*\*Writ of Error "coram nobis" (sic) filed in U.S. District Court for  
Oregon, in an effort to over-turn (sic) the U.S. Supreme Court  
decision of June 21, 1983.

(End of Yasui's Page 1.)

Page 2.

Minoru Yasui

December 1983

JAPANESE AMERICAN CITIZENS LEAGUE: (locally, regionally, nationally, since 1931)

1931- Charter member, Mid-Columbia JACL, Hood River, Oregon;

1933- President, Mid-Columbia JACL chapter, Hood River, Oreg.

1944-1952: Regional Representative, Tri-State JACL District, including Colorado, Wyoming, and Nebraska. Offices in Denver, Colorado

1944 to date: Member, officer, committee member, etc., of Mile-Hi JACL of Denver, Colorado; have served in every office except that of President.

1952- "NISEI OF THE BIENNIUM" , at National JACL Convention, San Francisco, California.

1954-1958: District Chairman, Mountain-Plains JACL District, including Colorado, Wyoming, Montana, Nebraska, New Mexico and Texas.

1976 to date: Member, National JACL Committee for Redress

1981 to date: CHAIRMAN, National JACL Committee for Redress

1982- "JACLeR of the Biennium" , at National JACL Convention, Los Angeles, California.

BOY SCOUTS OF AMERICA: Scoutmaster, 1940-1941; Chicago, Illinois  
Scoutmaster, 1945-1962; Denver, Colorado

1962 to date: Various offices in district organizations;  
 1972 to date: Member, Board of Denver Area Council of Boy  
 Scouts

NEWSPAPERMAN, JOURNALIST:

1948-1950: Regional correspondent for Nisei View, (sic) of  
 Chicago, Ill.

1950-1952: Weekly columnist for Rocky Shimpo, (sic) of Denver,  
 Colorado.

1952-1958: English Editor, The Colorado Times (sic) of Denver,  
 Colorado.

1960-1965: Editor-Publisher, The Mountain-Plains AJA News,  
 Denver;

1967 to date: Contributor to The Rocky Mountain Jiho (sic) of  
 Denver, Colo. and The Pacific Citizen (sic) of Los Angeles, California.

COMMISSION ON COMMUNITY RELATIONS:

1946-1948: Member of fact-finding sub-committee for the  
 Mayor's Committee

1959-1967: Appointed Commissioner, Commission on Community  
 Relations

1961-1965: Vice-Chairman

1965-1967: Chairman

1967-1983: EXECUTIVE DIRECTOR, Commission on Community  
 Relations

1972-1976: Initial executive director (sic) of Commission on  
 Youth

1974-1975: Initial executive director (sic) of Commission on  
 Aging

1982-1983: EXECUTIVE DIRECTOR, Commission on Human  
 Services, including Council on Disabled, Council on Youth, and Office  
 of Citizen Response. (End of Yasui's Page 2.)

Page 3.

Minoru Yasui

December 1983

DENVER PUBLIC SCHOOLS: (DPS)

1954 to date: Member of various advisory committees and councils of DPS

1967- Member of Advisory Council on Equality of Educational Opportunity in Denver Public Schools; wrote "*Final Report*"

1974-1977: Sponsor of Presidential Classroom program to Washington, D.C.

*(Sent 30 students to Washington, D.C., each for 1 week, over a period of three years.)*

1974-1982: Sponsor of High School Executive Intern program for 9 years;

*(Trained and gave practical experiences to 18 students.)*

1976 to date: Member of Advisory Committee to Career Education Center;

1983- Member, "Challenge Program" for gifted and talented students;

1983- Member, Accountability Committee of Denver Public Schools;

1983- Volunteer Counselor for "Designing Your Future: career program.

OTHER COMMUNITY ACTIVITIES: (Chronologically)

1946-1954: Founding member, board member, officer of Urban League of Colorado

1946-1954: Adult advisor, Nisei Inter-Collegiate Conference

1948-1972: Assisting in founding of Latin American Research and Service Agency (LARASA), and continuing sponsorships;

1967-1979: Member, Board of of American Red Cross, Mile-High Chapter;

1982: Re-appointed (sic) member of Board of American Red Cross

1968 to date: Initiated, organized and developed Denver Native Americans United (DNAU), and continuing relationships;

1968-1975: Member, Board of Denver Opportunity ("War on Poverty")

1969: Chairman of Board of Directors

1973: Chairman of Board of Directors

1972-1980: Chairman of Denver Anti-Crime Council; continuing as member of DACC.

1980: Vice-Chairman of Board of DACC

1972-1974: Chairman of Board of Employ-Ex (*Ex-Offenders program*)

1972-1976: Initiator and initial Executive Director, Commission on Youth for the City and County of Denver.

1973-1974: Initial Executive Director for Commission on Aging, for the City and County of Denver.

1973-1975: Member of executive committee, for "Leadership Denver" sponsored by Denver Chamber of Commerce;

1974-1981: Director of ACTION's volunteer programs (sic) (ATA/FICC)

1974 to date: Member of National Association of Human Rights Workers (NAHRW)

1974-1980: Member of Nat'l Assn (sic) of Police-Community Relations Officials

1975 to date: Member of Colorado State Advisory Committee (Colorado SAC) of the U.S. Commission on Civil Rights;

1979: Incumbent Chairman of Colorado SAC

1976-1981: Member, Minorities Committee of Colo. Centennial Celebration;

1976 to date: Member, Int'l Assn (sic) of Official Human Rights Agencies (IAOHRA);

1976 to date: Member, Denver League of Women Voters

1976 to date: Member, Board of Metropolitan YMCA, Denver, Colorado

1976 to date: Member, Board of People-to-People Corp. of Denver, Colorado

1976-1978: President of People-to-People Corp.

1976 to date: Sponsor, Minoru Yasui Community Volunteer Awards program

1977 to date: Member, Regional Board of Institute of International Education;

1978-1983: Member of Inter-Faith Forum (*Served as Secretariat, 1980*);

(End of Yasui's Page 3.)



PAGE 4.

MINORU YASUI

DECEMBER 1983

## Other community activities, cont'd: (sic)

1978-1983: Member of Inter-Agency Organization of Denver, Colorado

1978-1979: Director of "JAPAN TODAY" program in Denver, Colorado

1978-1979: Assisted fund-raising (sic) for Japanese Gardens in the Botanic Gardens of Denver, Colorado;

1978-1980: Member, Advisory Board of Denver International Film Festival;

1978 to date: Member, Board of Colorado Alliance of Pacific/Asian Americans;

1979 to date: Member (one of 50 U.S. delegates) to the International Consultation on Human Rights;

1979-1982: Member, National Board of Joint Action in Community Services (JACS), Washington, D.C.

1979-1983: Member, Mayor's Task force on Refugee Affairs;

1979-1983: Gubernatorial appointee, Colorado Humanities Program;

1982: Served as Chairman of the Board

1980 to date: Member, Board of Colorado Council of International Organizations;

1981-1983: Sponsor of "Chrysalis" program (anti-prostitution program)

1981-1982: Sponsor, "*Indo-Chinese in Our Midst*", CHP

1982-1983: U.S. Liaison, School Internship Program, Tokyo, Japan

1982: U.S. Marine Corps League's "Bronze Citizenship Medal"

1982 to date: Member, Board of Skyline Projects for Downtown Denver

1982 to date: Member, Advisory Board, VOA Colorado Prison Association

1983- One of 3 initial incorporators of Denver Community Scholarships, Inc., for graduates of Japanese American ancestry;

1983 to date: Member, Regional Working Committee of America-Israel Friendship League (Roz Duman, executive director [sic])

1983- Member of National Advisory Committee of National JACL's Youth Leadership Program, in Washington, D.C.

1983- "HONORARY LIFE MEMBER" Company K Club, 442nd Regimental Combat Team, Veterans Association.

1983 to date: Member of Men's Committee for international Christian university of Tokyo, Japan;

Sep. 23, 1983 OREGON STATE BAR ASSOCIATION's "Award of Merit" at 1983 Annual Convention, Seaside, Oregon

Nov, 19, 1983 ACLU OF OREGON-E. B. McNaughton Award, in Portland, Oregon

Dec. 4, 1983 ACLU OF NORTHERN CALIFORNIA-Earl F. Warren Civil Liberties Award, to Dr. Gordon K. Hirabayashi, Fred T. Korematsu and Minoru Yasui, San Francisco, CA.

(Feb. 11, 1984 ACLU OF COLORADO-Carle E. Whitehead Award.)

(Mar. 3, 1984 "MINORU YASUI DAY", proclamation by Gov. Richard Lamm of Colorado

"MINORU YASUI DAY", proclamation by Mayor Federio Pena of Denver

U.S. Department of Justice, Community Relations Service,  
Community Service Award, Washington, D.C.[)]

(April, 1984: NATIONAL INSTITUTE ON VIOLENCE AND EXTREMISM, board member. Baltimore, Maryland.[)]

(End of Yasui's Page 4; all italics and format in "Biographical Data" are Minoru Yasui's.)

Notes

<sup>1</sup> Japanese American Citizens League, Report of the Ninth Biennial National Convention, Feb.28--Mar. 4, 1946 (Denver: Japanese American Citizens League) 5-16.

<sup>2</sup> Japanese American Citizens League, Report 15.

<sup>3</sup> Japanese American Citizens League, JACL interview with Minoru Yasui, videocassette, n.p.: Japanese American Research Project, JACL, Jan. 1983; George Johnston, interview with Minoru Yasui, radio interview, Denver, Jan. 1983, Yasui's personal files, in author's possession.

<sup>4</sup> Japanese American Citizens League, Report 9.

<sup>5</sup> Japanese American Citizens League, Report 9.

<sup>6</sup> Japanese American Citizens League, Report 13.

<sup>7</sup> Johnston, interview with Minoru Yasui, 1983.

<sup>8</sup> Johnston, interview with Minoru Yasui, 1983.

<sup>9</sup> Japanese American Citizens League, JACL interview, 1983.

<sup>10</sup> Brian Niya, ed., Japanese American History (New York: Facts on File, 1993) 68.

11 Minoru Yasui, letters to Masuo Yasui and George Azumano, regarding going to Portland to process claims, Minoru Yasui Collection, Archives and Special Collections of the Auraria Library, Denver, CO.

12 Holly Yasui, speech, "Min Yasui Day," Portland City Council, Mar. 28, 1990.

13 Minoru Yasui, letter to Saburo Kido, Apr. 29, 1946, Minoru Yasui Collection, Archives and Special Collections of the Auraria Library, Denver, CO.

14 Former Commission on Community Relations (CCR) staff, including: current coordinators of CCR and Women's Issues, and current administrator of state corrections, formerly on Minoru Yasui's staff, personal interviews, summer 1992.

15 Roger Daniels, Asian America: Chinese and Japanese in the United States Since 1850 (Seattle: University of Washington Press, 1988) 188.

16 Daniels 188.

17 Minoru Yasui, letter to Peter Irons, Jan. 1982, Minoru Yasui Collection, Archives and Special Collections of the Auraria Library, Denver, CO.

18 Frank Chuman, The Bamboo People: Japanese-Americans[:] Their History and the Law (Chicago: Japanese American Research Project, JACL, 1981) section on Minoru Yasui.

19 Japanese American Citizens League, JACL interview, 1983.

20 Daniels 191.

- 21 Daniels 191-95.
- 22 Gerald Ford, "An American Promise: A Proclamation," Poster, Feb. 19, 1976, Yasui's personal files, in author's possession.
- 23 John Tateishi, ed., And Justice for All: An Oral History of Japanese American Detention Camps, (New York: Random House, 1984) 191.
- 24 Tateishi 192.
- 25 Japanese American Citizens League, JACL interview, 1983.
- 26 Japanese American Citizens League, JACL interview, 1983.
- 27 Minoru Yasui, "BIOGRAPHICAL DATA," Dec. 1983, Yasui's personal files, in author's possession.

## CHAPTER V

REDRESS AND CORAM NOBIS: 1979-1986

As discussed in Chapter IV, "In the Meantime," there were early postwar attempts at immediate limited measures of redress, and then a long period of dormancy until the ferment of the 1960s and the emergence of a new Redress movement in the 1970s. From the immediate postwar efforts through dormancy and into the period in which a new movement began to be a significant force, 1978 was a turning point in Redress into full-scale action by several different groups. The JACL made a significant commitment to Redress at the 1978 National Convention in Salt Lake City. The organization brought resources of finance, influence, and leadership to give the priority some force, with Clifford Uyeda as President and John Tateishi as Redress Chair. Min Yasui had been on the Redress Committee since 1976, and during those years, in which commitment gathered and strategies were formed, his was an important voice for reasons of energy, commitment, personal history, and stirring rhetorical style. Yasui served on the committee for the last decade

of his life, 1976 to 1986, and served as its chair from 1981.

This chapter will explore the decisions, alliances, and splits of the 1979-1986 period, and how the reopened coram nobis legal cases came out of and wove into the Redress movement. This section seeks to illuminate how Min Yasui's past experience, unique perspective, and gifts were exercised as Redress strategies emerged.

As discussed in Chapter III, various regional and disparate forces began to gather grass roots support in the 1960s and 70s, and were an important driving force in bringing Redress to public attention. The years 1978-1980 saw several different organizations, having particular approaches and constituencies, both come together and then quickly diverge in a very short period of time.<sup>1</sup>

By 1978-79, many people joined in widely disparate coalitions for redress or reparations for wartime internment. Individuals told stories across generations, built alliances and organized strategies: there was intense energy and growing desire that something immediate and concrete happen. This desire was to take many forms and faces in the late 1970s.

The 1978 JAACL Convention in Salt Lake City, stirred by long lobbying efforts inside and outside of the organization, accepted the priority of Redress, including a specific amount of money for each

internee, and a trust fund for future benefits and education. Newly elected President Clifford Uyeda (elected for a two-year term; he had previously been Redress Chair) and Redress Chair John Tateishi determined the goals of the JACL's redress program over the next two years to be: (1) public media campaign, and (2) drafting of legislation and its introduction in the United States Congress.<sup>2</sup>

Not long after the 1978 JACL National Convention, the public media campaign started in a wildly unexpected manner with Senator S. I. Hayakawa's private interview. Given to the local Salt Lake City newspapers on the final evening of the convention, the interview included Hayakawa's comment that the JACL's demand for \$25,000 was "absurd and ridiculous."<sup>3</sup> This infuriated "many, if not most of the Japanese American community, who delighted in pointing out that the Canadian-born Hayakawa had spent the war in Chicago and had not suffered incarceration either by his native or his adopted country."<sup>4</sup> Hayakawa's words galvanized fury among young Sansei and other Asian American activists who were involved in a growing Asian American Studies movement. They strongly desired to give public form to the family and personal experiences they were finding and expressing in their own and one another's stories. They determined to give shape to their passion to gather and raise



counter-voices in a public way, and "shout down and outstage [sic] Hayakawa."<sup>5</sup> Key organizers of the first "Days of Remembrance" reported that the press coverage given to Hayakawa's statements so infuriated them that they determined to bring together witnesses who, by their amassing of life stories, would overwhelm him. Their outrage would counter the voice of Hayakawa which belittled the experience of the community interned during wartime and called demands for monetary redress "absurd" and "guiltmongering" without ever having shared their wartime incarceration.<sup>6</sup>

By 1978-79, there was no doubt there was great energy, pro and con, gathering around the idea of Redress. There were divergent ideas about whether any form of Redress should happen, and if so, how it should be framed. Should there be immediate demands to draw attention and express the urgency of emotion, or should there be a gradualist approach in order to build alliances with those in power and lobby for the doable? Not surprisingly, there was a wide range of opinion on strategy, while at the same time there was deep feeling.

Many survivors of internment did not speak of their experience. Consequently, many children and grandchildren of survivors did not know of their parents' and grandparents' incarceration. Hayakawa

stirred up and infuriated many who felt, in a new way, the anger of being silenced and belittled. Out of the variety of responses to the wartime years, the long silences, sorrows, and bitterness in the midst of the telling of stories and the discussion of strategies, there was a common sense of the importance of the issue as well as strong disagreement about tactics. The community was telling its stories in private and, increasingly, in public. There was a growing convergence of "Aha!" insights for both teller and hearer in the sharing of previously untold experiences. At the same time there were those who resisted any demands for formal Redress, particularly individual payments, for a variety of reasons. "Some insisted that no amount of money could compensate them for their suffering; others saw it as a kind of welfare, while still others thought that it was best not to reopen the wounds of the past."<sup>7</sup> Still within the Japanese American community there was a reluctance to stir up any backlash, a fear of undoing the progress in reputation and prosperity which the postwar years had seen, by making harsh or unseemly demands. There were certainly generational dynamics at work, both in alliances formed and divisions experienced. The "Days of Remembrance" and the Redress Commission strategy were the backdrop for many of those alliances and divisions.

