



5-2019

Reparation Politics: The Exclusionary Consequences of the Japanese American Redress Movement & The Transnational Direction for the Japanese Latin American Campaign for Justice

Kako Yamada
University of Pennsylvania

Follow this and additional works at: https://repository.upenn.edu/uhf_2019

 Part of the [Arts and Humanities Commons](#)

Yamada, Kako, "Reparation Politics: The Exclusionary Consequences of the Japanese American Redress Movement & The Transnational Direction for the Japanese Latin American Campaign for Justice" (2019). *Undergraduate Humanities Forum 2018-2019: Stuff*. 1.
https://repository.upenn.edu/uhf_2019/1

This paper was part of the 2018-2019 Penn Humanities Forum on Stuff. Find out more at <http://wolfhumanities.upenn.edu/annual-topics/stuff>.

This paper is posted at ScholarlyCommons. https://repository.upenn.edu/uhf_2019/1
For more information, please contact repository@pobox.upenn.edu.

Reparation Politics: The Exclusionary Consequences of the Japanese American Redress Movement & The Transnational Direction for the Japanese Latin American Campaign for Justice

Disciplines

Arts and Humanities

Comments

This paper was part of the 2018-2019 Penn Humanities Forum on Stuff. Find out more at <http://wolfhumanities.upenn.edu/annual-topics/stuff>.

Reparation Politics:
The Exclusionary Consequences of the
Japanese American Redress Movement
&
The Transnational Direction for the
Japanese Latin American Campaign for Justice

Kako Yamada

2018-2019 Wolfs Humanities Center Research Fellow

University of Pennsylvania

“We live in an age and a time that seeks to establish political truth,” Rhoda E. Howard-Hassmann and Mark Gibney stated, inviting readers into their seminal work, *The Age of Apology: Facing Up to the Past*.¹ The book, published in the pre-Trump Era of 2008, explores the rapid proliferation of truth commissions and public apologies by government for past wrongdoings.² The exploration of the age of apology and the meanings surround reparations continues to be explored through shifting political climates.³ The idea of reparations, or the “the process and result of remedying the damage or harm caused by an unlawful act,” is based on a fundamental idea that “when a government commits acts of grave injustice against innocent people, it should make amends.”⁴ Though appealing, these broad moral imperatives are inevitably complicated by politics and strategy; namely, what kind of claims lead to successful reparation movements, while others fail? In this comparative case study, I apply Howard-Hassmann’s⁵ criteria of framing reparation claims to analyzes the successes of the Japanese American redress movement in comparison to the relative lack of success of the

¹ Gibney, M., Howard-Hassmann, R.E., Coicaud, J.M., & Steiner, N. (Eds.). (2008). *The age of apology: Facing up to the past*, 1.

² Ibid. The four prominent cases of reparations in the United States are that of the Tuskegee syphilis experiment, the Rosewood race riots, forced sterilization, and Japanese American internment. Eric Yamamoto also gives a succinct global landscape of redress in “What’s Next? Japanese American Redress and African American Reparations” (1999), p. 4.

³ Recent publications include: “The role of histories in an age of apology: A presence of the past?” by Lieselot De Wilde (2018), “Reparations and racism, discourse and diversity: Neoliberal multiculturalism and the Canadian Age of Apologies” By Bonnie McElhinny.

⁴ Fertstman, E (2012) *Reparations*. Oxford University Press; Torpey, J (2013). *Politics and the Past: On Repairing Historical Injustices*. Lanham, Md: Rowman & Littlefield, 112. In addition, the United Nations defines reparations to include a variety of symbolic and materials measures, including acknowledgment of past actions, apologies for them, and monetary or other material compensation (Bassiouni, M. Cherif. 2000. “The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms.” United Nations, Commission on Human Rights, 56th Session: 9-11)

⁵ Rhoda E. Howard-Hassmann is a Canada Research Chair in International Human Rights, jointly appointed to the Department of political science and the School of International Policy and Governance at Wilfrid Laurier University. <https://www.wlu.ca/academics/faculties/faculty-of-arts/faculty-profiles/rhoda-e-howard-hassmann/index.html>

Japanese Latin American⁶ Campaign for Justice. I then assert a need to conceptualize the history of wartime internment as one based on a transnational colonial effort by the United States that must be persecuted under international law.

