

**CASE NO. 14-56440**

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**UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT**

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MICHIKO SHIOTA GINGERY, an individual, KOICHI MERA, an individual,  
GAHT-US Corporation, a California non-profit corporation,  
Plaintiffs and Appellants,

v.

CITY OF GLENDALE, a municipal corporation, SCOTT OCHOA, in his  
capacity  
as Glendale City Manager,  
Defendants and Appellees.

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On Petition for Reconsideration after Appeal from the United States District  
Court for the Central District of California,  
Case No. 2:14-cv-1291-PA-AJW  
District Judge Hon. Percy Anderson

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**MOTION OF THE SOCIETY FOR DISSEMINATION OF HISTORICAL  
FACT (SDHF) FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF IN  
SUPPORT OF PLAINTIFFS AND APPELLANTS PETITION FOR  
RECONSIDERATION *EN BANC***

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**MOTION OF [PROPOSED] *AMICUS CURIAE* THE SOCIETY FOR  
DISSEMINATION OF HISTORICAL FACT (SDHF) FOR LEAVE TO FILE  
BRIEF IN SUPPORT OF PLAINTIFFS AND APPELLANTS PETITION  
FOR RECONSIDERATION *EN BANC***

Pursuant to Rule 29(b) of the Federal Rules of Appellate Procedure, and consistent with Circuit Rule 29-2 of the Ninth Circuit Rules, [Proposed] *Amicus Curiae* The Society for Dissemination of Historical Fact (SDHF) respectfully requests leave to file the concurrently submitted amicus curiae brief in support of plaintiff-appellants MICHIKO SHIOTA GINGERY, an individual, KOICHI MERA, an individual, GAHT-US Corporation, a California non-profit corporation.

The Court may be aware that the governments of Japan, China and Korea have differing views on the historical issue of “Comfort Women,” which is viewed by some as an effort to lessen Japan’s standing in the international community. This case involves a permanent monument in the United States that accuses Japan of “war crimes” that are not acknowledged by the government of Japan, and alleges “facts” that many scholars in Japan strongly dispute.

SDHF is an organization of scholars dedicated to translating historical documents into English and promoting understanding and discourse. Its efforts here may help to educate the Court by presenting additional perspectives of the alleged “facts” stated in the “Comfort Women” monument in Glendale.

**The Interests of SDHF.** SDHF is an international organization of researchers and scholars dedicated to historical scholarship and advocacy with a goal of peace and understanding among nations. As relevant to this case, the SDHF supports scholarship in the English language in order to foster a deeper understanding of the various international perspectives, research, documentation,



translation, and debate concerning sensitive historical issues such as the issue of “Comfort Women.” Over the past 10 years, SDHF has dedicated funds and substantial efforts to translate materials from Japanese and other languages into English, in the hopes of fostering a deeper and more nuanced understanding of the historical facts in the hopes of fostering peace and stability among nations.

SDHF is aware that the vigorous debate and differing analyses of the historical record among scholars in Japan, China and Korea is not so well understood in English-speaking countries, such as the United States. SDHF is also cognizant that painful divisions among nations remain many decades after the hostilities of World War II ended. However today, Japan and the United States are close allies.

SDHF hopes for a healthy and productive dialogue which takes into consideration all perspectives, including a perspective that is harmonizes with the official historical view accepted by the Government of Japan. The Mission statement of SDHF states:

The historical facts of modern Japan, especially where they concern relations with neighbor nations, remain largely unknown to the English-speaking world. Several factors have contributed to this situation. For a long period of time there were frequent conflicts between Japan and her neighbors. During the conflicts, Chinese war propaganda took precedence over the objective exposition of facts in English-language literature. After war between the two nations ended, a single-party, autocratic regime both heavily censored information and continued to operate China’s powerful propaganda machine. Typical of such propaganda is the preposterous claim that Japanese military personnel slaughtered 300,000 civilians in Nanking, in spite of the fact that there were only 200,000 residents there. This number is still claimed as fact even today.

Wielding considerable influence over the perception of the events that transpired in Nanking was the traditional method of compiling history in

China. When a new dynasty (the new authority) was founded, it would compile the history of the one that had preceded it. In 1945 the Nationalist government announced the number of Chinese casualties in the war with Japan: 1,320,000 dead, 1,760,000 wounded and 1,300,000 missing, for a total of 4,380,000. However, when the Communist Party came into power, the total number of casualties from the same conflict had risen to 10 million. The figure had ballooned to 21 million by 1985, and to 35 million by 1993, when Jiang Zemin took office. It is obvious that governments can and do “create” history.

