

# Opposition to Comfort Women Memorials in the United States

Written by Thomas J. Ward and William D. Lay

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THOMAS J. WARD AND WILLIAM D. LAY, FEB 28 2019

**This is an excerpt from *Park Statue Politics: World War II Comfort Women Memorials in the United States*.  
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Japan emerged as a major regional power with imperial aspirations at the beginning of the twentieth century. Between 1895 and 1905 it defeated two longstanding major world powers, China and Russia. Japan found and still finds much of its strength in its traditions and cultures, in which Shintoism has long played a pivotal role. Writing in 1915 on the relationship between the Japanese of his generation and those of the past, Shinjiro Kitasawa explained the centrality of revering the past, particularly commemorating those who had given their lives in service to the Emperor and the nation. Kitasawa described how in the late nineteenth and early twentieth centuries the Emperor visited the Shokon Shrine within Yasukuni twice each year to pay his respect to Japan's war dead. Kitasawa also described the central role played, not by a fixed moral code but by "the promptings of conscience for ethical guidance." This approach to moral decision-making based on the "promptings of conscience" obviously invites outsiders to ask what determines good and evil if it boils down to conscience. How does one challenge the morality of a governmental decision in any situation if justified based on the assertion that a leader acted based on conscience? How can one ascertain whether a political or a military leader indeed acted based on conscience?

Shintoism emphasizes revering the past, which helps to explain the centrality of ancestral rites in Japanese culture. Kitasawa points out that, in Japanese, "the ancient term for government, *matsurigoto*" simply meant "matters of worship." Elaborating on this central dimension of Shintoism, he explains that "the reverential service to the dead, the gratitude of the present to the past, and the conduct of the individual in relation to the entire household are the chief duties of Shinto believers." [1]

The longstanding tradition of revering the past and the impossibility of determining whether historical actors felt that they acted from conscience rather than raw ambition provides some insight into the dilemma that Japan faces in assessing the morality of Japan's colonial rule of East and Southeast Asia. A significant voice in Japan still denies the mistreatment of comfort women and defends Japan's colonization of large swaths of Asia and points to the positives of modernization that Japan brought to the region, including Korea. They hold steadfast in their position that the WWII generation of Japanese deserve to be honored because they acted based on conscience. To such individuals, the war was an ethical decision, an effort by Japan to confront Western colonial powers who manipulated and exploited Asia for their own benefit. Actions taken to explicitly expand Japan's power or resource base could be understood as actions taken by Japan for the sake of freeing Asia from European influence and colonialism.

A 2005 *New York Times* article on the Hiroshima Peace Memorial Museum points to challenges that the Japanese face in coming to terms with viewing Japan as a perpetrator of war, and observes that many scholars in Japan feel a national "sense of victimhood prevents citizens from accepting responsibility for Japanese aggression against other countries." [2]

Ultrnationalists defend Japan's alleged criminal behavior in the Pacific War based on the conduct of Western imperial powers in Asia and Africa, suggesting that any wrongdoings by Japan pale in comparison and that Western

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imperialism was not characterized by the same level of progress and prosperity that Japanese colonialism produced. Many Japanese believe still today that, through their colonization of not just Taiwan but also Korea, they improved inhabitants' circumstances. A recent Japanese publication makes this point by contrasting Japan's improvement of Korean living conditions with the exploitative colonial practices of the European powers.[3]

## **Japan's Efforts at Making Amends**

Emperor Hirohito refused to visit the Yasukuni Shrine after the enshrinement of Japan's Class A War criminals in 1978. Emperor Akihito has not visited Yasukuni since becoming emperor, sending lesser members of the royal household instead. However, some Japanese government ministers, including Prime Minister Shinzo Abe, have visited the shrine to pay their respects to Japan's war dead. The museum inside Yasukuni displays the final letters written to loved ones by many of Japan's suicide or Kamikaze pilots, affirming their determination to fight until the end to destroy the American enemy.