When the first "Days of Remembrance" were organized in anger surrounding Hayakawa's comments and the accompanying desire to generate maximum publicity, alliances were formed. The organizers were eager to maximize common ground by basing the experience in common memory and first-person accounts. Except for local non-Nikkei officials Mayor Neil Goldschmidt and Judge Robert Thornton, from the Oregon State Court of Appeals, only those who had been interned during the war spoke from the platform at the Portland "Day of Remembrance."

It could be argued that the dramatic staging of the "Days of Remembrance" provided a superlative setting for a combination of stories and strategies, "a perfect backdrop for Min Yasui's voice,"<sup>8</sup> and that he was perfectly suited to draw those together. Yasui could bring both his own wartime experience and his newly energized sense that something could be done to redress the wrong; there was a focus for the rage, a new reason for the telling of the story. The Portland event had been planned in a six-week flurry from January to February. The original planners of the November 1978 Seattle event came to Portland in January 1979, and helped kick off the intense planning and publicity for the second "Day of Remembrance." The original planners in Seattle were: Frank Abe, Frank Chin, and Kathy

Wong; the Portland co-chairs were Peggy Nagae, a Sansei lawyer, and Jim Tsujimura, a Nisei ophthalmologist and former JACL national president.

Frank Abe described the Seattle group's work as "setting the stage" for a family gathering in order to retell history where it happened.<sup>9</sup> It was an occasion for renaming what happened by hearing untold stories and uniting in action; the invitation on flyers and posters stated, "Remember the concentration camps: Stand for redress with your family."<sup>10</sup>

Yasui wrote to Redress Chair John Tateishi on January 7, 1979. He accepted an assignment to draft a position paper on Redress, saying Peggy Nagae had called the night before to invite him to speak in Portland on February 17, and that "I will accept this assignment."<sup>11</sup> Yasui stated plans for family visits to "two brothers and a flock of nieces and nephews in the Oregon country" around the trip, followed by a

3) San Francisco Stop-Over

to check with you and Nat'l HQ in regard to Redress matters, i.e.,

- (1) Position Statements - revisions, developments, or whatever
- (2) Resolutions on "Day of Remembrance - Feb. 19th
- (3) Financial Campaign - national efforts
- (4) Legislative strategies; nation-wide efforts[.]<sup>12</sup>

In this letter, Yasui continues in his unique flow of consciousness outline/flow of time format to discuss: "4. Japan America Conference, February 20-22, 1979" at which he proposes to speak of "Japanese American evacuation of 1942 and our present drive for Redress;" and "5. Ronald Ikejiri, Washington, D.C. Repr., January 4, 1979" reporting on a long and complicated conversation with Ikejiri in regard to "the Seattle group " applying for "grant funding for Redress in the Northwest country" and their proposal for a debate with Senator Hayakawa over Redress, with Yasui's responses to each proposal in various margin settings and type, concluding with this evaluation of Hayakawa and immediate strategy:

We can't afford to antagonize completely the U.S. Senator -- we need to appeal to emotions -- the 10,000 Purple Hearts brought home by Nisei GI's during World War II, while their parents, brothers and sister (sic), wives and families, were incarcerated behind barbed wire fences . . . --maybe we can neutralize the Senator.<sup>13</sup>

Min Yasui closes with his declaration of allegiance to follow the orders of:

6. Supreme Commander of Allied JACL Forces:  
John Tateishi of Kentfield, CA . . .  
And so, John, I guess as we start this New Year -- with starry-eyed determination to make the Nat'l JACL Redress campaign an overwhelming success!!!--we need to get down to the bread-and-butter issues, such as finances, strategies, and nation-wide support. . . .  
- You need to not only issue . . . the orders, instructions

and directives, but you also need to get people in all parts of the country moving together in one direction . . . for Redress!!!

-There are hundreds of like-minded Nisei and Sansei in all parts of this country; the task is to find them, to inspire them, and to get them working for Nat'l JACL Redress. . . .

-In this task, use the old time JACLers, and up-and-coming, bright and public-spirited Sansei, as well as all other people of good will. . . .They are out there--utilize old-time contacts to bring them together in a mass movement that becomes irresistible!

You need key people in various regions; you need literally thousands of lieutenants, and certainly tens of thousands of old war-horses like me who will respond to the challenges and clarion call for action at the grass roots level. . . .

**WE CAN DO IT!!!**

Yours, Min<sup>14</sup>

This letter reflects Yasui's format on the page. It is typical of Min's style and structure when he wrote. His syntax and flow would not fit well into a formal format. His punctuation and margin settings were idiosyncratic, his outline form, in multiple listings, unique. Certainly, the letter expresses his "gearing up" for the gatherings wherein Redress would be promoted, and survivors would express remembrances to their families and community. Then, after only two or three days home in Denver, he would leave again to travel to the JACL Redress Strategy Meeting, March 3-4, 1979, in San Francisco.

Min Yasui must have come to Portland that February with a head and heart teeming with feeling, expression, strategy, and networking energy, fueled as usual by massive ongoing doses of caffeine and nicotine. With little sleep and prolific amounts of writing, he expressed affection for his far-flung, extended family, and lived out his jigsaw-puzzling together of public and private in all aspects of his life and speaking. He had great instincts for utilizing the occasion whenever he spoke, and the "Day of Remembrance" was a time in which he used this skill very effectively. It was there that he first met Peggy Nagae, a Sansei lawyer, who would within a few years become the lead lawyer in his coram nobis case. At the same time he met another Sansei activist, Chisao Hata, who said that it was the first time she had experienced a blend of family stories with a passion for justice. She described hearing Yasui speak as a wake-up call to the possibility of alliance between generations and other political differences. Redress seemed possible, not only in strategy, but in the community, in the heart. She had never heard a Nisei speak that way with such fire.<sup>15</sup>

The organizers of the Portland event said later that Yasui could always be counted on for stirring oratory. They saw his barn-burning rhetoric as a unique gift among Nisei speakers.<sup>16</sup>

Yasui was a fiery orator, and at the 1979 "Day of Remembrance," as always, he spoke entirely without notes. Stories leading up to the event highlighted the history of his own test case and his time of residence at the Portland Assembly Center. Alan Ota began his story in the Oregonian on January 15, 1979 as follows: "For Minoru Yasui it will be a day of remembering principles he stood for 37 years ago," continuing with a description of Yasui's wartime case: "In a test of the Constitution, he had walked into the downtown Portland Police Station and demanded to be arrested as an American citizen forbidden to walk the streets because of his ethnic background."<sup>17</sup> Quoting from Ota's telephone interview with Yasui, the case's description continues:

The issue was whether the military, in the absence of martial law, can order anything it wants to. That was the real principle. Can the military order you, simply because of your ancestry, to do something? That was what we fought for, and we took a beating. . . .In retrospect, I'm glad I did it. I'm damn proud of it. If the laws were not challenged then, there would be no way to seek redress. By law, if you are hurt, you have to holler, if you shut up, you're guilty of laxity.<sup>18</sup>

Yasui was looking forward to his February 17, 1979, homecoming to Portland with a sense of nostalgia and loss: "You have to have lived through it to understand the hysteria, the fear, the uncertainty.



There was a sense of utter helplessness and hopelessness."<sup>19</sup>

It was the perfect place for his voice, one who knew the sense of helplessness and hopelessness, and yet who had chosen to challenge the curfew at its very inception. Here was someone who was in many ways a cultural conservative, highly patriotic, deeply regretting that he had not been able to serve in the military during the war. Here was someone who had continued to work on inter-ethnic concerns throughout his legal work and as Executive Director of Community Relations in Denver. He crossed lines, and he spoke in his own unique voice. Yasui cast Redress as an American issue, as a concern for the basic rights of the Constitution for all citizens, and he did it emphatically and loudly. He was able to connect both with non-Nikkei and non-Nisei, crossing ethnic and generational lines, as well as partisan political lines to make the Redress movement a more expansive place.

The staging worked. The response to the "Day of Remembrance" in Portland was enthusiastic. The turnout was beyond expectations, estimated at about fifteen hundred people. The combination of healing and empowerment was a catalyst both for the local community and the broader Redress movement.<sup>20</sup> On February 19, 1979, two days after Portland's February 17 event, Yasui was a keynote

speaker at a "Day of Remembrance" held at Tanforan, the site of the assembly center nearest to the San Francisco Bay area.

Piecing his life and work together in early February 1979, Min Yasui planned a trip combining speeches at two "Days of Remembrance" (Portland and San Francisco) with extended family visits, meeting his daughter Holly at a Japan America Conference in Los Angeles (an international intercultural relations organization), a few days for "winding down" in Las Vegas, and a short stop back in Denver before the JACL Redress Committee in San Francisco and a police community relations conference in New Orleans. In the meantime, his letters also mentioned the planning of a Yasui family reunion in the Rockies. He had taken a sibling survey, and concluded that the reunion would be postponed until the summer of 1980. He wrote to his three daughters (Iris, Laurie, and Holly) about where he was going and what he was speaking about at the "Days of Remembrance," planning to meet with Holly while he and True were in Los Angeles, and telling Iris and Laurie something about his "doings" by way of including a clipping about himself, telling Laurie: "[I] am enclosing a copy of a news clipping that your Uncle Chop sent to me. . . It perhaps explains why your father is so nutty!"<sup>21</sup> To Iris, he wrote: "I'm getting ready to take off--and I thought perhaps you'd

kinda like to know why . . . I am enclosing a copy of an article that your Uncle Chop sent to me--and perhaps you will understand a little more", and later in the letter,

your Father is getting to be too old a codger to be running around trying to do all these things . . . but there is so much yet to be done, and so little time to get everything accomplished . . . I suppose I'll go to my grave still saying that!!!<sup>22</sup>

Yasui's files for early 1979 are a typical jumble of the personal and public, the weaving together of Redress and JACL work, City and County of Denver, and connections with family and friends. While he usually typed out his letters, his files also contain handwritten notes and jottings, which he would sometimes take while talking on the phone thinking through a problem, devising a strategy, or listing people to contact. He took quite seriously John Tateishi's request in early 1979 to draft a Redress position paper, and also to head a Speakers' Board for Redress. Leading up to the March meeting, he thought about these things in many forms on paper, in personal correspondence and private jottings as well as in the official JACL correspondence.

In Redress Chair John Tateishi's letter to Yasui and the other Redress Committee members about the March 3-4 meeting, he wrote, on February 9, 1979:

I cannot be too emphatic about the importance of this particular meeting.

We will be discussing the proposal for the Redress bill and will determine, once and for all, what the structure of that bill will be. This meeting will be the culmination of eight years of debate, so I urge all committee members to make every effort to be present.<sup>23</sup>

All committee members were present for the Redress Committee meeting. The six members were: John Tateishi, chair; William Marutani, Henry Miyatake, Raymond Okamura, Phil Shigekuni, and Minoru Yasui. The key decision was whether to pursue legislation for direct appropriations, which some felt was the only acceptable option, or to seek legislation which would establish a study commission.

In late January 1979, representatives of the JAACL Redress Committee had met with the four Nikkei members of Congress who were sympathetic to the possibility of introducing Redress legislation: Senators Daniel Inouye and Spark Matsunaga, both from Hawaii, and Congressmen Norman Mineta and Bob Matsui from California.

John Tateishi described the meeting as follows:

They suggested to us that before Congress would begin to consider any legislation to seek compensation, we needed first to establish an official determination of wrong in the government's records because the Congress, and indeed the American public, was not convinced that an injustice had occurred. Coincidentally, some of us had previously conferred with a number of professional

lobbyists and civil rights advocates, all of whom had suggested that we should seek the creation of a congressional commission to establish an official determination of the injustice. The Japanese American members of Congress made a similar recommendation, a message we carried back with us.<sup>24</sup>

At the March 3-4 meeting of the JAACL Redress Committee, the group discussed three possible proposals. They unanimously rejected a court suit, and then had to choose between legislation aimed directly at compensation or legislation aimed at the creation of a federal study commission. After two days of discussion,

we finally came to a vote. The majority of the committee members expressed the view that if the circumstances allowed, they would vote in favor of legislation directly aimed at compensation. But given the political realities and the mood of the Congress and the public . . . the final vote was four to two in favor of legislation to seek the creation of a commission.<sup>25</sup>

Min Yasui was one of those voting for the "commission strategy," and once it was decided, he stood strongly behind it. There had previously been debate about whether individual monetary payments would be a part of a redress proposal, and while Yasui had first stood behind a trust fund which would serve needs in the Japanese American community, particularly internment survivors, and provide for ongoing education about internment, in preference to individual payments, once the mandate was for individual payments, he stood

behind that.<sup>26</sup> There was great debate in the months following the decision to pursue the study commission legislation, and some who saw the study alternative as a cop-out asked why Min Yasui, of all people, would argue for the expedient alternative.<sup>27</sup>

Min Yasui replied that the purposes of education and public awareness would best be served by the establishment of a major study commission, and that hearings of such a commission would give opportunity for both researchers and survivors to open the documents and experiences of the wartime relocation and internment.<sup>28</sup> Along the same lines that Tateishi had brought from the Washington, D.C. meeting, Min Yasui argued that the only hope of Congressional support and eventual success was with the commission strategy, and that just because something was workable didn't mean it was defeatist and worthless.<sup>29</sup> The idea of the Commission hearings was a very powerful appeal to Min Yasui, partly because it allowed for public forums in which witnesses would be heard and evidence revealed, and research would be encouraged which would help broaden knowledge.<sup>30</sup>

John Tateishi expected the response which soon came:

We knew that our decision would be unpopular in the Japanese American community and that we, as an organi-

zation, would be harshly criticized. And as expected, such was the response. The JACL was accused of 'selling out' and of acquiescing to political timidity. Critics admonished us for using the rationale of 'political reality' for what many viewed as a lack of courage. But we knew that the realities of Washington politics and the public attitude did not bode well for us in seeking passage of a \$3 billion appropriations bill in Congress. It made sense to us that an official investigation in the form of a report to the president and the Congress would serve to eliminate the myth of military necessity, which had plagued us for so long.<sup>31</sup>

There was a strong negative response to the commission strategy by activist groups which had lobbied and pressured the JACL into taking a stand for Redress. The various groups in Seattle and California who had formulated strategies to demand immediate reparations said that the JACL had denied its mandate from the convention resolution to seek immediate Redress legislation. A May 1979 meeting in Seattle formed the National Council for Japanese American Redress (NCJAR). NCJAR organized for the purpose of obtaining monetary redress through the legal system for internees:

Its members want reparation for the deprivation of their civil and constitutional rights; for wrongful evacuation, detention, and imprisonment, and the suspension of due process; for loss of income, property, and education; for the degradation of internment and evacuation and for the psychological, social and cultural damage inflicted by the United States government.<sup>32</sup>

Those who founded NCJAR objected strenuously to the recommendation of the Redress Commission, "as if research has to be done to show what happened was wrong."<sup>33</sup> They felt that the capitulation to political expedience was reminiscent of wartime actions which the JACL took on behalf of the community without its consent. As Bill Hohri of NCJAR saw it:

In 1979, the JACL once again seemed to be yielding to the inevitability of legislative defeat for a redress proposal, to be seeking the commission as a more publicly palatable alternative, and to be opposed to efforts at a direct challenge to the nation for restitution under the Constitution. In the earlier period, most Japanese Americans were unaware of decisions being made on their behalf. We hardly knew about the constitutional test cases, the substantial draft resistance, and the implications of JACL's opposition to these actions. But in 1979, we were better informed.<sup>34</sup>

NCJAR proposed immediate Redress legislation sponsored by Representative Mike Lowry of Seattle. It was introduced on November 28, 1979, as House Resolution (H.R.) 5977, the "World War II Japanese-American Rights Violations Act." The proposed legislation was almost a duplicate of the "Seattle plan" which was formulated in the early 1970s by the Seattle Evacuation Committee of JACL.<sup>35</sup> The bill was killed in committee. Later the NCJAR raised money to retain a law firm, conducted research, and on March 16, 1983,



brought a class action law suit against the government. The National Coalition on Redress and Reparations (NCRR) organized itself from grass roots organizations concerned with community issues, and during the years of redress held forums and organized grass roots support.<sup>36</sup>

The commission plan gathered wide support through 1979-80 as a strategy that no outside group could oppose. If the purpose was to determine if there was a wrong done, and a federal commission was to determine that, it seemed much less threatening and strident than a demand for payment. To some it seemed evasive and unnecessarily delaying, to others it was the only viable option for long-term success. To all it provided intense interest, and as the bill was presented and the hearings scheduled, there was lively debate about who would speak and who had the right to tell the story, and the value of personal testimony versus that of scholars and researchers.