Setting the Stage: Two Cases, One Framework

In 1941, President Franklin Roosevelt signed Executive Order 9066, initiating the wholesale relocation and imprisonment of 120,000 Japanese Americans, 2/3 of whom were American citizens.⁷ At the same time, the U.S. government orchestrated the abduction, detention, and hostage exchange of 2,264 Japanese Latin Americans from 13 countries.⁸ Fifty years later, each living former Japanese American internee received a formal apology and \$20,000, while Japanese Latin Americans did not.⁹ While both cases are instinctively striking as unjust wartime incidents, why is it that only the former successfully won reparations from the United States? Rhoda E. Howard-Hassmann introduces a helpful framework that describes the key characteristics of effective reparation movements.¹⁰ She asserts that “any sort of social change requires the correct framing of the demand for change,” including clear distinctions about “who is the perpetrator of a wrong, who is the victim, what exactly is the wrong to be compensated, and what are the reparations desired.”¹¹ There are other factors that may increase the

⁷ Executive Order 9066, February 19, 1942; General Records of the United States Government; Record Group 11; National Archives.

⁸ Gardiner C. (1975). *The Japanese And Peru, 1873-1973* (1st ed.). Albuquerque: University of New Mexico Press, 123. According to historians' estimates, the United States interned nearly 1,800 Japanese from Peru, 250 Japanese from Panama, and substantial numbers from Bolivia, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Mexico, Nicaragua, and Venezuela.

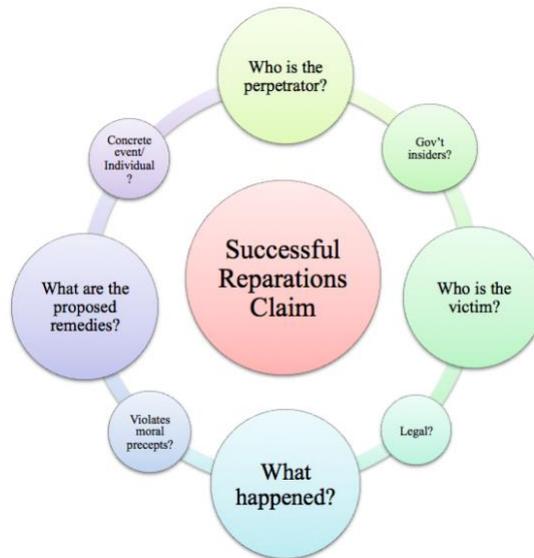
⁹ Gardiner Harvey. (2013) *Pawns in a Triangle of Hate – The Peruvian Japanese and the United States*. University of Washington Press, 1981: 78.

¹⁰ Rhoda E. Howard-Hassmann “Getting to Reparations: Japanese Americans and Africans Americans” 824

¹¹ McAdam, McCarthy and Zald (1996) define framing as ‘the conscious strategic efforts by groups of people to fashion shared understandings of the world and of themselves that legitimate and motivate collective actions’ (Howard-Hassmann 6).

likeliness of successful reparation claims, including if the action in question was illegal at the time that it was committed, if it caused death or physical harm, and if it violates key moral precepts such as “the necessity for physical integrity, the principle of equality, and the sanctity of private property.”¹² On the legal front, the existence of influential, high-level governmental insiders are crucial, while for grassroots support, a condensation point, such as a concrete event or individual that becomes publicly symbolic of the perpetrated harm is key.¹³

Diagram 1: Questions to Consider for Successful Reparation Movements



Moving towards an application of these criteria, Howard-Hassman emphasizes that the African American claim to slavery-related reparations faces difficulty because the victims are not easily identifiable and the casual chain between past harms and present victims is long and complex.¹⁴ In contrast, I will show that the injustices suffered by both Japanese Americans and Japanese Latin Americans have clear answers to these problems, but the

¹² Ibid, 825, 835.

¹³ Ibid, 826, 828.

¹⁴ Ibid, 835.

latter movement falters due to the U.S. governments' tactical construction of a legal transnational deportation program.