In 2005 a monument was created inside the Yasukuni Shrine to honor Dr. Radhabinod Pal, an Indian judge who served on the Tokyo War Crimes Tribunal.<sup>[4]</sup> Pal was the only judge on the tribunal who questioned both its legitimacy and its rulings. He voted to acquit all the Japanese defendants charged with Class A crimes against peace, though he did find Japanese defendants guilty of other crimes. Pal accused the United States of provoking the war with Japan through embargoes on scrap iron and oil, which led Japan to take military action.<sup>[5]</sup> In 2007 Japanese Prime Minister Shintaro Abe, on a state visit to India, made a point to travel to the home of Pal's surviving son, Prasanta Pal, to pay his respects. In an address to the Indian Parliament, Abe paid homage to Pal stating, "Justice Pal is highly respected even today by many Japanese for the noble spirit of courage he exhibited during the International Military Tribunal for the Far East."<sup>[6]</sup> The stated purpose of the Yasukuni Shrine is to console and reward the war dead. But the messaging of the shrine and the museum located there lends support to the view that the Greater East Asia War or Pacific War was not a war of aggression but a defensive war that was meant to help other parts of Asia become independent from Western colonial powers.<sup>[7]</sup>

Japan's sense of national pride runs deep, as does Korea's. While most Japanese know that manifest wrongs were committed by Japan during Japan's occupation of other Asian countries, they have shown great resistance to extending an official apology for the comfort women system from Japan's Prime Minister or from the Emperor. They also have great reservations about assailing their heritage through providing education about the comfort women in Japan's schools and in textbooks.

The maintenance of both personal and national "face," or perceptions regarding respectability in front of others, is extremely important in Japan. The proliferation of comfort women statues in Korea and especially now in America strikes at the very soul of Japan. Koreans erect statues in the United States, denouncing Japan for its demeaning and cruel treatment of the comfort women. The Japanese as well as other students of history recognize that the Korean narrative diplomatically circumvents any discussion of American culpability for U.S. military use of the comfort women system after the war, which led to American GIs patronizing and thus enabling a prostitution ring on a massive scale in Japan, Korea, and the Philippines for decades. Unlike the Koreans, however, the Japanese are not involved in a campaign to proliferate memorials in small towns that denounce America for the bombing of Hiroshima or for the internment of Japanese-Americans during WWII under an executive order of President Franklin D. Roosevelt. Japan takes seriously statements or insinuations which challenge the pride and respectability of itself as well as others.

When American municipalities agree to erect monuments to the comfort women that make inaccurate allegations on the methods of procurement and on the numbers of comfort women, Japanese who oppose the monuments feel that the real intent of the monuments is not to defend human rights and women's rights. The monuments are viewed as an attack on Japanese character. The monuments, while embarrassing Japan, allow other actors in the comfort women travesty, including the Korean collaborators who helped to round up comfort women and the Americans who later used the system, to judge Japan with impunity.

## **Those Most Opposed to Exposing Japan's Past**

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A significant voice in Japan still denies the mistreatment of comfort women and points to ways in which the Japanese occupation of Korea and Taiwan furthered modernization in those countries. Japan's key actors in opposing the comfort women memorials include not only CSOs but parts of the Japanese government itself. Korean civil society support exceeds the support which Japanese and Japanese-American civil society opposition groups have garnered. A significant portion of Japanese society does not find offense in what Koreans have done to promote the comfort women issue.

The December 2015 settlement of the comfort women issue obliged Prime Minister Abe to rethink the denialist position that many Japanese had supported until then.[8] On behalf of Prime Minister Abe, Japanese Foreign Minister Kishida Fumio expressed the following at the time of the December 2015 settlement:

As Prime Minister of Japan, Prime Minister Abe expresses anew his most sincere apologies and remorse to all the women who underwent immeasurable and painful experiences and suffered incurable physical and psychological wounds as comfort women.[9]

The Japanese government, including the diplomatic corps and members of Japan's Parliament (Diet), nevertheless, remains active in opposing the proliferation of statues and memorials that reflect a Korean narrative that holds only Japan accountable and portrays other actors, including Koreans collaborators who recruited for the comfort women system as well as Americans who used the system in the months following the war, as wholly blameless.

## **The Global Alliance for Historical Truth (GAHT)**

The Global Alliance for Historical Truth (GAHT), headquartered in California and Tokyo, has strongly vocalized its objections to the Korean narrative on the comfort women issue. It has taken legal action against some of the cities that have erected memorials. Glendale, California has been GAHT's principal target.