This is an unfortunate state of affairs not only for the Japanese, but also for the English-speaking world, who wish to learn the truth about the relationship between Japan and China, and contemplate its future.

Painfully aware of the need to remedy this situation, we have resolved to make historical facts as they pertain to modern Japanese relations with neighboring countries, especially China, available to English speakers via literature to be posted at this site. By “literature” we mean material from textbooks, historical records, testimonies and so on, originally published in Japanese or other languages (material that we believe describes the events of history as they actually occurred) translated into English.

We cannot guarantee that all the information provided on this website is accurate beyond question. Ultimately, readers must form their own opinions about it, based on the validity of the evidence it presents. We would be sorely disappointed if readers were to summarily dismiss the information presented here as “revisionist,” suggesting the employment of the sort of propaganda that is anathema to us.

It is our fervent hope that the information provided on this site will prove useful to a great many people who seek the truth. We have not established this site for the purpose of launching a debate, but we do welcome questions about the sources, or about the interpretation of the information presented here. (<http://www.sdhf-fact.com/mission-statement/>)

SDHF as an organization concerned with this lawsuit because we have been transmitting English language materials related to “Comfort Women” throughout

the past 10 years, and are trying to rectify misconceptions about them. In following the progress of this lawsuit, it is our sincere belief that the City of Glendale may have unwittingly participated in disseminating anti-Japan propaganda without duly considering and understanding the historical facts around the issue and the role that the issue plays in relations between Japan and its neighbors, Korea and China. SDHF hopes its perspective will aid the Court in rendering a decision to rehear the case *en banc*.

**The Attached Brief of SDHF Will Be Helpful to the Court.** The Court is aware from the briefing of the plaintiffs and appellants that the memorial statue in the City of Glendale commemorating the “Comfort Women” differs in many respects from the perspective of the Government of Japan. Plaintiff-Appellants correctly describe the significant concerns have been raised in Japan about the accusations made by and through the City of Glendale allowing or approving the installation of a plaque which accuses Japan of “war crimes” and enforcing a regime of “sex slaves.”

SDHF may help to inform the Court of the impact of these words in the international community, and present different view of the historical facts than the one embraced by the promoters of the monument, as to why the “facts” recited on the plaque of the monument are considered “wrong” and inflammatory to those in Japan and of Japanese origin. Moreover, SDHF is aware that certain groups affiliated with Japan’s neighboring countries, Chinese and Korean interests have presented their views of the historical record in amicus briefs presented to and accepted by the panel, and SDHF respectfully seeks to present an alternative view.

**The Attached Brief of SDHF Is Relevant.** SDHF is aware that District Court Judge Percy Anderson disallowed (proposed) amicus briefs that sought to litigate the historical record on the issue of “Comfort Women.” However, the

Ninth Circuit panel that decided this case allowed those same amici to file briefs only a few days before oral argument, effectively foreclosing parties with differing views from presenting those views prior to a decision.

If “historical” briefs are relevant when presented by pro-Korean and pro-Chinese groups, then, respectfully, briefs presenting a different view should also be allowed so that the Court can fully understand different perspectives on the issues.

In addition, the brief of SDHF is relevant because the English-language materials provided herein set forth a very different view of history, more consistent with the views accepted by the government of Japan, than the version adopted by the City of Glendale from its Korean promoters. In considering the alternative narrative presented by SDHF, it may become clearer how the City of Glendale improperly took a position between different historical narratives in erecting the monument and a plaque accusing Japan of sexual slavery and war crimes, and demanding reparations, when the United States government has not made such an accusation nor demanded reparations.

DATED: September 26, 2016 Respectfully submitted,

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*AMICUS CURIAE* BRIEF IN SUPPORT OF PLAINTIFFS AND  
APPELLANTS PETITION FOR RECONSIDERATION *EN BANC***

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HISTORICAL FACT (SDHF) IN SUPPORT OF PLAINTIFFS AND  
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**Corporate Disclosure Statement.**

The Society for Dissemination of Historical Fact (SDHF) is a not-for-profit group based in Japan. SDHF receives no financial assistance from any outside group, and is wholly funded by donations from its members. SDHF has no corporate parent and no other organization has an ownership interest in SDHF.