Success (at the Cost of Perpetuating Exclusion): Japanese American Redress

The Japanese American redress movement was successful in winning reparations. Spurred by the social and political energy of the civil rights movement, the Japanese American redress movement started in the 1970s. At the time, there were three redress organizations that appealed to different constituencies within the Japanese American community.¹⁵ Ultimately, Japanese American Citizens League, or JACL, continued to hold dominance over the Japanese American community and, yet again, served as the spokesman and leaders of the redress movement.¹⁶ Led by JACL president Clifford Uyeda and redress chair, John Tateishi, the JACL redress movement promoted a narrative of wartime heroism and unfaltering American patriotism of Japanese Americans.¹⁷ A breakthrough came when the group shifted from lobbying for compensatory legislation to lobbying for a government commission to investigate the history of internment.¹⁸ The discovery of legal proof involving government officials' illegal attempts to justify internment¹⁹ and the testimony of 750 former internees to the Commission on Wartime Relocation and Internment of Civilian, among many other factors, propelled the congressional passage of the Civil Liberties Act in 1988.²⁰

¹⁵ Murray, A. Yang (2008). "Three Strands Woven into One Fabric." *Historical Memories of the Japanese American internment and the struggle for Redress*. Stanford, California: Stanford California Press, 2008: 291.

¹⁶ Ibid.

¹⁷ Ibid., 294.

¹⁸ Ibid.

¹⁹ Chapter 8, "Suppression of Evidence" in Peter Iron's *Justice at War* (1983) goes into detail about the falsification of government documents leading up to and during Japanese American internment.

²⁰ Yamamoto, 7; Connell, 241.

The Japanese American redress movement fits into Howard-Hassman's criteria for successful reparation movements. The movement framed the U.S. government as the perpetrator, the 120,000 Japanese Americans who were interned as the victim, and the event as wartime Japanese American internment.²¹ While many ideas were entertained for possible reparations, the ultimate demand was \$25,000 for each internee, a formal apology, and a \$100 million trust.²² Even more, the movement had the favor of government insiders, including Senator Daniel Inouye, Senator Spark Matsunaga, Representative Norman Mineta, and Representative Robert Matsui, who drafted legislation seeking \$1.2 billion to provide for individual compensation and the trust fund.²³ Grassroots support was widespread due, not only to JACL's nation-wide membership of 32,000, but also because of the applicability of the protection of constitutional rights to every American citizen.²⁴ The movement campaigned on a platform about fundamental American precepts including citizenship rights and private property.²⁵ Even more, the 442nd Infantry Regiment, which was made up of only Japanese American soldiers and became the most decorated unit in U.S. military history, became the poster child of the movement; this drew white veterans, who were aware of the unit's bravery, into the movement as witnesses in support of reparations.²⁶ Even more, the court

²¹ Ibid.

²² 297

²³ <https://jacl.org/redress/>

²⁴ Murray, 297.

²⁵ Yamamoto, 7. Further, the Japanese Americans succeeded on their reparations claims because they fit their claims tightly within the individual rights/remedies paradigm, including: (1) their challenge addressed a specific executive order and ensuing military orders; (2) the challenge was based on recognized constitutional norms (due process and equal protections); (3) both a Congressional Commission and the courts identified specific facts amounting to a violation of those norms; (4) the plaintiffs were easily identifiable as individuals (who had been interned and were still living); (5) the government defendant's agents were identifiable (military and Justice and War Department officials); (6) the illegal acts resulted directly in imprisonment of innocent people, causing these injuries; (7) the damages, although uncertain, covered a fixed time and were limited to survivors; and (8) payment meant finality

²⁶ Rhoda E. Howard-Hassmann, 19.

challenge of wartime Supreme Court decisions that resulted in the vacation of Fred Korematsu (1982), Minoru Yasui (1985), and Gordon Hirabayashi's conviction (1986) became a condensation point for the movement.²⁷ Therefore, it is clear that the Japanese American redress movement checks off all the boxes for a successful reparations movement. This is not to say that the fight was easy or that reparations were a given at the time; rather, it is to say that the hard-won victory was tactically thought out.

As with any movement with winners, there are inevitably those who are left out. The plight of Japanese American redress is ridden with group tension and disaggregation. Dissidents of the JACL had formed the two other groups campaigning for redress: National Council for Japanese American Redress and National Coalition for Redress/Reparations.²⁸ These groups were critical of JACL's historic perpetuation of the model minority, appeasing attitudes to the American government, and exclusionary track record; unfortunately, these practices were perpetuated in the redress movement, leading to the exclusion of Japanese Latin Americans, who did not fit the mold of the "American patriot" as stateless peoples during internment. Even though Japanese Americans and Japanese Latin Americans, who had fought and testify alongside them, celebrated the reparations victory together, the latter group was soon to be shocked by their exclusion from reparation eligibility.