GAHT has denounced the proliferation of comfort women monuments in the United States, especially since the 2013 Glendale decision to set up a memorial statue. On its website, GAHT explains its origins and purpose as follows:

GAHT is based in Santa Monica, California, Tokyo and USA. It was officially recognized as a specified nonprofit corporation in March of 2015 in Japan. In the United States, on February 6, 2014, we received the official approval of California State as Non-profit Public Benefit Corporation (registration number 46-4768503). The main activities are educational activities that let you understand historical events based on facts through publications, lectures and broadcasts. These two organizations (i.e., the Japan and U.S.-based organizations) complement each other and cooperate and act to achieve the purpose.[10]

Dr. Koichi Mera, a Harvard-trained economist and Tsukuba University professor, serves as founding president of GAHT. In an August 2016 luncheon meeting with Tokyo's foreign correspondents, Mera described GAHT as having 15 core members as well as 500 others on their regular mailing list. Mera maintained, however, that GAHT receives donations for its advocacy efforts and that "more than 10,000 are supporting" GAHT activities.

Mera contends that today's standards should not be invoked to judge Japan's conduct during the "quite different world" of WWII. GAHT disputes the Korean position that the comfort women were "sex slaves." He contrasts the attitude toward prostitution in Asia and America:

In this part of Asia, prostitution is a profession and not illegal. When women were born in a poor household, one way of making a living was going to that profession.[11]

## **The Glendale Litigation**

The first full American replica of Seoul's comfort women statue was dedicated in Glendale, California, on July 30, 2013, with the near-unanimous approval of the City Council. Glendale Mayor Dave Weaver cast the only dissenting vote. Weaver deplored the "deep divide" that he believed the memorial created between Glendale and its sister city

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of Higashiosaka.<sup>[12]</sup> On October 1, 2013, Weaver wrote a letter of regret for the Council's vote to Yoshikazu Noda, the Mayor of Higashiosaka stating that he objected to the installation in the absence of a master plan for Glendale's Central Park, and added that he believed that the issue "is an international one between Japan and South Korea and the City of Glendale should not be involved on either side."<sup>[13]</sup> As in the case of Palisades Park, the dedication of the statue led to an official protest and a visit to Glendale by members of the Japanese Diet.<sup>[14]</sup>

The dedication also sparked a lawsuit filed on February 20, 2014, calling for the statue's removal. Plaintiffs in the action were Michiko Gingery, a Japanese-born Glendale resident, the Global Alliance for Historical Truth-US (GAHT-US), and Koichi Mera, the GAHT-US president. These plaintiffs claimed that the monument was offensive and impeded them from using the public park. They further contended that its installation unconstitutionally intruded on the United States government's executive branch's authority to conduct foreign policy, and that Glendale's Municipal Code had not been adhered to in approving the monument.<sup>[15]</sup>

The City moved to dismiss the action for lack of standing (the actual injury required for any plaintiff to bring an action) and on other grounds, including that the complaint presented a non-justiciable political question. In opposition, the plaintiffs likened themselves to lesbian and atheist couples in the case of *Barnes-Wallace v. City of San Diego*, who were able to maintain a lawsuit against San Diego for leasing a public park to the Boy Scouts because they "[we]re offended by the Boy Scouts' exclusion, and publicly expressed disapproval, of lesbians, atheists and agnostics," contending that the leasing violated the Establishment and Equal Protection Clauses.<sup>[16]</sup>

The Glendale plaintiffs argued that they too felt excluded from a public place due to unconstitutional conduct. They claimed that in the context of international disagreement regarding the comfort women, erecting the statue in the public park violated the Supremacy Clause (U.S. Constitution Article IV, Clause 2, establishing the U.S. Constitution and federal law as the "supreme law of the land") and the separation of powers set forth in the U.S. Constitution.<sup>[17]</sup>

The plaintiffs' arguments were unavailing. In denying standing, District Judge Percy Anderson distinguished the *Barnes-Wallace* case, and ruled that the plaintiffs lacked standing to sue and failed to state a claim for relief.<sup>[18]</sup>

The Ninth Circuit Court of Appeals disagreed on the standing issue, but affirmed on the issue of failure to state a claim.<sup>[19]</sup> With respect to standing, the Appeals Court noted that a plaintiff must demonstrate "(1) the existence of an injury-in-fact that is concrete and particularized, and actual or imminent; (2) the injury is fairly traceable to the challenged conduct; and (3) the injury is likely to be redressed by a favorable court decision."<sup>[20]</sup> The Court observed that Mera is a Japanese-American resident of Los Angeles who would like to use Glendale's Central Park and its Adult Recreation Center, but avoids doing so because of the monument. "[L]ike the plaintiffs in environmental cases, Mera has alleged both that he avoids public land that he would like to use again, and that his enjoyment of the park and the park's facilities has been 'diminishe[d].'"<sup>[21]</sup> The Appeals Court also found that Mera's alleged injuries were fairly traceable to the challenged conduct, and that a favorable decision would be likely to redress his injury. Thus, Mera had standing to redress Glendale's actions.