**Interest of Amicus.**

*Interest of the amicus.* SDHF has a serious interest in this lawsuit. SDHF has been disseminating historical information as related to Japan's modern era for 10 years. This organization has serious interest in the interactions of Japan with neighboring nations during the Pacific War and prior years. The membership of SDHF has authorized and prepared substantial portions of this brief in order to assist the Court in understanding the historical context of the "Comfort Women."

There are numerous academic materials on the topic in Japanese, but only a small fraction of them have been translated into English. As a result, English speaking populations do not have all of the facts and perspectives available. SDHF has sponsored many articles and books specifically examining the issue of "Comfort Women." However, the information has not reached yet to a large majority of people outside of Japan. The members of Glendale's City Council are not exceptions, nor are some of the judges in California and other parts of the United States. One of the best ways of sharing an overview of the situation is to



introduce to this Court the opinions of scholars in the United States and that of Japanese scholars on the issue of “Comfort Women.”

Fortunately, since this lawsuit started in February 2014, serious academic discussion started between historians in the United States and those of Japan on this particular issue of Comfort Women. These views have been published in publicly available publications.

### **Statement of Authorship and Funding.**

Counsel for Plaintiff-Appellants had no involvement in the preparation of this brief or the accompanying motion. Counsel for SDHF is not counsel for any party in this action. However, undersigned counsel discloses to the Court the he represented Plaintiff-Appellants for approximately four months in 2014, commencing *after* the motion to dismiss was fully briefed and ending in October 2014, *before* any briefing on the appeal commenced. Counsel further advises the Court that no confidential information of funds from any party was used in the preparation of this brief or the accompanying motion.

Neither any party nor any counsel for any party contributed any money that was intended to fund preparing or submitting the brief or the accompanying motion. No person - other than *Amicus*, its members, or its counsel - contributed money that was intended to fund the preparation or submission of this brief or the accompanying motion.

## **ARGUMENT**

### **I. THE “COMFORT WOMEN” ARE THE SUBJECT OF INTENSE SCHOLARLY DEBATE ACROSS THE PACIFIC AND THE “HISTORICAL FACTS” ARE FAR FROM SETTLED.**

In the plaque accompanying the monument, the City of Glendale declares that there were more than 200,000 “Comfort Women,” all of whom were “sex slaves” of the then-government of Japan, which is responsible for “war crimes,” suggesting that Japan must “take responsibility.” While the plaque is “set in stone” the historical facts are far from agreed, and indeed have generated intense controversy amongst historians and even have involved the government of Japan.

#### **A. The Controversy over “Enslavement” Starts in the United States.**

The modern controversy amongst the society of historical researchers has recently come to a head with an article published in a noted academic journal Perspectives on History of the American Historical Association (AHA), the largest professional organization serving historians in all fields in the United States, in its March 2015 edition, concerning “Comfort Women.”

The article was written by Ms. Alexis Dudden, a professor of history at the University of Connecticut, titled with “Standing with Historians of Japan,” representing a total of 20 American historians, and began as follows:

*“We express our dismay at recent attempts by the Japanese government to suppress statements in history textbooks both in Japan and elsewhere about the euphemistically named ‘comfort women’ who suffered under a brutal system of sexual exploitation in the services of the Japanese imperial army during World War II.” [Appendix, Exhibit 1]*

The central allegation in the article argued that the Japanese military had committed atrocities against women during World War II. The article by Ms.

Dudden focused on a request by the government of Japan to McGraw Hill Companies, publisher of a world history textbook, Traditions and Encounters: A Global Perspective on the Past, to correct some portions of the textbook's depiction of the "Comfort Women."

Ms. Dudden went on to accuse the government of Japan of attempted censorship, arguing that although there was vigorous debate regarding the numbers of women involved, and the role the military played, that nevertheless, the Government of Japan was wrong to deny "the fact that comfort women were enslaved." A vigorous debate over this proposition has roiled the academic community dividing those who preferred to characterize the "Comfort Women" as "enslaved" and those who argued that the facts in the textbook were not documented and that there was little or no evidence that the "Comfort Women" had been "enslaved."

By contrast, as relevant to this case, the City of Glendale had already cast its view of history in bronze and permanently affixed it to a monument in its Central Park. Meanwhile, the professional historians are far less certain – even those who objected to the concerns of the Japanese government – and the debate continues, as it should, amongst academics.