Never Belonging: *Chino* in Peru, Detained in the U.S., and Alien in JA Community²⁹

August 10, 1988 appeared to Isamu "Art" Shibayama as a victorious day as he

²⁷ Murray, 290.

²⁸ Murray, 280.

²⁹ Kusher, Eve. (2007) "Japanese-Peruvians-Reviled and Respected: The Paradoxical Place of Peru's Nikkei." *North American Congress on Latin America*: <https://nacla.org/article/japanese-peruvians-reviled-and-respected-paradoxial-place-perus-nikkei> Much like the Yellow Peril in the United States, the hatred of Japanese descendants in Latin America---particularly in Peru is very strong. The success of the Japanese

watched President Ronald Reagan signed the Civil Liberties Act.³⁰ The efforts of the Japanese American redress movement and his testimony at the Commission hearings of his families' experience of being taken from their home in Peru, stripped of identity papers, and imprisoned in Crystal City Internment Camp had finally been heard.³¹ Yet, instead of the promised reparations and an apology letter, Shibayama, like many others who were taken by the United States troops from 13 Latin American countries during World War II, received a letter from the government denying their applications for reparation payment.³² These individuals, deemed "illegal" by the U.S. government, did not qualify for the reparations that were limited to United States citizens and permanent resident aliens of Japanese ancestry during World War II.³³ In fact, the Japanese Latin Americans were mentioned in the appendix of the long report, but there was no recommendation of any sort of redress.³⁴ In this section, I introduce the efforts of the Campaign for Justice to attain reparations for Japanese Latin Americans that have seen little success, before introducing a new reading of transnational Japanese American history that gives way to a redress movement focused on international law.

Unsuccessful Case: Japanese Latin American Campaign for Justice

immigrants generated resentment... fueled by these trends, in May 1940 about 600 Japanese homes and businesses in Lima and Callao were attacked and looted. Despite such tensions most Japanese Peruvians were, by this time, deeply rooted in Peru, and the 1940 census reported 17,598 Japanese immigrants and 8,790 Peruvian citizens of Japanese descent, at least forty percent of who were women and children (Saito 281).

³⁰ Hidden Internment: The Art Shibayama Story, dir. Casey Peek (2004)

³¹ Ibid.

³² Collins, 242.

³³ Yamato, Sharon. Civil Liberties Act of 1988. (2014, May 12). *Densho Encyclopedia*. Retrieved April 22, 2019.

The Japanese Latin American pursuit for reparations equal to those of Japanese Americans is yet to be successful.³⁵ In 1996, the American Civil Liberties Union-Southern California, Nikkei for Civil Rights and Redress³⁶, and the Japanese Peruvian Oral History Project³⁷ joined forces to form the Campaign for Justice: Redress NOW for Japanese Latin Americans.³⁸ With goals of securing proper redress for Japanese Latin American internees and of educating the public about the Japanese Latin American experience, members of the campaign filed *Mochizuki v. USA*, a class action lawsuit in the US Central District Court seeking inclusion of Japanese Latin Americans for redress in the Civil Liberties Act of 1988.³⁹ The result in 1998 was a generic apology and a \$5,000 compensation payment, a quarter of what was offered to Japanese American former internees.⁴⁰ Many like Shibayama, who found the decision to be a “slap in the face,” rejected the settlement agreement and filed lawsuits that sought equitable redress under constitutional and international law, charging the US government with crimes against humanity.⁴¹ Legislation and petitions introduced in the early 2000s, including the introduction of “The Wartime Parity and Justice Act,” the filing of the OAS petition, and the introducing of the “Commission on Wartime Relocation and Internment of Latin

³⁵ A detailed account of the formation of the Campaign for Justice and judicial undertakings can be found in Connell: 242-244.

³⁶ Formerly known as the National Coalition for Redress & Reparations

³⁷ A project established in 1991 in the San Francisco/Bay Area to preserve family histories, educate the public about the JLA wartime experience and to provide redress information and referrals to former JLA internees and their families.

³⁸ <http://www.campaignforjusticejla.org/history/index.html>

³⁹ Torres, L. (2009, Summer). Japanese Latin Americans Await Justice. *Hyphen Magazine*, , 23-23,5. Retrieved from

<https://proxy.library.upenn.edu/login?url=https://proxy.library.upenn.edu:2174/docview/217893899?accountid=14707>

⁴⁰ Ibid.