However, the Appeals Court agreed with the lower court that the plaintiffs had failed to state a claim that Glendale's installation of the Comfort Women monument is preempted under the foreign affairs doctrine. The court found that while it "is well established that the federal government holds the exclusive authority to administer foreign affairs," Glendale's installation of the monument "concerns an area of traditional state responsibility" that does not intrude on the federal government's foreign affairs power.<sup>[22]</sup>

Interestingly, in reaching that decision, the Appeals Court found it necessary to determine Glendale's "real purpose" in erecting the memorial. Plaintiffs had asserted that Glendale intended to "insert itself into foreign affairs." Relying on the language of the memorial's plaque, the Appeals Court disagreed, finding instead that

Glendale's self-stated purposes are: (i) to preserve the "memory" of the Comfort Women, (ii) to "celebrate" Glendale's proclamation of a "Comfort Women Day" and the House of Representatives' decision to pass a resolution addressing historical responsibility for the Comfort Women, and (iii) to express "sincere hope" that "these unconscionable violations of human rights shall never recur."<sup>[23]</sup>

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Given its legitimate purposes, Glendale had authority to erect the monument.

Thus, the dismissal was directly based on a determination that Glendale did not seek to put pressure on Japan to come to terms with the comfort women redress movement. Nowhere in the decisions of either the District Court or the Court of Appeals is the full inscription on the monument referenced. Specifically, the Court never referenced the prefatory, and arguably most inflammatory phrase: "I was a sex slave of Japanese military."

The Appeals Court did not consider the intentions of the Korean-American civil society groups that had induced Glendale to put up the monument, and whether they sought only to preserve historical memories, or in fact wanted to exert pressure in international affairs. The United States Supreme Court declined further review of the case.<sup>[24]</sup>

A parallel California state court's litigation focused on alleged irregularities in approving the installation. The City Council was apparently not told what the text of the plaque would be, circumstances that the plaintiffs alleged were a violation of Robert's Rules of Order. In support of the plaintiffs, Masatoshi Naoki submitted a declaration to the court concerning a July 9, 2013 City Council meeting that discussed the monument. He stated that the Glendale City staff presented only a schematic diagram depicting the proposed monument. Pointedly, "[i]n response to an inquiry from City Councilman Ara Najarian as to what language would appear on the plaque," staff member Dan Bell merely stated that it would be "some general language commemorating comfort women."<sup>[25]</sup>

The court acknowledged that the City Council approved the monument without knowing what the inscription would state, but ruled that the decision to defend the lawsuit was a *de facto* approval of the inscription.<sup>[26]</sup> Perhaps the sponsors were concerned that the statement "I was a sex slave of the Japanese military" might be viewed as unacceptable in a city that is home to survivors of the U.S. WWII Japanese Internment camps.<sup>[27]</sup>

Notably, Judge Michael P. Linfield pointed to H. Res. 121 in support of his ruling dismissing the lawsuit.<sup>[28]</sup>

It appears from the Glendale decisions that lawsuits to block further memorials on constitutional grounds will encounter serious obstacles. And the legal obstacles that plaintiffs would face will be compounded by public relations efforts against critics of the memorials. The Glendale plaintiffs' counsel, the Mayer Brown law firm, was subjected to withering criticism for providing legal representation to the plaintiffs. "Would any self-respecting U.S. law firm represent a client who suggested that the Jews deserved the Holocaust?" stridently asked a piece in *Forbes*,<sup>[29]</sup> although the Glendale plaintiffs had not suggested that the comfort women deserved to be mistreated. Other commentators agreed. Attorney Ken White blogged, "I cannot remember a lawsuit that so immediately repulsed and enraged. . . . This lawsuit is thoroughly contemptible. It should fail, and everyone involved should face severe social consequences."<sup>[30]</sup> Rather than continue to represent political pariahs, Mayer Brown backed out of the representation,<sup>[31]</sup> and other attorneys may think twice about the "social consequences" of objecting in court to the memorials.