Nikkei Congressmen were strongly in favor of the commission strategy, willing to support as well as build support for it. A bipartisan group of senators, led by Senators Inouye and Matsunaga, introduced S. 1647, the Commission on Wartime Relocation and Internment of Civilians Act (CWRIC). The Senate passed S. 1647 in May 1980. The House passed Corresponding H.R. 5499 in July, and on

the last day of July 1980, President Jimmy Carter signed Public Law 96-317 creating the CWRIC. There was no significant opposition within Congress to the Commission bill.

The Commission was chaired by Washington, D.C. lawyer Joan Z. Bernstein, and included among its members Long Beach, California Congressman Daniel E. Lungren, former United States (U.S.) Senator Edward Brooke, Massachusetts Congressman Robert Drinan, Arthur S. Fleming, former Supreme Court Justice Arthur J. Goldberg, Ishmael V. Gromoff, Philadelphia Judge William Marutani and Hugh B. Mitchell. As part of its research, conducted for eighteen months, the CWRIC held hearings in several cities across the country. In each city Japanese Americans testified about their experiences, many for the first time.

The Commission strategy had, in a relatively short time, produced a successful legislative result, broad support, and an amazing array of hearings across the country, as well as opponents/alternative groups who did not want to go at Redress that way. The stage was set for interesting dynamics when the Commission began to hold hearings in nine cities for twenty days between July 14 and December 9, 1981. Over seven hundred and fifty witnesses testified at those hearings.

When the CWRIC Commission released its 467-page report,

Personal Justice Denied, it concluded that Executive Order 9066 was "not justified by military necessity" and was the result of "race prejudice, war hysteria, and a failure of political leadership."<sup>37</sup>

When the CWRIC's final recommendations were released in the summer of 1983, they included individual payments to survivors of internment of \$20,000. There had been widespread publicity and deep stirring in the life of the Japanese American community as stories were told, and survivors reexperienced memories and pain as well as the catharsis of being heard and hearing others.

Min Yasui as member, and then Chair, of the JACL National Committee on Redress was at the heart of the fire storm. His correspondence load was unprecedented, and his traveling was frenetic. The debates over appropriate strategies of resistance during World War II as well as appropriate strategies for Redress in the 1980s raged hot and heavy then and long after Redress finally passed. Min Yasui did not live to see Redress pass nor his own case concluded.

The 1979 correspondence previously referred to between Min Yasui and his brother Homer concerning the commission strategy is particularly telling and worth quoting at length. Homer was one of the co-chairs of Portland JACL's Redress Committee,

and of course our president wants us to get things moving. However, I have some rather strong reservations

about moving anything, because of the commission idea. If anybody can convince me that this was not only expedient--but also, the morally correct thing to do, then I guess that I could work on the committee. But so far, it still seems to me that this is just more of the head bowing, the happy smiling and 'yes prreasing' (sic) that we Nikkei know so well. I don't care much for appeasement and accommodation. Naturally one of the first questions that arise in the local Nikkei minds around here is why Minoru Yasui should support the National JACL Redress Committee commission approach. I ask that myself, and wonder, how come? The National Redress Committee has used a rather unfortunate term, which happens to be 'political realities' for going for the commission method.

Well, 38 years ago Gordon Hirabayashi and Minoru Yasui did not face the political realities of the time. Instead, perhaps overly idealistically and impractically, they chose to go ahead and challenge the entire legal apparatus of the U.S. government on a principle. And they lost. Now my question is: What were the political realities of your and Gordon's winning your cases, in the context of the times? I would say that it must have been near zero, and you were so advised. Yet two idealistic, irrational, abberant simpletons went ahead and did fight the good fight. For that, in Nikkei minds throughout this nation, you are genuine Nikkei heroes, and rightly so. So the next logical question is: Were you guys nuts, were you publicity seeking; or, as I believe were you fighting to try to preserve an idea and an ideal? I think that you were struggling to try to prevent a great wrong from being committed. So right now we have this paradox which I would like to have explained to me. . . .

With the commission method, I can't help but compare it with allowing a rapist to use as an accepted defense that the rape victim 'asked for it.' National JACL is now in the position, which seems incredible to me, of asking Congress to decide whether or not we were the victims

of such legal atrocities as the curfew and the evacuation itself. I believe that we the victims should point out that we were indeed innocent victims, and that it was the then president of the United States, the then U.S. Attorney General, and the then Congress who were the legal rapists. How do legal minds such as yours and Bill Marutani's evaluate this dilemma?

Well, I don't think we'll get any clearcut viewpoints on this issue, but just the same, I'd like to know what you think, because sure as hell, a lot of Nikkei are going to ask me what does my brother think about all this?<sup>38</sup>

Min wrote back to his brother a seven page letter, with triple indentation, several paragraphs in italics, and frequent CAPITALIZATION. For anyone who has heard Min Yasui speak, his letters evoke the rhetorical emphasis of his voice, and lectern pounding. He began with a historical sequence from Summer 1978 of the Salt Lake City meeting, and the sequence of consultation with Nikkei Congressmen, which he argued was not a cowardly capitulation, but a necessary strategy. If no American of Japanese ancestry (AJA) representatives in Congress would support a direct appropriations bill, it would be effectively killed. Min Yasui went on to discuss some key figures such as Mike Masaoka, Bill Hosokawa and Togo Tanaka, who "are adamantly opposed to any individual payments to evacuees", and the need to develop a "rationale for appropriating a substantial amount of money for the wrongs committed."<sup>39</sup> (He also discussed

various possible uses of appropriated money, which will be mentioned later in this chapter.) Min Yasui then went on to describe the basis for the committee's decision in terms of having no realistic support in Congress, and a real chance of building such support:

The SO-CALLED 'COMMISSION' APPROACH IS A TWO-STEP PROCESS; 1st, TO GET THE CONGRESS TO EXAMINE THE IMPLICATIONS OF THE EVACUATION IN 1942, and 2nd, HOPEFULLY TO PERSUADE THE CONGRESS TO THEREAFTER ENACT AN APPROPRIATIONS BILL IN CONFORMITY WITH THE FINDINGS OF THE COMMISSION.

This does not mean abandonment of the so-called mandate of the 1978 National JAACL convention in Salt Lake City. True, this process will extend the time to get the job done, but in view of the information being received from Washington, D.C., the Nat'l JAACL Redress Committee felt it was a logical, step-by-step process to get the job done. . . .

The Congress itself needs to make the finding that evacuation was wrong--no amount of saying so by other groups or people will make it so--as far as the Congress is concerned. . . .

Once Congress makes the finding that evacuation was wrong, based upon the hearings of the Commission of its own creation, the Congress will certainly be morally bound to do something to rectify that wrong.<sup>40</sup>

Min Yasui discussed the need to build legislative support all across the country, to take time to travel, talk, raise awareness and support:

When I talk of programs that might benefit them or their children-- when I talk of preservation of human rights in the name of Japanese Americans . there is some interest

and support. . . .

We need these people to push their Senators and Representatives to support the National JACL Redress movement. . . .

And I guess I speak on the basis of experiences from 1946-52 on the naturalization drive --wherein I traveled the country for five years, talking of national support and especially support from the Deep South. . . .

WE HAVE NOT GIVEN UP NOR HAVE WE ABANDONED THE BASIC AIM OF ASKING FOR \$3 BILLION (or \$400 million, or whatever) AS REDRESS FOR EVACUATION AND INTERNMENT OF JAPANESE AMERICANS IN 1942-1946 . . . BUT THAT COMES AS STEP #3 . . . and there may well be a lot of modifications of strategies, specific tactics, and indeed of ultimate objectives, as times and circumstances change. . . .It would be idiotic to lock ourselves into an impossible position, when in the final analysis it will be the Congress of the United States, and its constituent members, who will make the final decision.<sup>41</sup>

If Yasui was willing to pursue the JACL Redress Committee mandate on the Commission strategy, it is not particularly surprising since he was in favor of the educational benefits of the CWRIC and believed it would provide an excellent forum for wider public awareness. It is noteworthy, too, that he was willing to pursue the individual monetary payment strategy which he did not initially favor. He did favor some monetary appropriation, but at first he preferred the option of a trust fund for the common good of the Nikkei community and the furthering of education about internment in order to prevent such a deprivation of rights from occurring again.

Although Min Yasui stated in a letter to Homer that he was not opposed to individual payments, especially if there were a showing of need, he felt that there was more reason to pursue a trust fund which would

promote the interests of persons who suffered the evacuation and internment . . . secondly, to promote cultural, social, or other kinds of programs to benefit Japanese American communities . . . and thirdly, to protect the rights of all Americans in the name of and in the memory of those AJAs who endured the evacuation and internment, and in the name and memory of those AJAs who fought in World War II--it seems to me would be a fitting perpetual memorial that would have made those sacrifices forever worthwhile.<sup>42</sup>

In between the "Days of Remembrance" and the JACL Redress meeting, a friend sent Yasui an article from the Portland Oregonian titled "Attitude of country was different when Japanese-Americans interned" by Richard Nokes, editor of the Oregonian, published on February 18, 1979. In response to Mr. Nokes, Yasui wrote a three-page letter sometime during the one and one-half days he was in Denver between trips to Portland-Los Angeles-Las Vegas and San Francisco-New Orleans for the Redress Committee meeting and the police-community relations conference. He replied specifically to Mr. Nokes' comments reaffirming the newspaper's editorial stance opposing monetary redress to Japanese Americans who were



interned: "In regard to the Oregonian's editorial stand against the \$25,000 for every Japanese American who was interned, I would agree that 'money isn't everything', but as a lawyer, in our Anglo-American system of jurisprudence, money is a measure of damages."<sup>43</sup> Min Yasui continued:

My personal position is that redress should be paid by the United States government because a pious declaration by Congress will never serve as any future deterrent, but that a substantial redress would; moreover, I believe that such appropriated money should be kept in a trust fund, except as to such amounts as would be necessary to succor needy and destitute persons of Japanese ancestry who underwent the evacuation process. . . .

It is my further position that such a trust fund should be first earmarked to fund those projects and programs as would benefit persons of Japanese ancestry who underwent the evacuation of 1942-45, and thereafter, when no such person survives, such trust funds should be phased into a perpetual trust to preserve and protect the human rights of all persons in these United States of America, in the name of 100,000 Japanese American innocents who endured the ignominy and degradation of the American concentration camps of 1942-1945 . . . that, to me would be a fitting memorial. . . .For myself, I ask nothing.<sup>44</sup>

It was important to Yasui to make clear he was not primarily motivated by financial gain for himself or individuals not in need. Unlike him, others who vehemently opposed any individual monetary payments stated that such demands were demeaning, and that they

would not be associated with any request for Redress that included individual compensation. Mike Masaoka, Bill Hosokawa, and Togo Tanaka were three examples: Yasui had talked with Tanaka in Los Angeles, and wrote to Karl Nobuyuki that "He (Tanaka) indicated his absolute opposition to Redress, and indicated that he would not demean himself in asking for \$25,000 from the Congress of the United States."<sup>45</sup>

There is no doubt that Yasui would have preferred the financial aspect made into a trust fund completely, rather than individual payments initially, with the possibility of a trust fund after all surviving internees were compensated. It did not seem to him that individual payments provided much appeal since it would mean he himself as a survivor would benefit. The point was not the receiving of the money, he argued, but that it cost the government something to have made the mistake so that it might act as a deterrent in future situations.

Earlier in the letter to the editor of the Oregonian, Yasui answered Nokes' references to the bombing of Pearl Harbor, to the hardships that soldiers suffered in the war, and the treatment of Americans in Japan, pointing out the crucial difference between what people of one country suffer when fighting the enemy of

another country, and what happened to Americans of Japanese ancestry: "HELL, WE WERE UNITED STATES CITIZENS IN THE UNITED STATES!!!!" (in Yasui's letter, it was double underlined as well as triple exclaimed).<sup>46</sup> Yasui tried to clarify the difference between being interned wholesale by your country, and being a soldier fighting in another country:

You refer to 'Those of us who marched or sailed away lived in miserable conditions and ate mess hall food too.' But, your mothers and fathers, sisters and wives, and your children didn't have to endure those conditions. . . . Please don't forget that 33,000 Americans of Japanese ancestry marched off to war too--and amassed the most brilliant military record in the history of the U.S. armed forces--and constituted the highest percentage of any ethnic group in the United States who served in the armed forces. . . .

And you cannot forget that our parent generation was denied the privilege of naturalization until 1952. . . . The Japanese American Citizens League campaigned for and finally won the battle to have any person in the world, if otherwise qualified, on a personal basis, to be eligible for naturalization, in 1952.<sup>47</sup>

Min Yasui continued to attend meetings all over the country, spoke wherever he was asked to on Redress, and continued until 1983 to be full-time Executive Director of the Commission on Community Relations for the City and County of Denver. He carried on extensive correspondence; the greatest volume of correspondence

in the years 1979-86 was about Redress. Even his personal correspondence intersected with Redress concerns. Hardly any letters were entirely personal with only interpersonal concerns, and virtually no letters went off to extended family without extensive itineraries included. Whenever Yasui traveled anywhere near his daughters, brothers, sisters, nieces, or nephews, he tried to connect with them, and usually got them to attend some Redress event or pilgrimage.

When Yasui joined and spoke at the Manzanar Pilgrimage in April 1979, a journey to one of the relocation camps in California organized by some of the same people who staged the "Days of Remembrance," Holly, his youngest daughter, went along. Min wrote in thanks to Sue Embrey, one of the organizers, that

I had a chance to chat briefly with your 91-year old mother, and it reminded me, once again, the kinds of lives our Issei parents endured . . . and too, in going to Manzanar with my 26-year old youngest daughter, it reminded me that we Nisei were about her age or younger when we were shipped off the West Coast in 1942.<sup>48</sup>

Later in the letter, he expressed his concern about the limits placed on him at the event:

I am disappointed that I was not able to speak on the whole evacuation question--and frankly, I was not prepared to limit my comments to the Redress issue. . . .I do regret that evidently I was not able to serve your pur-

poses and for that I do apologize.<sup>49</sup>

Yasui felt that at the Manzanar event he had been limited in what he was allowed to say, not permitted free rein as he expected, but forced into rebuttal to those who spoke against the commission strategy. Yasui was also disturbed that John Tateishi, who was present, was not allowed to speak at all. He was frustrated and angry at sensing manipulation, and he wrote to Karl Nobuyuki, National Director, JACL:

I think we were set up at the Manzanar Pilgrimage on April 28th. . . .Frank Abe out of Seattle, Warren Furutani of Los Angeles, and Allen Nishio combined, it seemed to me, to make the JACL look bad in the Redress campaign. . . .Originally, when Sue Embrey called me, she indicated that I was wanted as a keynote speaker to set the tone of the pilgrimage to Manzanar--and I accepted in that spirit. . . .However, in leading off about Redress, I wasn't sure what was to follow--and Frank Abe of Seattle got up to lambaste (sic) the JACL in its effort to obtain Congressional Action on redress. . . .It also irked me that although John Tateishi drove some 700 miles to be there at Manzanar, they would not even give him the courtesy of appearing on stage; I tried to get John Tateishi to get up to give a 2-3 minute rebuttal, but this was not permitted. . . .My daughter, who accompanied my wife and I to Manzanar, sez that I get too emotional and bombastic--and that I blew the rebuttal, and I guess she is correct in that appraisal.<sup>50</sup>

Min Yasui wrote to John Tateishi a few days after the event, and repeated that he "pleads guilty "to the charge of being "too

bombastic" to be effective,

but that damned group agitating for an appropriation now irritates me. . . .I'm sorry that we must be able to convince that group that no matter how much agitation they inspire among AJA's on the West Coast--it ain't gonna be effective in moving the Congress of the United States.<sup>51</sup>

He wrote, "as I indicated to you at Manzanar I will serve on your speakers['] team to go anywhere at any time," complained about strategies that seem to him totally counterproductive, commented that "we need to be sure that the crap that comes out of Seattle is negatived (sic) to whatever degree we possibly can," then wrote more about establishing a national network, going after funds to get this campaign into high gear, and publishing a booklet to send to all the members of Congress.<sup>52</sup> He concluded:

And so it goes, John--we're in for a long, long campaign. . . .You are providing the necessary steadiness in this effort--and for this, I am personally grateful and in the long run, I am sure that everyone of Japanese ancestry in the United States will be in your debt. . . .The personal sacrifices are hard--but keep the faith, John!!! My warmest regards to you (sic) wife and children--because they too, will have to bear the burdens undertaken by you. . . .Sincerely, Min<sup>53</sup>

Tateishi wrote back to Yasui in May, agreeing with the assessment that they were set up at Manzanar:

As you know, the tirade Frank Abe cast against the Redress Committee was premeditated and with intent. What I view of his speech is a direct opposition to the Redress Committee decision to seek legislation for a commission; in fact, what Frank did was to encourage community opposition to us.<sup>54</sup>

Tateishi had requested of JACL President Clifford Uyeda a poll of the chapters on the issue of the commission strategy

to diffuse the clamor from Seattle and Chicago about our violating the mandate. I agree with you that we have not violated the mandate in any way, but the Seattle group has created some confusion among our membership on this question. . . .I'm not willing to let one chapter in JACL undermine the total effort of Redress just because they can't agree with our decision. . . .We've made the best decision available to us, and damn it, it's a good decision. I'm not going to let Seattle and a few rabble-rousers in Chicago pull the rug out from under the Committee.<sup>55</sup>

There were deep tensions and difficult power struggles obviously, and partisans on all sides with passionate convictions. Manzanar in 1979 was not the only public occasion at which or about which there was significant disagreement about methods of pursuing Redress, or dissonant memories of wartime experiences.