⁴¹ Shima v. Reno (1998), Shibayama v. Reno (1999)
<http://www.campaignforjusticejla.org/history/index.html>

Americans of Japanese Descent Act,” still remain under review today in 2019.⁴² As survivors of the internment get older day by day, the movement is suffering from the loss of iconic leaders, such as Art Shibayama, who passed away last year while awaiting ruling on his court case from 13 years ago.⁴³

Critics may claim that it is far too soon to label the Campaign for Justice as an unsuccessful redress campaign. It is true that righting a wrong that is entrenched in centuries of racist history could easily take more than 30 years. However, based on Howard-Hassman’s framework and Eric Yamamoto’s warnings about the dangers of reparations, I assert that there is a fundamental need to reframe the redress campaign.

The Campaign for Justice fits Howard-Hassman’s framework of successful reparation claims, except for the insurmountable problem of legality based on the government’s tactical fixation on citizenship rights. The Japanese Latin Americans have clearly identified the U.S. government as perpetrators of an inhumane deportation-internment program between 1941-1946 of 2,294 Japanese Latin Americans.⁴⁴ These plaintiffs had lost homes and possessions, at least 331 men were forced to perform hard labor in the Panama Canal Zone, 865 were used in an exchange program of POWs with

⁴² In 2000 Congressman Xavier Becerra (CA-D) introduced "The Wartime Parity and Justice Act", a comprehensive redress legislation which would provide proper redress to Japanese Americans and Japanese Latin Americans who have been denied an apology and compensation payments and to reestablish the Civil Liberties Public Education Fund. In 2003 the Campaign filed a petition on behalf of the Shibayama brothers with the Inter-American Commission on Human Rights (a body of the Organization of American States), seeking to hold the US government accountable for the ongoing failure to provide redress for war crimes and crimes against humanity. Lastly, 2006 Senator Inouye and Congressman Becerra introduced "Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act" to investigate facts and circumstances about the relocation, internment, and deportation of Latin Americans of Japanese descent, much like the JAACL investigation during redress. Ibid.

⁴³ Roberts, Sam. (2018). Isamu Shibayama Dies at 88, His Quest for Reparations Unfulfilled.” *New York Times*: <https://www.nytimes.com/2018/08/17/obituaries/isamu-shibayama-dies-at-88-his-quest-for-reparations-unfulfilled.html>

⁴⁴ Gardiner, 185.

Japan⁴⁵, and most were interned in U.S. Immigration and Nationalization Service (INS) camps⁴⁶ indefinitely without charge or hearing.⁴⁷ The claims are also clear: to be treated equally and given equal reparations as the Japanese Americans.⁴⁸ While at first hard-won, within-government supporters and grassroots support was gained through the Campaign's education efforts.⁴⁹ The problem lies, then, in the legality of the event when it occurred. The simple answer provided by the government when pressed with questions about the lack of reparations provided to Japanese Latin Americans is that the internment of enemy aliens, which the Japanese Latin Americans had unknowingly become, was legal.⁵⁰ Given these points, the Campaign for Justice is fighting a lost battle against the government who tactfully disempowered the Japanese Latin Americans in the eyes of the law regarding this inhumane and unjust human trafficking project. Instead, I work off of Cathleen K. Kozen's reading of Japanese (Latin) American internment to propose a new and necessary platform for fighting for reparations from this point forward.

A Path Forward: Transnational Reparations

It is clear through a neocolonial militaristic reading of the United States government's actions during World War II in the Americas that the current Campaign for Justice is futile and must be redirected to enforce the U.S. government to adhere to international laws. This new conceptualization of internment history moves away from a separation between the occurrence in the United States and Latin America, but rather sees

⁴⁵ Others were also deported to Japan, but "repatriation" is not a particularly appropriate term here, as they were not all Japanese citizens and those who were had left long ago with no intent of returning.

⁴⁶ In Santa Fe, New Mexico, and Kenedy, Seagoville, and Crystal City, Texas.

⁴⁷ Taylor Saito, 330.

⁴⁸ Connell, 243.

⁴⁹ Evidenced by the within Congress bill support and educational efforts in the grassroots <http://www.campaignforjusticejla.org/history/index.html>

⁵⁰ Connell, 243.

what happened in the Americas in the name of “hemispheric security” as deeply entrenched in U.S. colonialism.⁵¹ This move shows the impossibility of the little guys (Japanese Latin Americans) to fight against the big guys (U.S. Government); terms not derived from my personal belief, but rather by the systematic ways in which the United States assured that the Japanese Latin Americans would have no lawful claim to rights on American soil from the very start. Albeit the many similarities of now-exposed lies by the U.S. Government about the military necessity of Japanese American internment and Japanese Latin American deportation,⁵² the latter group never had access to rights in the U.S.; therefore, the fight for redress for a group fighting to regain and reclaim the rights that their citizenships granted them versus the fight for redress of a group systematically disempowered from the start are different, and therefore, require different strategies.