## GAHT and the Memorials

Notably, the Glendale memorial was viewed by GAHT as particularly offensive and led to litigation as well as official protests from the government of Japan.<sup>[32]</sup> Japanese diplomats and business representatives have also lobbied to curtail the building of monuments in New Jersey, Washington, D.C., Atlanta, Georgia, New York City, Virginia, Michigan, and in various small towns in California, as well as San Francisco.

Japan argues that the Glendale statue impedes progress in Japan-Korea deliberations. It further argues that the statue violates the U.S. Constitution, which prohibits states from building separate foreign alliances. The diplomatic and legislative branches of the Japanese government began advocacy against the memorials following the 2010 dedication of the first local monument in Palisades Park, New Jersey. In May 2012 Shigeyuki Hiroki, Consul General of Japan in New York, visited the office of Palisades Park Mayor James Rotundo. According to Rotundo, Hiroki described the monument as a "stumbling block" to improving relations between the United States and Japan. <sup>[33]</sup> Rotundo maintained (and Mr. Hiroki denied) that in the course of the meeting the Consul General "offered trees, a youth exchange program between the two countries, and books for the public libraries to improve the relationship

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between the two countries.”[34] Four members of the Japanese Diet also visited Rotundo’s office on May 6, 2012. They disputed the inscription that stated that the total number of comfort women exceeded “200,000 women and girls”[35] and they also denied that these women had been “abducted.” Instead they maintained that the women were fairly “paid to come and take care of the troops.”[36]

As in the case of the United States, Japan’s parliament (the Diet) does not speak with one voice. Those of Japan’s Diet who have visited not just New Jersey but also city officials in New York, Virginia, and California represent the nationalist Liberal Democratic Party (LDP) faction within the Diet. As we have already indicated, a significant number of Japanese and Japanese-Americans, including Japanese-American CSOs, sympathize with Koreans regarding the comfort women.

For its part, the Global Alliance for Historical Truth (GAHT) denies the Korean narrative regarding the comfort women.[37] In 2013, they successfully dissuaded California’s Buena Park located in Orange County where three of the five members of the City Council voted against a memorial following Japanese protests, which included a letter from the Consul General of Japan in Los Angeles. Explaining why her city had decided against the memorial, Mayor Beth Swift quipped, “we’re little Buena Park!” While affirming her belief in the Korean charges of a comfort women system, she stated that this constituted an “international dispute,” not an issue to be addressed by city government.[38]

### GAHT Activities in the United States

As discussed above, GAHT took the City of Glendale to court for the comfort women “Statue of Peace” that Glendale erected in the city’s Central Park. In a talk that GAHT founder Koichi Mera delivered to foreign press correspondents in Tokyo in 2016, he explained that “the honor of Japanese people will be seriously damaged” if lower court rulings defending the presence of the Glendale statue are allowed to stand (they were), and he announced GAHT’s intention to appeal this matter to the Supreme Court (which it did without success).[39] Mera noted that more than 30 comfort women statues have been installed throughout Korea, and claimed that there were plans for the erection of some 20 such statues in the United States. Mera believes that GAHT’s willingness to litigate can serve as a deterrent to more statues, because municipalities must consider the outlay of significant funds in court cases defending their decisions.[40]

Mera dismisses the testimonies of many of the Korean women who have come forward identifying themselves as comfort women. In his book *Comfort Women Not “Sex Slaves”* (2015), Mera relies largely on one 1944 United States Office of War Information Interrogation Report. The report, drawn up by Staff Sergeant Alex Yorichi, a Japanese-American, was based on interviews with 19 Korean women who served as comfort women in Burma. The report states that a “comfort girl” was “nothing more than a prostitute” and suggests that the women involved were “whimsical, and selfish” and lived in “near luxury.” Importantly, the report does, however, confirm that the women found in Burma claim to have been recruited under false pretenses, having been promised “easy work” and “plenty of money” for completing tasks such as “visiting the wounded in hospitals, rolling bandages and generally making the soldiers happy.”[41]