Also, leading up to and concurrent with the CWRIC hearings, issues of draft resisters, "no-no boys," segregation camps, and Yasui's history as one who tried to dissuade the draft resisters became extremely heated. The history as well as the issue is very

complicated. It is hard to state with objectivity, but the basic situation, simplistically, is as follows: from February 1943-January 1944 a questionnaire was required of all residents of internment camps--the program was called "registration." Each resident, regardless of age or gender, was asked if he or she would be willing to serve in the military of the United States," in combat duty, wherever ordered," (Question 27) and (Question 28),

Will you swear unqualified allegiance to the United States of American and faithfully defend the United States from any or all attack by foreign or domestic forces, and forswear any form of allegiance to the Japanese emperor, to any other foreign government, power or organization?<sup>56</sup>

Those who answered "No" and "No" were called "No No Boys," and Tule Lake, California was designated as a segregation camp where those who had answered "no-no" were sent.

Going into camp was a trauma, and leaving and reentering postwar life was another. Relocation and Redress historian Roger Daniels labels these as the beginning and ending crises, and the choices and divisions which were forced within the camps as in-camp phases of collective trauma. Daniels identifies the Registration/Segregation crisis as the second Phase of Camp, and The Draft Crisis (January 1944-November 1945) as the third.<sup>57</sup> Daniels



comments that, "The inappropriateness of putting such questions to incarcerated enemy aliens or to women seems not to have occurred to anyone in the WRA until after the first questionnaires had been distributed."<sup>58</sup>

While the transfers related to the segregation program were going on, in 1944 the draft was reinstated for Japanese American citizens inside and outside of camp. Those who chose to resist the draft at this time were not the "No no boys." Since those eligible for the draft who had answered "No" were not usually inducted, the draft resistance

was restricted to men who had previously affirmed their loyalty. The arguments over this resistance--it was denounced by the JACL, the WRA (War Relocation Authority), and the ACLU--sowed further bitterness in the community, not only against the government but also between Japanese Americans who supported the restoration of the draft and those who felt that it was just one more outrage perpetrated against an oppressed people.<sup>59</sup>

Some of the young, interned, Nisei men decided they would resist the draft rather than fight for the country that was holding their families prisoner. There were fifty-nine Nisei men at the Heart Mountain Relocation Camp in Wyoming who made the decision to resist the draft. During a leave from camp, Min Yasui, along with Joe Grant Masaoka, tried to dissuade them from their stance. Yasui

and Masaoka wrote a report in which they expressed their disagreement with the resisters' stance, but requested leniency for them. This report was filed about "interviews conducted on April 28, 1944, 6:30 p.m.-10:00 p.m., Cheyenne County Jail, Cheyenne, Wyoming, Interviewers: Min Yasui, Attorney, and Joe Grant Masaoka, JACL Regional Representative."<sup>60</sup> The description of the conversations was Yasui and Masaoka's attempt to persuade the fifty-nine young men that this form of resistance was futile and damaging to them and their futures as well as to the loyalty and Americanism of Japanese Americans.

Yasui was described in the report, which has the names of Yasui and Masaoka typed at the end, as:

Mr. Min Yasui, a licensed attorney in the State of Oregon, who had attempted to secure a Supreme Court declaration of citizenship rights of the nisei, identical to that which those nisei draft violators are now seeking, believed that a personal interview with these boys would reveal to them the legal fallacies of their thinking and attitude. It was felt that a man who had had legal training and experiences in a county jail would have some effect upon the boys in the Cheyenne County Jail.<sup>61</sup>

The report was transmitted from the Denver JACL Office to the FBI. It described the interview as a strong attempt to dissuade the young men from their stance, requesting leniency for them if they

were persuaded to "fulfill their obligations of citizenship."<sup>62</sup> These two paragraphs from the last page of the report indicated the hope that the draft resisters would change their minds, and that the government would be lenient with them given the extraordinarily difficult situation they were in:

To straighten out these boys, it certainly should be in order for arrangements to be made for their own lawyer to see and talk to them individually. He might clarify their aims, and he might more forcefully show them how futile their gesture will be.

In view of this tragic aftermath of evacuation, might it not be too much to hope that the government extend every chance for salvation and leniency to these hapless youths.<sup>63</sup>

The cover sheet Office Memorandum, (Subject: Selective Service Cases, Heart Mountain, Wyoming), stated,

These individuals (Masaoka and Yasui ) have previously endeavored to induce nisei Selective Service registrants in this area to comply with the provisions of the Selective Training and Service Act, their purpose in visiting the Heart Mountain draft delinquents was to ascertain their reasons for refusing to report for the pre-induction physical examinations as ordered.<sup>64</sup>

Many of the documents related to the wartime experiences had become available due both to the Freedom of Information Act, and through the research being done in relation to the CWRIC hearings. As well as uncovering the root causes of the government's decision

for internment, and fraud and deception within the government in communicating to the courts about the internment cases, there were difficulties and differences among Japanese Americans in their responses to the wartime choices they had to make. Of course, there were connections between the war history and the redress history. Memories opening up, people remembering and researching the past, bring forth varied points of view from which to tell the story. At the time those who were angry that the CWRIC hearings were happening at all wanted some of their points of view represented at least, and although it was not at the strategic forefront of underlining the 442nd's bravery and patriotism, the all-Nisei army unit, some wanted to lift the voices of survivors such as the draft resisters, for example, who had a different point of view as compared to the JACL.

The trauma of forced choices, and the divisions and consequences that followed, were damaging to the community in ways which lasted long after the war. The various decisions taken during the war were the best responses each individual and family could manage under extremely difficult pressures. In many cases, people had not been able to honor one another's choices at that time, and forty-some years of time had not resolved those conflicts and misunderstandings. This history of old, divisive issues along with

new issues of debate surrounding Redress tactics as well as the excitement and drama of the CWRIC hearings, stirred up a great deal of feeling. During preparation for the Commission hearings there was disagreement about who would speak as well as what the intended theme and content would be. There were hard feelings about the process of selection for the testimonies, as well as great feelings of release among those who testified and heard others testify. Not all was catharsis and shared feeling; there was division, and raising of old issues from days of registration, segregation, and draft resistance.

Initially, those who did not want to have the Commission strategy were, nevertheless, interested in what testimonies were given, and how they were presented. At times they spoke of the hearings process in harsh ways, stating ways in which they would have done or staged the event better. None of these comments were more noted or resented than Frank Chin's comment, after the Los Angeles Hearings, in the Rafu Shimpo, a Nikkei newspaper, that called those survivors who came to testify, "a circus of freaks."<sup>65</sup> The intent may have been to indicate it was demeaning for people to have to parade their pain, but his comments were infuriating to those who were giving and listening to testimony. In addition, there

were generational issues as a new generation, who had not lived through the wartime era, could not understand why their parents and grandparents had not more directly resisted, nor had told them the stories of their wartime experiences. Personal and political themes and alliances emerged from the movement for Asian American studies, Asian American writers exploring their experience, and that of other Asian Americans in the newly energized Asian American community.

Author Frank Chin was one of the key planners involved in the "Days of Remembrance" as well as in NCJAR. After the CWRIC hearings were over, before the final recommendations were out, and just after the opening of the coram nobis cases, Chin wrote to Min Yasui on February 4, 1983 asking to interview him for a book Chin was writing with Lawson Inada on the JACL, the camps, and the resistance. "We are peering down every avenue of information in an effort to be thorough in our acquisition of fact and understanding of the many points of view on this subject," Chin wrote, requesting a time to talk at length with Yasui and interview him "on tape about your life childhood and education in Hood River and the state of Oregon, and of course, your curfew violation and the questions from the enclosed documents."<sup>66</sup> The eleven documents enclosed were all

from 1942-1944, including the JACL bulletin regarding test cases, letters and reports regarding the test case, the JACL role in cooperating during internment, the JACL resistance to Yasui's case and to a group organized within Minidoka, the Civil Liberties League, which assisted in Yasui's defense, Yasui's writing of the "Mother's Petition" in 1944, the result of his meeting with Issei mothers which ended a statement of their willingness for their sons to be in the Army, his letter to the Pacific Citizen on "Nisei and Selective Service" in support of Nisei military service, and the report Yasui and Joe Grant Masaoka made on their visit to the Cheyenne County Jail to interview the draft resisters.

Chin started his letter as follows:

We've been sparring long distance for a few years now. I think it's time we sit down and had a civilized face to face. Through various sources, I've tried to keep you up to date on my work. A couple of years ago, Mike Yasutake sent you a copy of a draft to the "Great Camp Novel" section of the Big Aiiiiieee!<sup>67</sup>

After his request to interview Yasui, and a chronological listing and description of the eleven documents, Chin proposed a few places for their meeting--in Pasadena later that month, or in Utah during the Salt Lake City Internment and Redress Conference, March 10-12, 1983. The letter closed with these two paragraphs:

If, for any reason, you do not want to talk about the

documents I've enclosed, or anything beyond 1942, I will be happy to talk with you about your early years and life in Oregon and events leading to your first trial only. Of all of the figures in camp story, you are the most interesting, the most complex, the most intriguing.

I hope you will give me one and better yet, two or three interviews. Another option would be for us to talk on the phone, though I would rather us meet face to face. If you wish to set minimum ground rules for the interviews, please do.<sup>68</sup>

Min Yasui's response was clear and sharp, and the only such letter found in his correspondence, the only instance recorded in which he absolutely refused to meet with someone on principle, and, in fact, decided and stated that for him that person did not exist. Yasui's reply of February 15, 1983 is quoted here in its entirety, and speaks for itself:

Mr. Frank Chin  
1565 Altivo Way  
Los Angeles, CA 90025

Sir!

Your letter of Feb. 4, 1983, and materials, have reached me--and despite my immediate reaction to disregard the same completely, because there is certainly nothing contained therein of which I was not already well aware, I think perhaps you might be entitled to know what I think of you and your work, and why. No matter how despicable a character, every person should be entitled to be regarded as a human being of inherent individualistic integrity: would that you would accord others such consideration!



After your cruelly insensitive piece in the Rafu Shimpo following the Los Angeles hearings in Aug. 1981, I deemed your name and your work to be totally unworthy to be mentioned in the same breath when speaking of people who choked in the desert dust of Manzanar and Post, who wilted in the withering sun of Post and Gila River, who almost froze thru the sub-zero northerlies in Heart Mountain and Amache . . . and all others, who truly suffered. . . I was there. I remember the agonies of my mother and father--separated by thousands of miles in isolated camps. . . I note the sneering in your writing, and I am infuriated!

The blood and guts spilled by Nisei GI's, in Europe and in the Pacific Theatres, were unnecessary heroics that finally turned this country's attitude around in regard to AJAs . . . and I know the pain and grief stoically borne by parents, some still in camps, and some on the "outside". . . I know the clamminess and the feeling of being crushed in jail cells--because I was there, too--endured by those who believed they stood for principle . . . and you sneer?

I have no intention of meeting with you; I have no interest in being in your writings. If you have the effrontery of asking me, I have the gall to say "NO!" For the reasons above stated, I hold you in utter contempt.

If you were sincerely concerned about illuminating the tragically complex sequence and interaction of events, to understand the inexorable pressures that were exerted and played a part in the "no-no-boys'" actions and resulted in the Tule Lake segregation camp . . . then, perhaps, there might be some mutual bases for discussions--but I question your motives, and obviously do not have any regard for your highly vaunted literary abilities or reputed intellectual gifts. Until convinced otherwise, for me, you do not exist.

Min Yasui<sup>6</sup>

As he worked and wrote to people around the country about

Redress, Yasui frequently referred to the obligation to those who suffered and endured. There was no question about his impatience with any who seemed in any way to dishonor that memory. As he was writing his initial fundraising and connecting letters back in the summer of 1979, Yasui often framed his request for funds, or networking to locate funds, to the honor and memory of those who suffered internment, especially "our parent generation,"<sup>70</sup> and he would often refer to the the long, long road he expected in the fight for Redress. He wrote to Homer and Miyuki Yasui:

I'm not sure I have the endurance and stamina to make the long, long fight to assist in the redress drive--but you saw me--I'm still lean, mean and hard-driving; I guess I still feel that I owe it to the Issei generation to try to do something that would partially make up for the years they were stuck in the camps. . . . I didn't succeed during the 1942-1943 years--and although I'm getting a little older and tire more easily--I guess it's worth another five-ten years of struggle.<sup>71</sup>

In this same letter, written before their longer exchange about commission strategy that fall, Min called himself "one of the reluctant advocates for the 'commission approach,'" and said he hoped to get up to the Northwest: "I wouldn't be at all adverse to trying to talk some sense into some of the Seattle hot-heads."<sup>72</sup>

Writing to his friend Kuneo Yoshinari in Chicago during the

summer of 1979, Yasui appealed for help in fundraising for the Congressional campaign, explaining that he was convinced immediate appropriation demands were foredoomed to failure:

I have therefore reluctantly supported the 'commission approach' because I believe that has more of a chance to eventually be enacted by Congress . . . besides which, we will have an opportunity to bring the story of evacuation again to the people in Seattle, Portland, San Francisco, Los Angeles, and other places. . . .

I know that this is a forlorn effort, but I truly feel that we must do so, in memory of our parents who went through that mind and body wrenching experience in 1942-1946.<sup>73</sup>

The summer of 1979 saw the beginning of Yasui's packs of letters to U.S. Senators and Representatives in each Redress file, assiduously keeping notes of the latest in the House and Senate bill numbers and status of each, writing a new set of letters every time there was a change, and sending copies of the letters to others as samples. Also, in the summer of 1979, Yasui wrote John Tateishi, noting that the Redress bill creating the Study Commission was to be submitted to the U.S. Senate, probably on July 31, 1979, and stating that "we are getting into Phase 2," proceeding to identify "Phases 3, 4, 5, 6," and "Etc., etc., ad infinitum. . . .But anyway, John, ol'boy--you're over the hurdle of having the chapter votes behind you, endorsing the Commission approach."<sup>74</sup> In the same letter, Yasui

addressed the fund-drive needs, saying that he would keep on trying, though he didn't think he was the right person for the job, and he wanted Tateishi to give him direction:

If you see me getting out of line--blow the whistle, and I'll stop and desist from whatever I'm doing that's out of line. . . .I won't quit on you--because I'm a stubborn, hard-headed guy; but, I will follow your directions. . . .Okay?<sup>75</sup>

Yasui sent several long letters to John Tateishi in November 1979 enumerating important letters with copies, including a copy of his reply to his brother Homer, and numerical counts of U.S. Congress, noting in one letter that "It behooves us to pay some attention to the Mtn-Plains and Deep South because 20% of the U.S. Senate and 28% of the U.S. House come from those two regions."<sup>76</sup> The November file contains several phone messages copied with typed enumerated notes on the side about the conversation and planned agendas, invitations, and congressional bio sheets.

The first detailed document in the Redress correspondence in a letter to John Tateishi recalled the details of Yasui's own curfew case.<sup>77</sup> Yasui enclosed a copy of Judge Fee's decision "wherein he ruled that the military orders of Gen. John L. DeWitt were void, as they affected U.S. citizens."<sup>78</sup> In his comments to John Tateishi that this material was sent for historical purposes so that he would

be familiar with some of the legal doctrines "we advanced in 1942," Yasui makes an interesting set of comments about the reason he was ruled not to be a citizen by Judge Fee:

He ruled that I was no longer a U.S. citizen because he knew from my declarations in court that if he ruled in my favor, I would have stayed in Portland, Oregon--on the basis of his decision. . . .