The new strategy is based on moving away from the national imagery of Japanese American internment towards a realization of the United States’ globalized military violence during World War II. Many scholars who discuss Japanese Latin American Internment specifically distinguish it from the domestic situation for the Japanese American, such as by citing the difference in WRA and INS camps.⁵³ In contrast, in

⁵¹ Kozen, C.K. (2016) *Justice and its others: On the Politics of Redress for Japanese Latin Americans*, 115.

⁵² Taylor Saito, 289: John Emmerson, who oversaw the detention of Japanese Peruvians to the United States, summarized that, “To the Peruvians, the war was a faraway fire. Not directly involved, although pro-Allied in sentiment, they set about to enjoy the advantages, and these included war on the Axis economic stake. The measures taken against Axis nationals...were welcomed for their destruction of unwanted competition.” The President’s words reflected these interested of elimination the “Japanese colony in Peru.” Citizenship was not of concern as the U.S. States Department suggested a denaturalization law. However, by January 1943, “the Justice Department could no longer ignore the fact that the United States was interning people who neither posed a threat nor, as Peruvian citizens, were even enemy aliens. ...The ‘screening’ done by Emmerson for the State Department and Ickes for the Justice Department had little effect. Of the 119 men interned by the U.S. government in February 1943, only 15 had been on the U.S. list. The rest were selected independently, and apparently quite randomly by Peruvian authorities.”

⁵³ Collins, 152. The Japanese Americans were interned in camps under the War Relocation Authority. The Japanese Latin Americans were interned in INS camps run by the Department of Justice. The Geneva Convention overlooked these camps specifically as camps holding prisoners of war. While this might that

“Traces of the Transpacific U.S. Empire A Japanese Latin American Critique,” Cathleen K. Kozen argues that U.S. involvement in Latin America was precisely an imperialist militarization undertaken during a supposed period of non-intervention under the Good Neighbor Policy of 1933. By marketing Pan-Americanism, the U.S. successfully convinced---more appropriately, coerced⁵⁴---the 13 Latin American countries to participate in the hemispheric security plan. The countries themselves certainly had their interests, often of getting rid of the economic competition brought by Japanese businessmen, but the increased U.S. presence in Latin America is undeniable from the \$29-million armaments Lend-Lease agreement with Peru and the posting of U.S. FBI agents and embassies throughout Latin America starting in 1939.⁵⁵ This argument speaks volumes, especially when paired with primary accounts that echo the lack of true security threat in Peru⁵⁶ and the lack of genuine U.S. concern over the Japanese Latin Americans they were detaining.⁵⁷ Hence, given the admitted lack of military necessity of the transnational internment program, a reading of the events as a U.S. imperialist project becomes more convincing.

Sadly, it was not just the U.S. government that perpetuated these imperialist practices. The Japanese American community turned a blind eye to the

there was some international oversight of these camps, it also directly signified the illegality placed on these Japanese Latin Americans (Taylor Saito, 320).

⁵⁴ Taylor Saito, Emmerson, the primary investigator for “dangerous” Japanese Peruvians wrote in his Memorandum on the Control of Japanese in Peru that “Pressured by American authority, the Peruvians zealously imposed controls on the movements and activities of Germans and Japanese...All Japanese schools, organizations, and newspapers were closed, and Japanese were frequently arrested for illegal assembly...[and] were prohibited from traveling... (Emerson 137-28).

⁵⁵ Ibid. 122.

⁵⁶ In his 1978 publication, Emmerson points to U.S. culpability in the ‘forcible detention of Japanese from Peru,’ which he states ‘was clearly a violation of human rights and was not justified by any plausible threat to the security of the Western Hemisphere.’ (Taylor Saito, 124)

interconnectedness of the internment projects, and as a result, excluded the Japanese Latin Americans from the redress law. The restricted mindset of countries' functioning only within their national boundaries⁵⁸ is echoed in a response by Representative Norman Mineta when promoted by Representative Howard Berman about the in/exclusion of Japanese Latin Americans in the Civil Rights Act:

First of all, this bill is really to benefit US citizens who have been wronged by the actions of their own government. So I would think that this bill would not extend to, let's say, the act of the Peruvian government which, at that time, sent them to the United States.