Defenders of Japan’s conduct, such as Mera, seem to focus on the parts of the Burma interrogation that support their claims.[42] Mera does admit to the mistreatment of some women who were taken by the Japanese military in the Dutch East Indies and in the Philippines but does not see a similar pattern in the treatment of Taiwanese and Korean comfort women.[43] While Mera’s book includes Yoshimi Yoshiaki’s *Comfort Women* in its bibliography, he focuses on exposing the fallacious testimony of Seiji Yoshida, whom we have already discussed. In 1996 Yoshida admitted that his account was fictitious. While Mera points to Yoshida’s misrepresentation and to the Burma testimonies, he does not comment on the more than 250 testimonies of Taiwanese and Korean women who, beginning in 1990, came forward and identified themselves as “comfort women” and shared their experiences.

Using the Burma report, Mera asserts that the comfort women earned 50 times what the Japanese soldier earned in a month. He questions how there could possibly have been 200,000 women because, if there had been, the Japanese soldiers would have had “no time to fight.”[44] Mera denies Japanese government involvement in

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recruiting. He points instead to private agents. The military, he asserts, limited its involvement to providing accommodations as well as a weekly medical check-up and a careful monitoring of the women's working hours. Mera argues that the comfort women were citizens of Japan and thus received equal treatment to what Japanese women would receive. Mera also includes scanned copies of ads made to recruit comfort women that had been placed in Korean publications, which clearly explained what the women were going to be doing.[45]

In his August 2016 press conference in Tokyo, Mera questioned the motivation of the Korean and the Korean-American civil society groups involved in the proliferation of memorials. Mera believes that the main purpose of Korean efforts for the comfort women is to humiliate Japan.[46]

Mera is also wary of recent Chinese-American activism on the comfort women issue by the Justice Coalition in California. In particular, Mera identifies former California Judges Lillian Sing and Julie Tang who have become increasingly outspoken on the comfort women issue. Mera speculates on ties between this group and the pro-Beijing Global Alliance for Preserving the History of the Second World War in Asia, which actively promoted Iris Chang's book *The Rape of Nanking*. Mera challenges the historical accuracy of Chang's account of events and speculates that "the Rape of Nanking itself may not have taken place." He believes that a relationship exists between recent Chinese and Chinese-American civil society advocacy for the comfort women and the People's Republic of China. For Mera, China's intention in supporting these efforts is to "try to break up the U.S.-Japan relationship as Chinese are doing in the case of Okinawa." [47] Mera does not support the December 2015 agreement between Japan and Korea: "I cannot control the behavior of the Japanese government. Mr. Abe has his own freedom in choosing policies." He states that the payment "looks like an admission of guilt."

When asked if he had ever tried to engage the Korean CSOs in dialogue regarding the comfort women, Mera suggests that the Koreans have indicated that they have no interest in such dialogue.[48]

While the concept of "saving face" is well known throughout Asia, there is perhaps no country more sensitive to this than Japan. Those who have regularly interfaced with the Japanese know how challenging it is for them to point out the wrongdoings of others. They only do so with great hesitation and self-effacement. The Japanese want to be offensive to no one, but implicit in this practice is also the expectation that others will not be needlessly offensive to them. This desire not to offend applies also to hostile powers who have acted against Japan. Whereas other groups who have suffered offenses at the hands of the United States or the major European powers are wont to decry the crimes of "foreign interlopers," the Japanese are reticent to do so. Displays in Hiroshima testify to the horrors of nuclear weapons, rather than indict the United States for having used them in a place with such a large civilian population.

## Japanese Behaviors and Practices that Koreans Find Offensive

Certainly, one of the most disturbing issues to other countries is Japanese devotion to the Yasukuni Shrine, especially in the case of any devotion shown by members of Japan's political elite. As we have seen, immediately following the Prime Minister's and Minister of Defense's return from a December 2016 visit to Pearl Harbor, Defense Minister Tomomi Inada paid a visit to the Yasukuni Shrine.[49] This visit sparked a negative reaction from China and Korea and led to the permanent placement of a comfort women statue in front of the Japanese Consulate-General in Busan.[50]

For their part, the Japanese are increasingly frustrated with Korean efforts to continue recriminations from the last century. The Japanese expect the world to regard post-war Japan as a "new Japan," and appreciate that the Japanese Constitution states in Article 9 of Chapter 2 that "the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes." [51] As a Japanese woman queried, "Why can't all of Japan's humanitarian efforts and our disaster relief work be seen as atoning for the past?"