*I sometimes wonder what would have happened if all the Nisei came on back to Portland, Oregon, during the pendency of the appeal from Nov. 16, 1942 until the Supreme Court ruled in June, 1943 . . . . (his italics)*

At any rate, the government didn't contest my U.S. citizenship, and the U.S. Supreme Court remanded the case for a finding on that issue. . . .

Although it is now past history, the opinion is well buttressed by precedents and is certainly a well reasoned decision--except as to my citizenship.<sup>79</sup>

It is intriguing that after a year of debating and deciding strategies to pursue Redress that there is evidence in this letter of Yasui's thinking again about the arguments put forward in his own case, and wondering what relevance the themes of the case might have historically for CWRIC hearings, research and other purposes.

As the year 1979 moved into 1980 with the creation of the CWRIC and the context of the accompanying research, the strand of the test case began to emerge again in Yasui's thoughts and writing. In correspondence and documents of December 1979, Yasui worked out on paper a theoretical and structural basis for the Redress

Campaign while trying to find consensus and alliances. "1979-1980 National JAACL REDRESS CAMPAIGN," dated December 7, 1979, was an impassioned four-page statement of support for the Redress Campaign, and "Letter To Team Captains," dated December 31, 1979, suggested modifications to certain parts of a letter from Mike Masaoka, planning for a Testimonial Dinner in March 1980. Yasui clearly wanted to support Masaoka in such strategies as a testimonial dinner, but could not resist taking issue with certain phrases Masaoka used in his letter to the team captains: for example, in inviting people to the dinner, Masaoka wrote "Hopefully, this will be the last emergency call to serve the entire community and nation," and Yasui commented, "I would much prefer to point out that 'eternal vigilance is the price of liberty' . . . and not indicate that this would be 'hopefully' the last time we would call upon these people."<sup>80</sup>

In a letter to Debbie Nakatomi at JAACL headquarters, Yasui wrote about violence and harassment stirred up against Iranians in Denver during the hostage crisis, lamenting that:

When public emotions are whipped up to a fever pitch-- anything can happen. . . . We continually get reports of Arabs, Mexicans, and even some light-skinned Blacks being beaten or assaulted, or harassed, because their assailants believe they are Iranians!!! Shades of World War II, when our Chinese friends were going around wearing buttons that said: 'I AM CHINESE.'<sup>81</sup>

In this same letter, he brainstormed about the financial drive for Redress, ending with:

I feel so inadequate in trying to arouse Nikkei America to the (sic) this task. . . .In years past, we relied upon the network of our Issei to mobilize Japanese Americans everywhere in the United States, but that network is either gone or broken down so much, that I've personally lost contact.<sup>82</sup>

Some of the activities of Yasui's early 1980 Redress work included planning for the "American testimonial" dinner on March 22, lobbying for the CWRIC Bill, beginning to think ahead to the hearings, drafting position papers, raising funds, and debating strategies. As John Tateishi wrote to Min Yasui in early 1980: "I can hardly keep up with all the massive amount of writing you do."<sup>83</sup>

NCJAR started a direct legislative push for immediate Redress and, in the meantime, another Redress group was organizing, hoping to coordinate various Redress efforts with local community grass roots concerns. The National Coalition for Redress/Reparations (NCRR) was formed from the Los Angeles Community Coalition on Redress/Reparations (LACCRR), which in turn came from Los Angeles' Little Tokyo People's Rights' Organization's Redress Committee. In April the LACCRR sponsored a conference workshop where various redress strategies were presented and discussed. On November 15,

1980 the NCRR had a kickoff conference with JAACL and NCJAR representatives attending at California State University, Los Angeles. There were about four hundred in attendance, who "formed a somewhat shaky united front for redress at the conference--a prelude to the civil hostilities that would simmer between the three groups in the years to come."<sup>84</sup> The NCRR organized community testimony for the CWRIC hearings in 1981, and mobilized a strong Asian American delegation to lobby for the redress bill in 1987.<sup>85</sup> Min Yasui's correspondence with Bert Nakano, a key NCRR leader, is quite cordial and cooperative. Yasui was more able and willing to work with the NCRR in its attempt to find consensus and draw on grass roots support than he was able to work with NCJAR strategies with which he profoundly disagreed.<sup>86</sup>

Yasui focused on the Senate and House Hearings regarding S. 1647 and HR 5499, which created the CWRIC in the spring of 1980. Traveling around the country, he used his old techniques of whipping up support in "unlikely" places, delighting in writing letters back to those with whom he came in contact who had been supportive in old campaigns for immigration, naturalization, and evacuation claims. Yasui sensed a wide constituency scattered across the nation, and felt that legislative Redress would be won not by concentrated



populations of Nikkei on the West Coast alone, but by speaking to scattered groups of Nikkei and others who were sympathetic to the cause who could recognize Redress as "an American issue,"<sup>87</sup> as he liked to emphasize. Yasui believed that if people heard the story and could identify with the plight of Japanese Americans, they would realize that the vulnerability of the Nikkei at the time of World War II could be repeated in any international crisis involving a nation of the ancestry of loyal Americans. Yasui also found that veterans groups were especially open to considering the issue of Redress on the basis of the outstanding wartime record of Japanese Americans in combat. In May of 1980 Yasui became concerned that

looking over the slate of nominees for national officers of the National JACL, it seemed to me that there are no strong advocates for the National JACL Redress effort, which is now going down to the wire in the U.S. House of Representatives during the next several weeks,

and wrote to the Nominating Committee asking about himself becoming a candidate for Secretary/Treasurer, for which no one was nominated.<sup>88</sup> Letters followed regarding the National JACL Convention to be held in San Francisco, July 28-August 2, 1980, trying to get national candidates who were concerned with Redress,<sup>89</sup> and asking for Chapter proxy from the Fort Lupton Chapter.<sup>90</sup> Yasui

urged Redress support in the Rocky Mountain Region, and into the summer Yasui and Tateishi wrote back and forth about internal politics and how to avoid them and kept on working toward the real goal of Redress which they shared: "This has been a continuing saga," Tateishi wrote Yasui, "like a bad soap opera with something happening every day."<sup>91</sup> Redress files are filled with Special Reports on the Commission Bills with flowcharts of where and when hearings would be held, letters should be written, etc.

Yasui's correspondence in early summer 1980 focuses on lobbying for the CWRIC Bill, and recommendations for members of the Commission as well as others to testify to the Commission. There was a growing feeling, even while internal politics of the JACL were difficult, that the Commission might actually happen, and that the research and hearings being debated and proposed might actually give people a chance to tell as well as hear stories they had not considered since the war years in a new light. Just as the "Days of Remembrance" had provided a stage for intergenerational conversation within the community, there was now a possibility that those stories would be told beyond the community in a broader public forum.

This stage of preparation for the Commission hearings is a

fascinating drama of remembering and rehearsing story telling. As Redress activists and the Nikkei community, in general, began feeling there was a chance they would get a hearing in this forum, questions were raised in many ways that weave in and out of Yasui's correspondence to others as well as letters he received: Just who are the experts? Whose stories will be heard? What is an "authority"? What angle of knowledge will be most helpful/persuasive to the Commission? If we are going to decide this together, in a public forum, who should be selected to speak? By what criteria? Given the strength of memory and trauma, the long silence of not talking about it, and the varieties of perspectives on how the story should be told, the CRWIC research and hearings in the months that followed went amazingly well. It seems there was a genuine attention to process on the part of the Commission which helped allow a remarkably wide range of testimony as well as excellent evaluation and processing of the same.<sup>92</sup>

Born on July 31, 1980 when the CRWIC Bill was signed into law by President Jimmy Carter, the congressional commission was charged with studying the mass removal and incarceration of Japanese Americans during World War II and recommending appropriate remedies. As Leslie Hatamiya comments in her book on Redress:

The special nature of the bill only created a situation in which representatives and senators *could be persuaded* (her italics) to support redress on the basis of moral conviction . . . The complexity and personal aspect of the redress issue ensured that the redress campaign would be long and arduous. It took the federal government over 40 years to redress its wartime actions. Even after the commission made its recommendations in 1983, Congress took another five years to pass the legislation. In good part, that delay can be attributed to the time needed to educate and make personal contact with individual members of Congress.<sup>93</sup>

In Hatamiya's assessment of the legislative strategies and chances for success of the Redress bill, she viewed the long process of hearings and lobbying as key in the one-on-one persuasion that this issue required: "the widespread ignorance, as well as the deeply personal aspect of the issue, made talking one-on-one with senators and representatives the most effective way to gain the votes required for passage. But one-on-one contact takes a tremendous amount of time."<sup>94</sup>

Yasui was engaged in the one-on-one contact through a frenetic travel schedule and huge correspondence load. He integrated notes into his Redress work such as one his wife True received from a college classmate. Surprised to hear of Min speaking at the "Day of Remembrance" back in 1979, the close friend, now living in California, realized she had no idea of what had happened to True in those

years just before they met in Boulder, Colorado:

Dear True,

Imagine my surprise to open the Palo Alto Times and read about your husband making a speech in San Francisco. It really hit me that during all our time together at CU [Colorado University], you and I never, as far as I can recall, talked about the war or any of the other traumatic events of that time. As I recall I went from voting for Dewey to Norman Thomas during that period, but I don't remember that we ever mentioned politics. . . .I suppose it's partly because we were busy getting married and raising families, but how come we never mentioned anything else we were doing? Maybe you did and I've forgotten, or maybe I'm just in a state of shock over this revelation. . . .It seems incredible that all these years could have gone by without any attempt to get restitution.<sup>95</sup>

Min Yasui was convinced that it was this sort of one-on-one encounters in the fabric of everyday community relations that would make the difference to Redress in the long-term. Thus, from the beginning of the Redress movement, his life was deeply affected in every detail by the movement to which he was so committed. Whenever he testified in legislative committees or at hearings, which he did frequently, he spoke not only as a lawyer, a researcher, a representative of the JACL National Committee for Redress, but as a survivor, as a witness to those years. He felt the tension keenly. The Commission hearings were an "important catalyst" in Leslie Hatamiya's words, both in Congress and in the Japanese American

community.<sup>96</sup>

The CWRIC hearings created a powerful forum for which people told their stories. Another result of the Commission hearings was that a lot of people were not only giving personal testimony of their experiences, but doing extensive research in government documents about how the decision to intern Japanese Americans developed. Some interesting material turned up. As one of the key researchers in the CWRIC process, Aiko Yoshinaga Herzig was doing a tremendous amount of archival research. During the time she was researching there, Peter Irons, a legal historian, was at the Library of Congress researching another project which proved not to be feasible. He was casting about for another topic and, in the process, stumbled upon some papers as well as upon Herzig and her work. The two agreed to share their information.<sup>97</sup> Herzig provided Irons an excellent reservoir of information and networking. A lucky find of his in the top of a dusty old box uncovered a paper trail proving there had been deliberate government falsification in representing "military necessity" as the cause for internment, both in the process of the decision and in the prosecution of the test cases. The immediate find of the documentary paper trail, Irons' own experience in a coram nobis case, the impetus of the CRWIC research, the willingness of concerned

lawyers, and a politically awakened community--all of these combined in a joining of Redress and coram nobis, diverse efforts that intertwined in the 1980s.

Irons commented in a 1992 interview on the relationship between coram nobis and the redress movement, including the suggestion of the concept in CWRIC as well as the emergence of the research findings:

As a matter of fact the coram nobis effort really came out of the Commission hearings in the sense that I testified before the Commission, and Judge Muratani raised the issue of coram nobis. Now, I of course had already thought of that, and we would probably have proceeded anyway, but it gave us a sort of official sanction-- imprimatur--that the Commission itself although not officially endorsing coram nobis, at least had raised the issue, and we made use of the Commission's findings in the cases. . . .

I went into the little library in the archives which is very small, probably no bigger than this office, and started thumbing through a Constitutional History book, and it suddenly struck me as I was looking through that-- the internment cases--I had studied them in law school--a few years earlier, and like everybody else in law school was appalled by the decisions . So I thought it would be a good opportunity to explore the question of how the Supreme Court, which was supposedly very liberal at the time, could have made such bad decisions. What factors influenced that? And I quickly looked to see if anybody else had written a book about this, and discovered that no one had. So I went back to the Archives and started working on it. . . .We used the Freedom of Information Act as a backup after the horse

was out of the barn, so to speak. . . .

You know, it's something that I'm sure very few historians experience, finding documents totally unexpected that are so legally significant as well as historically significant. I mean, as soon as I saw these first files, documents that had memoranda from government lawyers saying "We're telling lies to the Supreme Court," that you know a historian would have said this is really fascinating, obviously put this in my book; but for a lawyer you think, well, here's a lawsuit. But at that time I didn't even know if the three original defendants were still alive, or where they were.<sup>98</sup>

Irons says it was an astonishing experience to find this information more or less at random, and then to have it gradually dawn on him what the implications were; not only for writing, research, and for the CWRIC, but for the possible reopening of the three cases which had been brought to challenge the curfew and the internment back in the 1940s. He was amazed that the evidence of fraud and deception was potent and timely, not only for research, but for immediate possibility of litigation.

In addition to Minoru Yasui's case in Portland, which had been the first, there were two others which challenged the internment orders. One case occurred in Seattle, Washington, when Gordon Hirabayashi refused to report for relocation, and in the process, also admitted curfew violations. Hirabayashi, a student at the University of Washington, was a Quaker and a conscientious objector. Yet a



different profile of a case was presented in the San Francisco Bay area by Fred Korematsu. He had tried to evade evacuation and internment by hiding in the Oakland area, changing his name, and disguising himself by minor cosmetic surgery so as not to be recognizable as Japanese American. By 1982, all of these men were in their 60s. Losing their cases in the 1940s, all got on with their lives while never quite forgetting the wrong done to them during the war. Yasui, especially, had been searching for a way to reenter the case, both from the aspect of personal vindication, and for the concomitant publicity and education that would help support and further the Redress movement.

In 1982, Yasui had been named JACLER of the Biennium. He was hard at work on Redress, drawn into many coalitions and controversies, both elated and exhausted by the process of the Commission hearings. Yasui encountered Peter Irons in Washington, DC, during October 1981, and Irons told him about what he had found and its potential implications. On January 19, 1982, Irons wrote a letter to Yasui, telling him the follows:

After we talked, I was granted access to the Justice Department files in all the cases that reached the Supreme Court. What I learned from these files as well as those of the War Department and its branches, including the Office of Naval Intelligence [ONI] and the Military Intelligence Division [MID], indicates that the

government withheld from the trial courts and from the Supreme Court as well some very crucial evidence. Briefly summarized, that evidence reveals that Gen. DeWitt, before he recommended curfew and evacuation to the War Department, had been informed both by ONI and his own MID that no evidence existed either of acts of sabotage or espionage by Japanese Americans or of the disloyalty of the vast majority of the Japanese American population. Nonetheless, DeWitt went ahead with his recommendations, which were accepted by the President and by Congress in issuing Executive Order 9066 and in passing Public Law 503.<sup>99</sup>

Continuing to say there was proof of suppression of evidence known to members of the Justice Department preparing the cases, Irons concluded that:

The significance of these facts is that they provide, in my opinion, substantial grounds for bringing an action to reverse and vacate the convictions in all three cases. This could be done through a procedure called a petition for a writ of error coram nobis, which is an obscure but still potent motion to reopen a criminal case in which the sentence has been completed and in which all appeals have been exhausted. Unlike a regular appeal, this petition is brought before the original trial court on the grounds that errors of fact (such as the withholding of evidence that would have affected the outcome of the case) were made before the court and produced a manifest injustice.<sup>100</sup>

Yasui wrote back on January 22, 1982 with immediate acceptance of Irons' offer of his services. Working with Hirabayashi, Korematsu, and Yasui, Irons sought reversals of all three convictions in order to

restore civil rights and remove those decisions from the books: "my [Yasui's] response as to whether I would be interested in seeking a reversal of my conviction in 1942 is 'affirmative'. I would be very much interested."<sup>101</sup> Yasui considered what the influence of successful coram nobis cases would be in terms of Redress legislation, and concluded that:

It seems to me, that with the U.S. Supreme Court cases overturned--if indeed that occurs,--we will have a tremendous moral case to present to the Congress . . . and therefore, I am all for pursuing this possibility. Even if we should lose, it is my judgment that our position will not be any worse than where we are now, at the present time. Therefore, I conclude we should proceed.

\* \* \* \* \*

Please keep me posted on this matter. You not only have my authorization to proceed in my case, but also my prayerful request that you do so. . . .