While important to understand that Representative Mineta and other redress advocates were on a tight crunch to ask for just enough but not too much, it remains problematic that he and the JACL refused to the interconnectedness and culpability of the United States, not only in the case of Japanese Latin American deportation, but also in association to the conditions of other minority groups.⁵⁹ This begs that question that Yamamoto posed in 1999: "Are Japanese American reparations about redress for Japanese Americans or are they also about ending racial injustice for all?"⁶⁰ Mineta's exclusionary answer and the subsequent actions of the JACL to create a platform that begets more American supporters, while restricting eligibility and applicability of the redress victory to other minority efforts seems to suggest a grim answer. Even more, Yamamoto's warnings about the danger of reparations that "could in the long term 'unwittingly be seduced into becoming one more means of social control that attempts to

⁵⁸ For example, in how despite construction of a "dangerous" aliens list and full funding for deportations trips among many factors, the U.S. pointed fingers at the Latin American governments for their inhuman treatment of citizens instead of admitting to any cooperation in the project (Kozen, 123).

⁵⁹ Also apparent in the adamant push back to the National Coalition for Redress/Reparations, whose main focus was the historic continuity of racism and the need to collaborate with other oppressed groups (Third World Solidarity), Murray 230.

⁶⁰ Yamamoto, 5

neutralize the need to strive for justice” is worth mentioning here.⁶¹ Given the 30-year stall to attain reparations for Japanese Latin Americans, especially in a rigged game in favor of the U.S. Government who controls the laws, there is a pressing need to push for a larger change of the reparations evaluation system that properly addresses social realities.

In consideration of the transnational nature of wartime crimes, there is a necessity to shift the barometer for measuring the lawlessness of governmental actions from domestic to international law. Unlike in many countries, like Germany, where international law rules in tandem with domestic law, the United States treats the two as separate entities.⁶² A ruling in U.S. court that is not in accordance with international law but abides by U.S. law is deemed acceptable by this standard.⁶³ It does not take review of much of U.S. history to realize the dangers of jurisdiction of solely domestic law that has, especially in times of war, failed to protect the rights of its citizens. Furthermore, under international law, Japanese Latin American Reparations would find much more traction. In reality, the United States is currently violating international law by not paying for reparations of illegal wartime deportation.⁶⁴ Taylor Saito proposes that by “creating an oversight system designed to keep American foreign policy in touch with international law, providing real compensation of Japanese Latin Americans and other victims of human right abuses, the United States could convey the message that international law is to be taken seriously.”⁶⁵

⁶¹ Yamamoto, Eric K. “Friend, Foe, or Something else,” *Denver Journal of International Law and Politics* (20 (1992), 232).

⁶² Taylor Saito, 327.

⁶⁴ Taylor Saito, 331. War-time abduction, incarceration, and deportation of civilians is deemed illegal by international law by the Commission on Human Rights

⁶⁵ Taylor Saito 346.

Lastly, the key component to pushing for Japanese Latin American reparations through the international law framework is to package it in a way that the current administration would be interested: as an international security measure. This is a key concept foundational to critical race theory; Derrick Bell's interest-convergence thesis suggests that "dominant groups will only concede 'rights' to minorities when the exercise of those rights benefits the dominant groups overall interest."⁶⁶ In our case, this is to say that the government will likely confer reparations only when it furthers the interests of those in power.⁶⁷ Given this theory, it is certainly a step, but not quite effective enough that Art Shibayama shifted his focus from domestic to human rights law when he took the case to the Inter-American Commission on Human Rights in 2003.⁶⁸ After all, United States problematically refused to participate in the Commissions hearings in 2017; this unprecedented no-show by the U.S. government is a "worrying sign" that the Trump administration not only was 'launching an assault on human rights at home' but also was 'weakening' the post-war international institutions set up to 'hold abusive governments accountable.'⁶⁹ It is necessary for civil society, as well as political members to emphasize the fact that "when a nation as powerful as the United States refuses to abide by [international laws], the stage is set for other governments and non-governmental groups—including the 'terrorist' organizations frequently denounced by the United States—to ignore international law when it suits them."⁷⁰ After all, the effectiveness of

⁶⁶ Yamamoto 10.