## Notes

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- [6] Norimitsu Onishi, "Decades after War Trials, Japan still Honors a Dissenting Judge," *New York Times*, August 31, 2007, [http://www.nytimes.com/2007/08/31/world/asia/31memo.html?\\_r=0](http://www.nytimes.com/2007/08/31/world/asia/31memo.html?_r=0).
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- [12] Brittany Levine, "Mayor Dave Weaver's Letter States Regret about 'Comfort Women' Memorial," *Glendale News-Press*, November 2, 2013, [http://articles.glendalenewspress.com/2013-11-02/news/tn-gnp-me-letter-20131102\\_1\\_comfort-women-japanese-imperial-army-higashiosaka](http://articles.glendalenewspress.com/2013-11-02/news/tn-gnp-me-letter-20131102_1_comfort-women-japanese-imperial-army-higashiosaka).
- [13] *Gingery v. City of Glendale*, 2016 Cal. App. Unpub. LEXIS 8375 (Cal. App. 2d Dist. Nov. 23, 2016).
- [14] Eric Johnston, "'Comfort Women' Statues Spur Debate," *Japan Times*, February 27, 2014, <https://www.japantimes.co.jp/news/2014/02/27/national/comfort-women-statues-spur-debate/#.Wal9NCMrJo4>.
- [15] See Complaint for Declaratory and Injunctive Relief, *Gingery v. City of Glendale*, No. 2:14-cv-1291 (Cal. D.C., Feb. 20, 2014).
- [16] *Barnes-Wallace v. City of San Diego*, 530 F.3d 776 (9<sup>th</sup> Cir. 2008) at 784.
- [17] See Plaintiffs' Opposition to Motion to Dismiss, *Gingery v. City of Glendale*, No. 2:14-cv-1291-PA-(AJWx) (Cal. C.D., Apr. 28, 2014), at 14.
- [18] *Gingery v. City of Glendale*, 2014 U.S. Dist. LEXIS 107598 (C.D. Cal. Aug. 4, 2014) at 11, 16.
- [19] *Gingery v. City of Glendale*, 831 F.3d 1222 (9<sup>th</sup> Cir. 2016).
- [20] *Gingery v. City of Glendale*, 831 F.3d 1222 (9<sup>th</sup> Cir. 2016), 1226.

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[21] *Gingery v. City of Glendale*, 831 F.3d 1222 (9<sup>th</sup> Cir. 2016), 1227.

[22] *Gingery v. City of Glendale*, 831 F.3d 1222 (9<sup>th</sup> Cir. 2016), 1228.

[23] *Gingery v. City of Glendale*, 831 F.3d 1222 (9<sup>th</sup> Cir. 2016), 1230.

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[26] *Gingery v. City of Glendale*, 831 F.3d 1222 (9<sup>th</sup> Cir. 2016), 37.

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## About the author:

**Thomas J. Ward** serves as Dean of the University of Bridgeport's College of Public and International Affairs. An honors graduate of the Sorbonne and a Phi Beta Kappa graduate of Notre Dame, he did his doctoral studies in Political Economy and International Education at the Catholic Institute of Paris and De La Salle University in the Philippines. He teaches graduate courses in International Conflict and Negotiation and Political and Economic Integration. A former Fulbright scholar, he has lectured at the Chinese Academy of Social Sciences in Beijing, and has been a Visiting Research Fellow at Academic Sinica in Taipei. His research on the comfort women issue has been published in *East Asia* and *Asia Pacific Journal: Japan Focus*.

**William D. Lay** is Chair of the Criminal Justice and Human Security program at the University of Bridgeport. He teaches graduate and undergraduate courses in international public law, international humanitarian law, US constitutional and criminal law, and human security. Born in Tokyo, he has traveled extensively in Asia and the Asia Pacific region. He was a Kent Scholar throughout his years at Columbia Law School, and was Senior Editor of the *Columbia Law Review*. He clerked at the New York Court of Appeals for Judge Joseph Bellacosa, a recognized authority on New York criminal procedure, and practiced law for 12 years with the Fried Frank and Skadden Arps firms in New York City before joining the UB faculty. His articles on East Asia have appeared in *East Asia* and the *Harvard Asia Quarterly*.