I know that my case was a seeming after-thought by the U.S. Supreme Court, but I do also know that on the law, the original trial court in Oregon ruled that the imposition of military orders on the basis of ancestry was wrong and unconstitutional. I would like to see that judgment vindicated and affirmed by the U.S. Supreme Court (underlining added).<sup>102</sup>

On January 19, 1983, there was a press conference in San Francisco. Lawyers representing Minoru Yasui, Gordon Hirabayashi, and Fred Korematsu announced the reopening of three criminal cases that were over forty-years old. Under normal circumstances, the

statute of limitations would long since have expired; however, a reentry point was found in this drama, long since past, whose impact still reverberated. As the reopening of the cases was announced, the lawyers, the three Japanese American men, and those who surrounded them gave testimony to an event four-decades past that was far from forgotten which, in their view, had never been appropriately told and resolved. Technically, these cases were criminal, in which those who had broken the law were convicted. The ex-cons demanded reassessment of the validity of the laws they had broken as well as the fairness of the proceedings by which they were convicted during World War II.

Those who called the press conference did so both to tell their stories and to draw attention to the litigation of the previous results. The press was addressed in order to tell how the cases came to be in the first place, and how they were reopened in 1983, forty years later. On the occasion of war with the country of their ancestry, military decrees had ordered American citizens into mass incarceration in prison camps solely on the basis of that ancestry. The day's press statement said there was not only a historical and moral basis, but a legal point of entry, to hear again the cases which had been brought in 1942-43 during the beginning months of World War II. The presence of representatives of the wartime-interned

Japanese American community wearing signs of the internment camps in which they had been imprisoned and the voices of the carefully prepared statements of the lawyers mixed with the eloquent stillness of the three petitioners.

These native-born American citizens of Japanese ancestry, three subdued men in their 60s, sat together and listened as the stories of their crimes were told. Those three individuals in three different areas of the West Coast had applied their own logic and strategy to the position in which government orders put them. By legal test case, by refusal, by evasion, each had said that what was happening to them and to their community was unacceptable. Irons referred in Justice at War to Yasui as "the legalist," Hirabayashi as "the moralist," and Korematsu as "the loner."<sup>103</sup> Each had a different point of entry and case description, yet each had agreed to be part of a long-delayed rehearing of the stories of what had happened to their community and what they had done, each in a different way, to resist it.

Here they were, bound by a common strategy and an amalgamated legal team that did not know quite what to expect in the process they were entering. The three men and their respective test cases were in the foreground of the day's drama and statements;

however, they hardly spoke. The language was not the narrative of them telling their stories, but rather the historical background statements and litigation announcement of those who represented them. Lawyers, signs of camp, the gathering of generations and ages as well as a sense of history and immediacy surrounded the three slight, seated figures. In legal action and shared experience the time had come to litigate and reconsider what had happened to all Americans of Japanese ancestry during World War II. Coram nobis was both a technical point of legal reentry and an historical opportunity for individuals to reopen the setting of the criminal convictions which had marked their lives during their 20s. In the midst of the Redress movement, the writing of the CWRIC Report, and more than four decades after the initial arrests, the legal cases of Yasui, Hirabayashi, and Korematsu were coram nobis, "before us again."

While they were bound together by a common press conference and identity with one another on that occasion, both the origins and the reopening process of each case would be entirely different. Coram nobis was the key which opened up the procedures for each petitioner, the proof that there was deliberate falsification and suppression of evidence in the prosecution of all their cases. Each petitioner had to return to the original court site in which their

respective cases began, taking their chances with whichever judge would be assigned to that case.

In each case the judge had the discretion as to what evidence would be heard, on what grounds it would be accepted by the court, and whether the writ of error would be granted. Due in part to each case involving, on the part of the petitioner and the government's brief, a "vacation of sentence," it was possible for a cursory reading of the initial relief appealed to result in a vacation of sentence without further hearing on the issues of the internment. The judge could rule on the most elementary level of concurrence of the petitioner and government that they were seeking the same thing. The request of the petitioner, however, was that the court would have interest and willingness to look at the larger issues of the decisions for internment, government misconduct, suppression of evidence, and broader civil-rights issues. The government, in all three cases, asked the court to vacate the conviction and dismiss the petition. That, in the government's view, would dispense with the proceedings easily and quickly without examining the context of the decisions, including the question of government misconduct and suppression of evidence. The petitioner in each case asked for a hearing about the broader issues, as well as the vacation of sentence.

In each venue the case was different. From the beginning, the

Korematsu case seemed to have the greatest chance of success. On the day of the filing of the Korematsu case, January 19, 1983, a joint press conference was held. The judge assigned to the Korematsu case in San Francisco was Marilyn Patel, probably the most sympathetic member of the district court bench.<sup>104</sup> The other two cases, Hirabayashi and Yasui, were filed in Seattle and Portland, respectively, by the end of January 1983. Hirabayashi's case was assigned to Judge Donald S. Vorhees who had won praise from civil rights groups for a sweeping order in a Seattle school integration case. Yasui's case was assigned to Judge Robert C. Belloni who did not have a substantial record on civil rights cases, but neither did any of the Oregon federal judges. As follows, Peter Irons commented on the judge's selections:

Lawyers know that absolute judicial impartiality is a myth and that judges have political biases just as most people do. Given this reality, we were delighted that judges Patel and Voorhees had drawn the Korematsu and Hirabayashi petitions, and we recognized that Judge Belloni was typical of his Oregon colleagues.<sup>105</sup>

In February 1983, the CWRIC issued its report entitled Personal Justice Denied. This report labeled the internment a grave injustice, and determined the following causes of the exclusion and evacuation: long-standing racial prejudice, wartime hysteria, and failure



of political leadership. The report reviewed the wartime cases, judging that "in the spring of 1942 on the West Coast, not even the courts of the United States were places of calm and dispassionate justice."<sup>106</sup>

The CWRIC issued its recommendations report in the summer of 1983 (Part 2: Recommendations) including a recommendation for a joint resolution of Congress, signed by the President, recognizing that a grave injustice was done, offering apologies from the nation, and appropriations for a fund to provide "as onetime per capita compensatory payment of \$20,000 to each of the approximately 60,000 surviving persons excluded from their places of residence pursuant to Executive Order 9066."<sup>107</sup> There was one interesting comment on this matter of monetary compensation noted in a footnote to this resolution: "Commissioner William M. Marutani formally renounces any monetary recompense either direct or indirect."<sup>108</sup>

Another recommendation from the summer CWRIC Report was the following:

the President pardon those who were convicted of violating the statutes imposing a curfew on American citizens on the basis of their ethnicity and requiring the ethnic Japanese to leave designated areas of the West Coast or to report to assembly centers.<sup>109</sup>

This was not a welcome recommendation to the coram nobis teams because

the pardon recommendation gave the Justice Department a way to avoid answering the petitions on their merits unless one of the judges forced an answer to the misconduct charges. . . .The coram nobis lawyers suspected that Arthur Goldberg, who had already deprecated their efforts, had pushed for the pardon proposal as a way of defusing the petitions.<sup>110</sup>

Irons discusses the intricacies of the pardon proposal and the negotiations with the government lawyer.<sup>111</sup> Accepting the pardons would mean that the long sought hearing on the issues of government misconduct in the internment would not happen. None of the three petitioners, knowing that they would be taking chances in each setting as to whether the judge would hear the larger issues, were satisfied with that outcome. Therefore, "after discussions with their respective clients, the lead attorneys on each legal team decided that any formal pardon offer from the government would be rejected in any form."<sup>112</sup> The petitioners refused to consider pardons, and the hearings proceeded.

Fred Korematsu's case was the first to be heard on November 10, 1983. Judge Patel announced at the start of the case, that she "did not consider the government's motion to vacate the conviction

and dismiss the petition as a proper vehicle for judicial action."<sup>113</sup>

Dale Minami made the argument, Fred Korematsu was allowed to address the court, and Judge Patel, at the end of the trial, granted the petition for a writ of error coram nobis. Korematsu's case was the most clear-cut victory of the three.<sup>114</sup>

Min Yasui's case was heard in Portland, Oregon, on January 16, 1984. This case was the least successful in court, the only one in which no hearing of the substantive issues ever occurred.<sup>115</sup> Victor Stone, the government lawyer assigned to all three coram nobis cases, asked Judge Belloni to vacate Yasui's conviction and to dismiss his petition for a writ of error coram nobis. Belloni asked Yasui's attorney Don Willner to "explain to me what this case is about."<sup>116</sup> Don Willner addressed the court, followed by Peggy Nagae, and then Min Yasui. The lawyers did their best to state the matters of import which the case raised about the wartime internment in spite of the lack of interest or knowledge which Judge Belloni displayed concerning the case. Asked about Judge Belloni and his understanding of the larger issues which Yasui's case involved, and whether Belloni had even read the case, Peter Irons commented:

He was obviously totally unaware of the issues of the case. He didn't grant the petition. He granted the

government's motion to vacate . . . he never granted the petition. Well, the relief that we asked in the petition was vacating the conviction, but we also asked the judge to make findings that the vacation was based upon this evidence of fraud . . . and he refused to do that. . . He said we can't engage in this kind of historical inquiry forty years later--the exact opposite of Judge Vorhees' attitude which was that he was extremely eager to explore the historical record. Partly, I think, Belloni's just, in my opinion, a rather unintelligent, conventional judge. I mean, why take up what could be weeks of court time when you can do this in two minutes. Secondly, he had no notion, I mean he didn't have a clue as to what this case was about. . . It was not as frustrating, obviously, to those of us in the other cities, because you know we had already had Fred's case decided, which was for us a tremendous victory both legally and in terms of publicity. And we were pretty confident that we would get a ruling on the petition in Seattle. . . It became obvious not only that Judge Belloni was uninterested in the issues, but he was actively hostile to the people who came to the hearing.<sup>117</sup>

In just ten days, Judge Belloni ruled on the case. He granted the government's motion in a two-page order while considering none of the substantive issues in the case. He said that the two sides had asked for the "same relief" in vacating the condition, and summarily dismissed consideration of other concerns about the necessity for the internment or withholding of evidence. Yasui appealed the dismissal of the petition, and the appeal became entangled in technical issues about timely filing. In the process of this technical

wrangling over whether the time limits had been met, Min Yasui died on November 12, 1986, and the government filed to declare the case moot after his death.

Gordon Hirabayashi's hearing was scheduled for May 18, 1984. Judge Voorhees made a ruling that denied the government's motion to dismiss the petition. A week after that hearing, Judge Voorhees issued an order for an evidentiary hearing for more than a year later, June 17, 1985. The Hirabayashi case yielded an extended hearing of the issues. Stretching out for a lengthy period of years and appeals, it yielded a positive result, in general, for him.<sup>118</sup> Judge Voorhees stated the following on April 28, 1986:

It is now considered by almost everyone that the internment of Japanese-Americans was simply a tragic mistake for which American society as a whole must accept responsibility. If, in the future, this country should find itself in a comparable national emergency, the sacrifices made by Gordon Hirabayashi, Fred Korematsu, and Minoru Yasui may, it is hoped, stay the hand of a government again tempted to imprison a defenseless minority without trial and for no offense.<sup>119</sup>

Both the Korematsu and Hirabayashi cases yielded extended hearings on the broader issues of injustice and government misconduct. Unfortunately, Yasui's case never received that same consideration. According to Yasui's lead lawyer Peggy Nagae, he

always told her, "Give 'em hell. Though we might not win, and I have my doubts, I want to take my case as far as we can go."<sup>120</sup> It didn't go nearly as far as Yasui, or Nagae, would have hoped.

The timing of the coram nobis cases in the midst of the Redress movement and the heart of the CWRIC process gave a great deal of publicity and energy to the proceedings. Whatever the legal chances were, the opportunity to put the case in the public eye was important. "My feeling is that widespread national publicity will help our cause, because I know the effects of national media in the spring of 1942."<sup>121</sup>

Peggy Nagae, Yasui's lead lawyer, commented about her work in the coram nobis cases, and what motivated her and other attorneys to devote extensive time pro bono :

What spurred over 40 other attorneys to become involved in reopening the Yasui, Hirabayashi and Korematsu coram nobis cases? We worked without pay on cases that took thousands of hours and seven years to resolve. With no precedent and the government's refusal to admit any wrongdoing, we fought an uphill battle. The hours were often long with extensive debate about each line of a brief, every strategic move and all outside communications.

Why did we do it? We were children of those who had been incarcerated during World War II. . . .For us, commitment meant action spurred by a search for identity. . . .

So, what did we coram nobis attorneys gain from our

work? As for me, Yasui gave me back my history. From him I healed some deep wounds about my place in that history. I learned that by acting on our convictions, we could win and that winning was expressing our vision of a world that works for everyone, with no one or nothing left out.<sup>122</sup>

Not all of the attorneys were Sansei, but the majority were. The coram nobis cases wove in and out of Redress during the years of their hearings, and provided an energizing sense of supporting one another. Korematsu lead lawyer Dale Minami wrote of the two efforts that "the direct relationship between the coram nobis petitions and redress became clear as the attorneys began to appreciate the strength of their cases. By challenging these convictions, the petitioners were actually attacking the underlying legality of the exclusion and imprisonment."<sup>123</sup> There was a dialogical quality to the considerations in the courtroom, and in the Commission. It was not a simple or ordered relationship, but it was a real one. The hearings around the country for the Commission in 1981 and the court hearings for coram nobis cases from 1983-1987 were all part of the exploration, research, and increased public awareness about what happened during the war.

Another court case wove in and out of Redress activities during those years. In March 1983, the NCJAR brought a class-action

redress suit on behalf of all survivors of the internment. There were no legal connections between the NCJAR suit and the coram nobis suits, but the lawyers kept in touch.<sup>124</sup> There was also contact with the JACL Redress campaign, although the lawyers for Korematsu and Hirabayashi were very concerned not to identify the coram nobis cases too closely with JACL, and declined to participate in a strategy meeting which Min Yasui had planned to coincide with the national JACL convention in August 1982.<sup>125</sup> Neither of the other two petitioners was involved with JACL, and their lawyers largely wanted to stay clear of any identification with the partisan politics of Redress organizations. Dynamics of connections and boundaries were both at work. Commenting on the value of the coram nobis cases in April 1982, Yasui wrote in notes to the Pacific Citizen, the JACL newspaper, that there was tremendous potential value in the success of the cases for the Redress movement, and no real damage if they did not succeed:

If the effort is successful, and if the Supreme Court reverses its decision . . . it will be established that the federal government acted illegally in ordering and carrying out the evacuation in 1942. Congress then would have a legal obligation to provide restitution to all those who suffered losses as a result of General DeWitt's evacuation orders. At the present time, we do not have a legal claim against the U.S. government; we have only, at the present time, a moral claim.



On the other hand, if the coram nobis proceedings are unsuccessful--the obstacles are enormous, and prospects are not bright--perhaps it could be rationalized that we're no worse off. The odds appear to be long against us. But, we are determined to mount this legal challenge through the courts . . . .

Meanwhile, we will be much concerned with, and will certainly assist, CWRIC in establishing an official record of the evacuation process. We will also do our utmost to assure that the recommendations of CWRIC will provide for monetary compensation and other appropriate remedies.<sup>126</sup>

When the Pacific Citizen article was published, Peter Irons wrote to Yasui, sending him the first draft of the coram nobis petition's main body. Irons wrote that he had not seen the article, but had heard about it, and

What I'm somewhat concerned about from these reports, which may not be accurate, is that this project shouldn't get tied to any one organization or perspective on the redress issue. For example, I sent my February memo to Bill Hohri who mentioned it favorably in his NCJAR newsletter. I hope he and his group will join us, and I certainly wouldn't want differences over the redress issue to arise in this effort.<sup>127</sup>

The draft of the coram nobis petition began with a background of the decision to intern Japanese Americans. The body of the petition provided the basis for a decision as to whether there was "both singly and in cumulative effect, a 'fundamental error' at trial."<sup>128</sup>

Describing the conditions of the decisions in fifty-six pages, and the

ways in which new evidence proves willful suppression of evidence both in the decision for internment and in the prosecution of the cases, the petition concludes:

Petitioners submit that the disclosure in Government records, only recently available, of the suppression of evidence on these crucial points of espionage and loyalty constituted a deprivation of their rights to fair trials. This evidence was available to the Government both at the time of the trials of the Petitioners and on appeal. Its withholding from Petitioners and from the courts constitutes a fundamental error; and thus justifies the granting of these Petitions.<sup>129</sup>

Due to the connection and power of the proof of "fundamental error," Yasui was convinced that there could be great effect of successful cases on the Redress movement. He remained rather pessimistic, however, about the case's chances for success. Yasui had a strong tendency to focus on what would help out the JACL Redress campaign, and to think in terms of how the connections would or would not serve the organization and its goals in immediate Redress goals. Yasui wrote in a memo on June 19, 1982:

At some point in the future, the relationship of the JACL to these coram nobis proceedings must be defined and determined. Ultimately, the chances for success in these proceedings do not appear to be good, and therefore I have not requested JACL to become involved. The outcome of these cases, however, may have a profound effect upon the JACL redress efforts.<sup>130</sup>

As he considered on paper in various forums the possibility of success for coram nobis proceedings, Yasui made notes after a conversation with Dale Minami. Yasui noted that it would be "exceedingly difficult for lower courts to over-rule the U.S. Supreme Court," but

Minami suggests that theory would be that the prosecution failed to perform its responsibilities, and did suppress material evidence--and that therefore the decision of the U.S. Supreme Court was based on faulty fact. . . .Not the fault of the court!<sup>131</sup>

Yasui requested that Frank Chuman be co-counsel along with Peggy Nagae in the case.<sup>132</sup> Chuman had proposed and explored the option of coram nobis several years before it actually became possible through the new evidence uncovered in the 1980s. Yasui expressed gratitude to him for his long-standing work and research in these areas, breaking open possibilities that came to fruition in unexpected ways at the same time as enormous strides were being made in Redress.