⁶⁷ It can be read that the U.S. Government distributed reparations to Japanese Americans as it was in their favor during the Cold War Era to undo wrongs in order to appear as a just nation, without plot holes

⁶⁸ Adams, There are also strives in the positive direction. Namely, the members of the Inter-American Commission on Human Rights, including Commission President Francisco José Eguiguren Praeli, a former Peruvian Justice minister, offered personal apologies and promised to seek the truth about the U.S. program following the 2017 hearings.⁶⁸

⁶⁹ Ibid.

⁷⁰ Taylor Saito, 340.

international law rests in the recognition it receives from each nation-state. The hypocritical actions of the United States inevitably put U.S. citizens in danger by lowering the expected observation of international law.

In conclusion, in analyzing the Japanese American redress movement and the Japanese Latin American Campaign for Justice, I argued that the latter has not won reparations due to the legalities connected to U.S. citizenship. As the United States controlled this situation, by taking away passports and forbidding the issuance of visas, there is a need for the Campaign for Justice to advocate to be judged according to international law. The positive repercussions of this are not limited to reparation victories for the Japanese Latin Americas, but expand out to other minority groups for whom justice under U.S. law is difficult. Moreover, in an ever-transnational world, it is imperative that international law be enforced in the United States, as well as other nation-states to safe guard the wellbeing of all peoples.

Bibliography

Connell, T. (2002). *America's Japanese hostages : the World War II plan for a Japanese free Latin America*. Westport, Conn: Praeger.

Executive Order 9066, February 19, 1942; General Records of the United States Government; Record Group 11; National Archives.

Ferstman, C. (2012). *Reparations* Oxford University Press.

doi:10.1093/obo/9780199796953-0003

Gardiner, Harvey (1975). *The Japanese And Peru, 1873-1973* (1st ed.). Albuquerque: University of New Mexico Press, 123

Gardiner, Harvey (2013). *Pawns in A Triangle of Hate – The Peruvian Japanese and the United States*.

Gibney, M., Howard-Hassmann, R.E., Coicaud, J.M., & Steiner, N. (Eds.). (2008). *The Age of Apology: Facing Up to the Past*

Hidden Internment: The Art Shibayama Story, dir. Casey Peek (2004)

Howard-Hassmann, R. E. (2004). Getting to reparations: Japanese Americans and African Americans. *Social Forces*, 83(2), 823-840. doi:10.1353/sof.2005.0012

Kozen, C. K. (2016). *Justice and its others: On the politics of redress for Japanese Latin Americans*

Kusher, Eve. (2007) "Japanese-Peruvians-Reviled and Respected: The Paradoxical Place

- of Peru's Nikkei." *North American Congress on Latin America*:
<https://nacla.org/article/japanese-peruvians-reviled-and-respected-paradoxial-place-perus-nikkei>
- McElhinny, B. (2016). Reparations and racism, discourse and diversity: Neoliberal multiculturalism and the Canadian age of apologies. *Language and Communication*, 51, 50-68. doi:10.1016/j.langcom.2016.07.003
- Minow, M. (2002). *Breaking the cycles of hatred: Memory, law, and repair*. Retrieved from <https://proxy.library.upenn.edu:2201>
- Murray, A. Yang (2008). "Three Strands Woven into One Fabric." *Historical Memories of the Japanese American internment and the struggle for Redress*. Stanford, California: Stanford California Press, 2008
- Thompson, J. (2001). Historical Injustice and Reparation: Justifying Claims of Descendants. *Ethics*, 112(1), 114-135. doi:10.1086/339139
- Torres, L. (2009, Summer). JAPANESE LATIN AMERICANS AWAIT JUSTICE. *Hyphen Magazine*, 23-23,5. Retrieved from <https://proxy.library.upenn.edu/login?url=https://proxy.library.upenn.edu:2174/docview/217893899?accountid=14707>
- Torpey, J. (2003). *Politics and the past : on repairing historical injustices*. Lanham, Md: Rowman & Littlefield.
- Yamato, Sharon. Civil Liberties Act of 1988. (2014, May 12). *Densho Encyclopedia*. Retrieved April 22, 2019.
- Yamamoto, Eric (1999). What's next?: Japanese American redress and African American

reparations. *Amerasia Journal*, 25(2), 1-17.

doi:10.17953/amer.25.2.h642g6t741w62211

Yamamoto, Eric K. "Friend, Foe, or Something else," *Denver Journal of International Law and Politics* (20 (1992), 232).