Because all three branches of government shared responsibility for the wartime internment, the Redress and coram nobis movements sought, as their broadest goals, to confront all three aspects of failure under pressure to maintain just treatment of U.S. citizens. Coram nobis was viewed in a variety of ways by people

who differed politically while having varying degrees of interest and participation in various aspects of the Redress movement. Peter Irons commented that

the coram nobis effort was seen by all who took part as only one prong of a broad-scale redress campaign with three ultimate goals: legal vindication in the courts; monetary compensation from Congress; and a statement of national apology by the president.<sup>133</sup>

At their best, various aspects of the Redress and coram nobis efforts were able to draw in all the aspects of action and expertise of those who took part on many fronts: at their worst, they were divisive and bitter. Energy increased when cooperation was flowing well. One can sense the frustration in the correspondence record when it was difficult to work across personal and political differences. The common goals were strong and sustaining, but the differences were also real and palpable, and sometimes extraordinarily difficult to negotiate.

The coram nobis team tried to keep out of redress politics as much as possible, while at the same time many of them had intense feelings about redress. Following are excerpts from a 1992 interview with Peter Irons about the coram nobis cases, their relationship to redress, and some particulars of the individual cases. "PI" notes comments by Peter Irons, "I" by the interviewer:

PI: I was never officially part of any Redress organization or effort: I tried in fact to keep out of being identified with any particular organization, like NCJAR, NCRR, JACL, because we didn't want to--and this was true of most of the coram nobis attorneys--give the impression that we were an adjunct to one of the Redress groups.

The judges had found that the internment, if not unconstitutional, at least was--not only lacking, but the government had committed fraud, and the fraud, in fact, although legally significant, was also politically significant. So, in that sense, we considered the coram nobis as one part of the Redress movement.<sup>134</sup>

In discussion with Irons about the relative strength of the three cases, I commented that there was a paradox in that Korematsu, who was legally the most unaware and unsophisticated, had the most legally important case; then Hirabayashi, who of course had a wider sociological and historical understanding; and then Yasui, who was the only one legally trained. Things seemed to go in inverse order. Yasui was the first one who acted, due in part to his conviction that if you don't register protest at the time of the offense you do not have a point of entry later on. He entered the case with the intent to have maximum legal effect, yet Yasui's case was never fully resolved before his death, being made moot afterward. Korematsu's case was the first one heard. It differed in venue heard as well as judge from the other cases. That case was decided on a different basis than the others since Korematsu was the only one who actively

evaded, and then was arrested for evading rather than turning himself in or challenging curfew. Irons commented on the legal evaluation of the importance of this first case to be heard in 1983:

PI: The basic strategy decision was first of all that Fred's case raised the most significant issue, the internment itself rather than the curfew. Secondly, that the Bay Area Attorneys for Redress was the group that had done the most preliminary work, and that they're the people I contacted first. Everything was organized from San Francisco. When we started, in fact, we didn't even have an attorney in Portland. And, as it turned out, by the time Min's case was heard in Portland there were only two or three attorneys--Peggy, and Don Willner, and one other person. Peggy was willing to go ahead the way we had in San Francisco just on the basis of court argument. The people in Seattle, whom we considered very stodgy legally wanted to have a full scale trial. As it turned out later, that was an extremely good strategy, but it took a lot more time (underlining added).<sup>135</sup>

Discussing the luck of the draw in terms of judges, and the importance of judges in controlling the context of the trial, the interviewer (I) and Peter Irons (PI) considered the courtroom setting and the comparative legal strategies in the cases:

I:(Judge Belloni) wouldn't even allow people to stay, as I understand it--if they were standing, he made them leave.

PI: Right. Whereas Judge Patel made sure she got the biggest courtroom in San Francisco, and Judge Voorhees even cleared out, let people sit in the jury box. . . . Judges are complete rulers of their court. So, in a sense, my attitude toward the Portland case was, truthfully, that it

didn't bother me that it was over so quickly. I was never a strong supporter of appealing the decision, because I didn't think the legal grounds were very substantial. You know, arguing that the judge abused his discretion is very difficult. . . . The whole issue on the appeal was whether it was in the judge's discretion to rule on the government's motion rather than on the petition . . . let's say we'd gotten a bad judge in San Francisco--like Belloni--we might have just been out--with no recourse--if the Judge had said, 'Well, you're both asking for the same thing, the Government's been very generous' . . . that was our fear, and fortunately it only happened in one of the three cases. And from our perspective, really, legally, the least significant case.

I: Because of the curfew being the main--what Min opposed first . . .

PI: Right, not only that, because in Gordon's case we could also reach the internment issue, which we did.

I: Which was actually what he was arrested for, and then after the fact the curfew was added, whereas Min was arrested for the curfew.

PI: Only the curfew . . . and also another factor is that the Supreme Court did not write a substantial opinion on his case.

I: It just tacked on to Hirabayashi in '43.

PI: Just a couple pages. . . .The only issue that was raised, the only reason an opinion was written at all, I think, was that the government had claimed or the judge had found. Judge Fee had found that he was not a U.S. citizen, so they had to answer that. But it said nothing about the curfew violation that hadn't been said in

Gordon's opinion (underlining added).<sup>136</sup>

Yasui had always hoped that what Judge Fee had ruled on constitutional issues during his initial 1942 trial would be upheld. But Fee's decision, overruled and never seriously reconsidered, did not

provide the point of reaffirmation of which Yasui had hoped. "For legal purposes, it never happened."<sup>137</sup>

For legal purposes, there were many parts of Yasui's case which were as if they had never happened. He broke only the curfew, so in the prosecution of his case, it was as if the whole internment that followed had never happened. There was no significant opinion written on his case, only tacked on to Hirabayashi's, so it was as if no significant legal decision in his case ever happened. Because Belloni did not read the case carefully, or truly consider the substantive issues raised in the petitioner's statement, it was as if the seriousness of the broader arguments did not exist. There was tremendous irony in Yasui's case becoming the most insignificant legally, easily dismissed, tangled in appeal on technical issues, and never reaching the substantive issues he so passionately wanted to reach.

Still, the coram nobis cases, as a whole, did a great deal to bring greater public awareness of the internment issues, further Redress campaigns, and draw together a remarkable legal and support team whose lives were deeply affected by their participation in the cases. Peggy Nagae wrote that

Min Yasui was the consummate client, following all my recommendations. He once wrote and told me, 'Whatever



you advise, I shall do my best to follow.' I perhaps saw a different side to Minoru Yasui than others, and certainly different from what others expected I would see. After all I was a generation younger than he and a different gender. He was a lawyer with a strong background in Constitutional law. And yet, from him, I felt that as a Sansei I had something to contribute, and in my own way I could help resolve the incarceration. The case gave me a place and time to give back to the Japanese American community, to my parents and their generation.<sup>138</sup>

Coram Nobis provided an important avenue of expression for the lawyers as well as the petitioners. The cases connected to the individual stories of the three men and the various strands of the redress movement. Coram Nobis, Redress, and JACL as well as frenetic travel, consumed Min Yasui's time and energy in the last years of his life, (1983-86), as did exhaustion and ill health toward the end of his life. Yasui continued to drive himself hard, write copiously, argue vociferously, and push himself to the limit for Redress, up until the very end of his life. One of the hardest things for his lawyers to see was the case become bogged down in technicalities, realizing, as time wore on, that the petitioner was unlikely to survive until the case was resolved, and then, as happened, the government would likely move to "moot" the case because, technically, it was a criminal case, and the criminal was no longer alive. Yasui's lawyer Peggy Nagae wrote:

Personally my only regret about my work is that Min was not here to share in the justice that he pursued his entire adult life. Minoru Yasui died on November 12, 1986, with his case still in progress. After his death, the government moved for dismissal, and the Ninth Circuit granted the motion. We challenged the dismissal, arguing that the Yasui case should not die with the petitioner because the issues involved were much larger than one individual's case. These issues had affected and continued to affect the civil liberties for the entire nation. Rejected by the Ninth Circuit, we petitioned the Supreme Court to address the case . . . the High Court denied our petition. . . .

After five years and thousands of hours of work, the case itself ended. While we had succeeded in vacating his 1942 conviction, we had not succeeded in having the Supreme Court acknowledge the injustice perpetrated by the government when they suppressed favorable evidence and altered other evidence.<sup>139</sup>

The last chapter, "The Postlogue," will deal with some events in the years from 1986-96, the decade after Yasui's death, including the attempt to carry on his case. The rest of this chapter will explore events in Yasui's life in those last years, 1983-86, just before his death. One major change that came in Yasui's life in 1983, as well as the opening of the coram nobis cases, was his retirement from the office of Executive Director of the Commission on Community Relations of the City and County of Denver, on September 30, 1983. Federico Pena won election as Mayor of Denver in that year, and wanted to appoint someone else to the Executive

Director position, so Yasui was suddenly retired. He was almost sixty-seven years old, having assumed the position of executive director of the commission at age fifty in 1967. It had been intense and engaging work in which he continued to be vitally involved despite all his work and travel for Redress and coram nobis. On June 9, 1983, Yasui had surgery for an abdominal aortic aneurysm, but he refused to take that into account in planning his schedule.

In the fall of 1983, freed up from his "day job," Yasui was able to schedule travel at any time, to go anywhere in order to speak for Redress, and he did. For the last years of his life he kept logs of his daily activities which are staggering in their detail and reminiscent of the accounting of his use of time and financial expenses which he made to his father when writing home from college in Eugene. A sampling of one section of these Daily Logs, which he submitted for reimbursements from November 1984 to May 1985, covers 124 pages. He notes the time he arose, how long he worked on each project or met with each person, how much each meal or other expense cost, letters written and mailed (including number of pages and cost of postage), and miles traveled. His letters were primarily Redress-related, and he worked on drafting redress strategies, writing, and meeting with people all over the country. A sample day, November 1, 1984, has him writing and mailing twenty-four

individual letters. Travel logs for 1985 and the year of his death, 1986, indicate he traveled more frequently than he was home in Denver. Notes about the progress of the coram nobis appeal were stuck into the files alongside the logs, lists of letters and meetings, and personal correspondence that was never entirely free of travel plans and Redress work. He would always include the most recent need for support on the Redress bill, and with whom in what district needed to be lobbied by constituents. Yasui stayed active and current with all legislative strategies involving the Japanese American Citizens League-Legislative Education Committee (JACL-LEC; LEC, a separate and distinct non-profit corporation created in the course of the Redress campaign), and with the status of his own coram nobis appeals. There was a "redress summit" meeting in the summer of 1985, attempting to communicate and coordinate activities. Legislative strategies and detailed itineraries continued to fill the files through the last months of Yasui's life. He was still in correspondence with his own and other coram nobis attorneys about what was happening in Hirabayashi's case, and wondering if "somewhere down the line, these cases may come together again." 140 Even as the cancer progressed and the prognosis did not look good, weakening in the last months of his life, he did not retreat from the connections

and strategies which had so consumed the last years of his life. In the summer of 1986, the last time that all the surviving Nisei siblings were together, Min Yasui's sister Michi Yasui Ando received her diploma from the University of Oregon, Eugene. She had graduated in 1942, but was not allowed to go to her own graduation because it was after curfew. In that last summer of his life, Min Yasui was able to be together in Eugene with Chop, Michi, Robert, Homer, Yuka, and many of the nieces and nephews who had enjoyed stories and games, family and political mentoring, from Uncle Min.

During that same summer, Matsuyo Fujimoto, "Obasan", died, and her ashes were interred in Hood River in August 1986. In order to bring her remains home to be buried beside Uncle Ren, Chop traveled to Japan where she had lived the last years of her ninety-nine. Min Yasui came to Hood River for the funeral. It was the last time he was in Hood River before he was buried there.

Notes

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<sup>2</sup> Daniels, Taylor, and Kitano, eds., Japanese Americans 191.

<sup>3</sup> Daniels, Taylor, and Kitano, eds., Japanese Americans 191-192.

<sup>4</sup> Daniels, Taylor, and Kitano, eds., Japanese Americans 189.

<sup>5</sup> Frank Abe and Bob Hoshibata, personal interviews, Feb.17, 1990.

<sup>6</sup> Frank Abe, personal interview, Feb. 17, 1990.

<sup>7</sup> Daniels, Taylor, and Kitano, eds., Japanese Americans 191.

<sup>8</sup> Peggy Nagae, personal interview, Feb. 17, 1990.

<sup>9</sup> Flyer/Poster for "Day of Remembrance", Portland, OR, Feb. 17, 1979.

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29 Yasui, letter to Homer Yasui, Nov. 3, 1979.

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32 National Council for Japanese American Redress, founding statement, William Minoru Hohri, Repairing America: An Account of the Movement for Japanese-American Redress (Pullman, WA: Washington State UP, 1984) back cover.

33 National Council for Japanese-American Redress (NCJAR) Newsletter (1979); Abe, personal interview, Feb. 17, 1990.

34 Hohri, Repairing America 45.

35 The Evacuation Committee was formed within the Seattle JACL to formulate plans and be an activist pressure for concrete Redress action: "Clearly it was another renegade group trying to push the National JACL into action": this plan is detailed in Brian Niiya, ed., Japanese American History: An A-Z Reference From 1868 to the Present (New York: Facts on File, 1993) 289.

36 A detailed chronology of the commission decision and the formation of various other groups, including NCJAR and National Coalition on Redress/Reparations (NCRP) is found in Niiya, ed., Japanese American History 25-92, 289-92.

37 Commission on Wartime Relocation and Internment of Civilians (CWRIC), Personal Justice Denied: Report of the Commission on Wartime Relocation and Internment of Civilians (Washington, DC: The Commission, 1983) 18.

38 Yasui, letter to Min Yasui, Oct. 9, 1979.

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40 Yasui, letter to Homer Yasui, Nov. 3, 1979.

41 Yasui, letter to Homer Yasui, Nov. 3, 1979.

- 42 Yasui, letter to Homer Yasui, Nov. 3, 1979.
- 43 Minoru Yasui, letter to J. Richard Nokes, Feb. 26, 1979, Minoru Yasui Papers, Archives and Special Collections, Auraria Library, Denver, CO.
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- 48 Minoru Yasui, letter to Sue Embrey, Apr. 30, 1979, Minoru Yasui Papers, Archives and Special Collections, Auraria Library, Denver, CO.
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60 Minoru Yasui, "Visit to Cheyenne County Jail", Apr. 28, 1944, Yasui's personal files, in author's possession.

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## CHAPTER VI

## POSTLOGUE: "YOU CAN SEE THE MOUNTAIN FROM HERE," 1986-1996

While standing at Idylwild Cemetery in Hood River, Oregon, as his beloved Obasan, Matsuyo Fujimoto, was buried there, Min Yasui turned to the pastor at graveside and said, "When my time comes, I want to be buried here. You can see the mountain from here. And even when you can't see it, you know that it's there."<sup>1</sup> Within four months, his remains were buried there in the same corner of the cemetery in view of the mountain. Actually, it is hard to see the mountain from there, especially with the trees in full leaf. You have to move in order to get a good view.

Min Yasui had to move a lot in order to get a good view of the mountain, to keep in view the possibility of justice when it was so drastically obscured. He never gave up. He did not stand in a perfect place, but from where he stood he had the conviction that he could see the mountain, and even when he could not see it he knew it was there. It was a gift he had to give. He received the gift in the Hood River Valley, and he had a firm conviction that he wanted to be returned there for his final rest.

Alan Ota commented after Min Yasui's funeral that he might have been voted when he left Hood River as "the man least likely to return."<sup>2</sup> It was unlikely that Yasui would have ever returned to live there, but entirely fitting that he returned to be buried there.

Though his adult life was domiciled in Denver, Min Yasui was rooted in Hood River, and much of his life's work was in response to being uprooted from what he learned there. Hood River's beauty took on an importance in Yasui's life far more meaningful than location: the graphic description of its glories was not restricted to the photographic. Hood River was a place holder for roots, home, effort, opportunity, and for unshakable principles. It was a place to which he intended to return home for his final rest, yet it was a place he never lived continuously as an adult. It was a place and a power which was given to him, and was taken from him. In that paradox lies an important part of his peculiar power and the yearning, frustration, and ongoing complexity of his life's work.

In the last months of his life, Min Yasui knew his case would likely die with him. It was his dying wish that every effort be made to carry the case as far as it would go. He made that clear to his family, his legal team, and to anyone around him who listened in the last months of his life. At the funeral dinner of his aunt in Hood

River, Yasui said, "I will not believe that justice will not be done," and impressed the hearer with the strength of his conviction.<sup>3</sup>

Those who were moved by his life and death wanted passionately to continue the case as long as possible as well as to educate as many as possible in the process. In a draft of the petition for continuation of the case, Peggy Nagae wrote:

This is not just a 40-year old misdemeanor, as the government characterizes it. This is a monumental precedent which affected deeply and irrevocably the lives of a hundred thousand Japanese-Americans, and a countless number of friends and neighbors by sanctioning the mass banishment of a single racial minority group.<sup>4</sup>

The legal drafts made the connection between the wartime conviction and the denial of hearing of the case in the 1980s, and argued passionately for why the case should still be considered:

The very government that denied Petitioner his constitutional rights during World War II is the same government that now seeks to deny him his right to a full and fair hearing. . . .The controversy is alive, and justiciable. Indeed, the public interest in the fundamental issues raised by this case demands that it be resolved on its merits, in order to prevent future acts of racial discrimination and governmental misconduct in the name of "national security."

Petitioner's action must be allowed to continue . . . until this great wrong has been righted, for the benefit of Petitioner, his family, those 110,000 Japanese Americans denied their constitutional rights during the war, and all other Americans.<sup>5</sup>

The progress of the case was as follows: after the district court granted the government motion and dismissed the petition in 1984, Yasui appealed his case to the circuit court where the appeal was pending at the time of his death in November 1986. Shortly thereafter, the government moved to dismiss the appeals as moot, and the Ninth Circuit granted the government's motion. On June 22, 1987, a petition was submitted to the Supreme Court requesting review of the Ninth Circuit's dismissal. That petition was denied, and a brief for rehearing submitted.<sup>6</sup> The rehearing was denied in December 1987.

Progress reports were sent by Homer Yasui, on behalf of the Minoru Yasui Memorial Fund. People who cared deeply about the Yasui case for personal as well as political reasons were vitally concerned about its process, making donations to keep it alive. Legal strategy or possibility of success aside, it was important to continue as far as possible. In one of these progress reports, Homer Yasui wrote:

As I write this progress note, I have on my lap the brief that Peggy Nagae submitted to the U.S. Supreme Court on June 21, 1987, and I am sad. I'm sad because Min never lived to see this day. . . . Neither did he live to see the day when, I am am (sic) convinced, the 100th Congress is going to pass a Redress bill. . . .But, as Min would surely have understood and deeply appreciated, there are a

whole lot of people out there who are now partisan to our cause, which was his cause. Whether the Court denies the writ, or whether it accepts it, we can all be proud that we did not supinely say, "What's the use?" We are not going to take the attitude of shoganai. Dammit! We're going to go ALL the way!<sup>7</sup>

Letters from the Memorial Fund Committee, brochures from the JACL, symposia, and meetings of various kinds continued to raise the issue of Redress and support the continuation of Yasui's coram nobis case.<sup>8</sup> Unfinished Business, a documentary by Steve Okazaki about the coram nobis cases, was circulated to help educate people and raise awareness about the continued pursuit of Yasui's case.<sup>9</sup>

Newspaper and periodical articles told the stories of Yasui's life and death, and his dying wish

to have this injustice corrected so that it would never happen to anyone else. . . .The government should not be allowed to sweep this under the rug as if it never occurred. Min felt that a judicial declaration that there was misconduct was crucial to undercutting the legal precedent and setting the historical record straight.<sup>10</sup>

The United Methodist Church supported Yasui's case and Redress, arguing in one of its publications that the case should not be allowed to be made moot:

The US government has used many strategies and tactics to avoid the shame and embarrassment of admitting the error of the detention and incarceration policies. One of

the most effective approaches has been the mooting of legal cases by stalling long enough until the expiration of statutes of limitations, or the deaths of several of the plaintiffs, who are mostly senior citizens. That Minoru Yasui died labeled a criminal and an ex-convict when his very life exemplified the very best that America has to offer is itself a crime that demands punishment.<sup>11</sup>

When the last briefs were filed, Peggy Nagae noted that it was with a finality of farewell:

We decided that everything anyone wanted to say must be said now. . . .We have said what all of us felt important to say in this most important opportunity. We have tried to write what we thought Min would want to have said. . . .Let us all visualize that Min finally receives the justice he deserves.<sup>12</sup>

For the Yasui family, for his lawyers, for many friends and supporters, the failure of the case to be heard was an acute disappointment. Each in his or her own way had to make sense of it, what it might mean to carry on the fight in other dimensions. Holly Yasui and Peggy Nagae both wrote movingly of that ongoing purpose. When the Supreme Court denied to continue Minoru Yasui's case in December 1987, Min's daughter Holly wrote that

We have made every effort, and Minoru Yasui's case did indeed reach the Supreme Court. The Court has denied itself the opportunity to correct one of its most shamefully unjust decisions and has therefore compounded that injustice. . . .Though I am angry and frustrated, I know that we must accept the decision by



the Supreme Court as my father did in 1943 . . . as a signal to redouble our efforts in the struggle for justice. . . .Every setback in his life served to renew his commitment. And so the Court's ruling today urges us to carry on with even greater vigor. . . .My father's case is over, but his legacy continues. . . .He was so totally committed to fighting injustice, in the broadest and deepest sense. That was his real legacy. To fight, and to continue to fight . . . to pursue justice and equality, in all its forms: legally, politically, economically and culturally. The struggle is ongoing and ever renewed.<sup>13</sup>

Peggy Nagae wrote later that month that

This completes the direct legal phase of the case. . . .As we go on with our lives, I hope we pause to remember the Yasui case. Min had the conviction and the vision to not only proclaim a wrongdoing, but more importantly, to take action on it. He put his own liberty and reputation at stake. If we can remember to do this in our own lives, I am sure we will be enriched for the experience.<sup>14</sup>

When Homer Yasui called with the news about the Supreme Court refusal, he said tersely, "Well, there's no higher court--but God."<sup>15</sup>

Some who cared deeply about Min Yasui's case and were moved by his commitment to justice have continued discerning what it means to carry on his legacy. Selected events, papers, and productions of the past decade exemplify this ongoing activity:

1986-1996: Selected events of the past decade

November 12, 1986: Min Yasui's death, Denver

December 5, 1986: Min Yasui's funeral in Hood River, Oregon  
Many commemorative tributes in cities around the country

January 7, 1987: Attorneys for the Yasui family filed motions to continue Minoru Yasui's case

March 1987: Coram Nobis Symposium, Denver  
Continued appeal to keep the legal case alive

September 17, 1987: HR 442 (Redress) passes U.S. House of Representatives

December 1987: Final refusal to hear the Yasui case by the Supreme Court

Summer 1988: General Conference Resolution of the United Methodist Church supporting Min Yasui's work for justice and the spirit of his coram nobis case (introduced from Asbury United Methodist Church, Hood River)

August 10, 1988: Signing into law of the Civil Liberties Act of 1988  
Redress passes and is enacted

October 31, 1988: U.S. Supreme Court disallows class action suit Hohri et al. v. U.S., filed by NCJAR

February 1989: (early) celebration of the fiftieth wedding anniversary of Ray T. & Mikie Yasui, Hood River, at Maija and Flip Yasui's home

April 4, 1989: Death of Ray T. Yasui, Hood River

1989-1990: Holly Yasui, Peggy Nagae, and Barbara Bellus Upp gather at Carson Hot Springs for several weekend gatherings about Yasui and his meaning in their lives

Fall 1989: Lise Yasui's video, A Family Gathering, is produced and aired

November 21, 1989: Appropriations Bill signed that converts redress into an entitlement program

March 28, 1990: "Min Yasui Day" declared by Oregon's Governor Neil Goldschmidt, Proclamation and celebration in Salem, Oregon

August 1990: American Historical Association Panel on Min Yasui

Dedication of statue of Min Yasui in Sakura Square, Denver

Beginning of sorting papers at the South Williams house

October 19, 1990: The first redress payments are made

1990 and 1991: In Seattle, writing and productions of "Unvanquished," Holly Yasui's play about her father's case

Summer 1991: Paper presented on rhetoric of Yasui's November 1942 Speech at Association for Asian American Studies, Honolulu

1992: Many fifty-year occasions, including gathering at Epworth United Methodist Church on the 50th anniversary of Min Yasui's curfew violation

Production of "Unvanquished" in Portland

1992-1993: Files at the Yasui home, 1150 South Williams, Denver, are sorted and taken to the Minoru Yasui archives at Archives and Special Collections, Auraria Library, Denver, Colorado, along with the papers that Min Yasui donated there in 1984

Yasui family files at Oregon Historical Society

Publication of Stubborn Twig

1992 and 1994: Resolutions at JACL National Conventions about draft resisters

Recognition of the surviving draft resisters from Heart Mountain, renewed discussion about different choices made during the wartime internment

1996: Ten years since the death of Minoru Yasui

1997: "You Can See the Mountain from Here" written and defended

1997-Present: Continued writing, thinking, teaching, and story telling

In "Response to Panel Papers" at the Pacific Coast Branch of the American Historical Association in Salt Lake City, Holly Yasui wrote of history and her father's vision and commitment to justice:

There are times when the telling and the doing come together, when the telling of history becomes, in and of itself, an act of conscience --as in this panel's work, as in the national Redress Hearings, and as in the coram nobis cases. The bringing of light to facts that had been omitted from historical record enabled a new interpretation of what had been held as factual, a new interpretation of history itself and a new consciousness among the agents of history to affect it directly.

My father always insisted, emphatically and dogmatically, that the Relocation and Redress are issues in which all Americans have a stake--not just Japanese Americans, not just sociologists, historians, attorneys, but *all* Americans, all the people who live in this country under the traditions and laws of this country.<sup>16</sup>

I believe he was right in saying that we all have a stake in history,

and this issue. It is an American issue; there are many ways of seeing it and living an ongoing commitment to opposing such injustices. It seems that in Yasui's tireless fight for Redress and his own coram nobis case, "before us again", he defined his terms of resistance in such a way that was so rigidly patriotic as to reject other kinds of resistance. He joined in fighting for Redress on terms which were strategically effective and won the day--the praise of loyalty, military sacrifice, and service of Japanese Americans in World War II. The rights and obligations of citizens held a central place in his thinking and action, and he was not given to honor different views. The terms on which Redress was won were remarkably similar to those on which Yasui defended his citizenship in his 1942 speech. Just as in his 1942 speech, Yasui continued holding throughout his life, in his own stubborn and tenacious way, to the values that had coherence to him, to be true to them to the very best of his ability. For Min Yasui in his later life, the possibility of arguing the same basic blend of affirmation and resistance which he held to in wartime was an opportunity which was both amazing and exhausting. The movement for legislative Redress and the reopening of the cases to be "before us again" provided a forum for the crisis of his youth and his life's work to come together. Yasui was deeply committed to raising his voice to the best of his

ability in order to prevent a future recurrence of restriction and incarceration of U.S. citizens on the basis of ancestry.

It has been my privilege and struggle as the pastor who stood by him at his aunt's graveside, preached his funeral in Hood River, and shared the commitment, exhilaration and disappointment of those who desired to carry on his case, to work on the research, archival sorting and transfer, and writing of his wartime experience and his work in Redress and coram nobis. This is not the end of what I have to learn and to say about his life. For me, Yasui's experience and witness have been a compelling window on the limits of our national commitment to equality under the law, the responsibility as well as the cost of calling attention to those limits, and the risk inherent in coming to voice and action.

Just as the pre-sentencing speech in 1942, discussed at length in Chapter III, turned up throughout Yasui's life in his files, the remembrances of the war years which he wrote for John Tateishi's 1984 oral history of the internment experience turned up in other places and forms, including a document called "Thoughts on Evacuation" which he shared with his daughter Holly and others.<sup>17</sup> The conclusion of this account is a fitting ending to this work. Yasui tells of a Nisei friend who told him that, if the evacuation were to

happen again, he would resist violently: "I'd shoot to kill, I'd kill anyone who tried to put me into one of those camps."<sup>18</sup> Yasui had a discussion with him about the power which would be brought in to crush such individual resistance, and the friend replied,

I'm not sure that the government would go so far as to kill all of us, and if they did, there would be such a feeling of revulsion, there would be the most distasteful spilling of blood that such a process would be stopped.<sup>19</sup>

#### Yasui reflects

As for myself, I believe I would passively resist again, protesting all the way, but I cannot possibly conceive of taking the lives of other people to protect and preserve my rights. It would be far better to be killed than to kill, because the person who might kill me might just as fervently believe that he's doing his duty as I would believe it to be wrong. Two wrongs can never make it right. Perhaps, in that kind of death, rather than killing or being killed, there would be a far more principled dying.

At any rate, my good and gentle Nisei friend, in espousing violent resistance, gives us pause to think again about what we would do if this sorry sort of thing were to happen again.

Now, forty years later, we are still struggling to find means whereby this kind of thing can never happen again to any group of people. Tremendous outrages were inflicted upon us. We cannot rest, we shall not rest until we make every effort to assure that it shall never happen again--so that my good friend, a man of law and of principle, does not feel that he might have to pick up a rifle to defend his integrity as a human being.<sup>20</sup>

Notes

- 1 Minoru Yasui, conversation with the author, Aug. 7, 1986.
- 2 Alan Ota, "Native son's return particularly poignant," The Oregonian Dec. 10, 1986.
- 3 Yasui, conversation with the author, Aug. 7, 1986.
- 4 Peggy Nagae, draft of the Petition for a Writ of Certiorari, Oct. 19, 1987: 2, Nagae's files, in author's possession.
- 5 Peggy Nagae, Petition for a Writ of Certiorari, No. A-817, Jun. 21, 1987: 53-4, Nagae's files, in author's possession.
- 6 Peggy Nagae, letter to All Attorneys, Oct. 9, 1987, Nagae's files, in author's possession.
- 7 Homer Yasui, "Progress Report #6," The Minoru Yasui Memorial Fund, Jul. 21, 1987: 2.
- 8 Refer to Nagae's files, 1987, in author's possession.
- 9 Steve Okazaki, Unfinished Business, video, 1983.
- 10 Nagae, qtd. in Robert Shimabukuro, "Rights groups pledge support for Yasui case," Pacific Citizen Dec. 12, 1986: 1, 6.
- 11 Harold Massey, "Minoru Yasui: Symbol of a Quest for Justice," e/sa (education for social action) Feb. 1987: 22-7.



12 Peggy Nagae, letter Shig Wakamatsu, Nov. 25, 1987, Nagae's files, in author's possession.

13 Holly Yasui, statement on the Supreme Court's denial to continue Minoru Yasui's coram nobis case, Dec. 8, 1987, encl. with Peggy Nagae, letter to Homer Yasui, Dec. 16, 1987, Nagae's files, in author's possession.

14 Peggy Nagae, letter to Those Persons on the Attached Service List, Dec. 17, 1987, Nagae's files, in author's possession.

15 Homer Yasui, conversation with the author, Dec. 7, 1987.

16 Holly Yasui, "Response to Panel Papers," Pacific Coast Branch of the American Historical Association, Salt Lake City, Aug. 1990: 4.

17 John Tateishi, ed., And Justice for All: An Oral History of Japanese American Detention Camps (New York: Random House, 1984) 62-93; Minoru Yasui, "Thoughts on Evacuation," personal document, secured from Holly Yasui.

18 Tateishi, ed., And Justice for All 92.

19 Tateishi, ed., And Justice for All 92.

20 Tateishi, ed., And Justice for All 92-3.

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