**B. The "Enslavement" Controversy Expands to Become an International and Full-Scale Dispute.**

Months later, Perspectives on History accepted a rebuttal commentary by 50 Japanese historians led by Mr. Eiji Yamashita in its December 2015 issue, entitled On "Standing with Historians of Japan". [Exhibit 2] The Japanese historians identified several factual errors concerning "Comfort Women" described in the

textbook, specifically taking issue with an assertion of enslavement, and the failure to reference a crucial document, the Interagency Working Group Report of 2007.<sup>1</sup>

The letter of the Japanese historians concluded, “American historians need to make an effort to check the appropriateness of American history textbook in America, across the board, rather than point fingers at the Japanese government when it tries to call attention to these errors of fact.” This commentary was introduced by a newspaper Japan Times, and comments from readers were invited.

Ms. Dudden responded on December 26, 2015. She chose Japan Times as the forum for debate and sent an article entitled, “Learning from past best way to move forward.” (Exhibit 5.) In the article, Professor Dudden at first, criticized a contributor Dr. Jason Morgan, a resident in Wisconsin (Exh. 4) saying he “*intentionally misreads my words to create scurrilous fantasy.*” Secondly, Dudden begs the question by asserting baldly, as if it is a well-established fact for “historians,” that, “*The history of Japan’s state-sponsored militarized system of sexual slavery is an international history,*” re-asserting the controversial and polarizing “enslavement” theory of “Comfort Women” without citing any evidence or proof.

Professor Yamashita refuted Dudden’s position with a paper published in Japan Times on March 9, 2016. [Exhibit 7.] In the paper, he emphasized two

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<sup>1</sup> U.S. Nazi War Crimes and Japanese Imperial Government Record Interagency Working Group, *The Final Report*, 2007 at <https://www.archives.gov/iwg/reports/final-report-2007.html>. The report was the result of thorough research by the US National Archive and Records Administration (NARA). Cooperating with OSS, CIA, FBI, etc., taking 7 years and \$30 million for investigating Japan and Nazi WWII war crimes based on the bill. Nothing was found on the comfort women.

points, the lack of proof on enslavement and the inappropriate attitude of the 20 American historians' basic stance as scholars and educators. Yamashita offered authoritative evidence that "Comfort Women" were not enslaved by pointing to a number of papers, documents of Japan and the U.S., eyewitness testimony, and the longstanding denial of Japanese government. Yamashita closed with his serious concern about the attitude of American scholars who are not receptive to new information and insisting a theory without solid evidence. Ms. Dudden and the other 19 historians have not so far responded to Yamashita's rebuttal.

**These historical controversies existed, and were raised in the public hearing held before the Glendale City Council's decision to approve the monument, but the city did not consider any viewpoints other than the promoters of the monument.**

**C. The "Enslavement" Theory Relies on the Absence of Documents and on Testimonial Accounts of Surviving "Comfort Women."**

Those historians who insist that "Comfort Women" were part of a government-sponsored system of sexual enslavement and exploitation that was allegedly controlled and operated by the Japanese military rely upon two additional arguments: (1) unlike the Nazis, who had preserved the documentation of their own war crimes, the then-government of Japan allegedly engaged in a concerted campaign to destroy all unfavorable documents just before and after the end of World War II; and (2) surviving "Comfort Women" have offered first-hand "testimonials" of their experiences. SDHF respectfully submits that these factors are not reliable evidence of the "enslavement" theory.

First, even assuming Japanese some military documents were lost or destroyed, the balance of remaining documents fail to support the enslavement

theory. Indeed, many Japanese scholars have argued that the available documents contradict the “enslavement” theory. Japanese historians argue that the absence of documents does not support a conspiracy theory or a cover-up.

“Personal narratives” are the single major source of evidence for the proponents of the “enslavement” theory. However, Japanese scholars note that these “statements” are not “testimony” of the sort imagined in war crime tribunals, but instead are recorded in non-public places without oath, cross-examination, or supporting documentary evidence.

Scholars studying the issue have also observed that there is an organization which is allegedly “coaching” former “Comfort Women” on constructing narrative testimonies, as described in the English-language book by C. Sarah Soh, The Comfort Women.<sup>2</sup> Another book by a Korean scholar, Professor Park Yuha, alleges in her recent book The Empire of Comfort Women, that Chong Dae Hyup, an organization located in South Korea, and heavily influenced by North Korea, has been actively coaching former “Comfort Women” to construct testimonies to attempt to shame the Japanese.<sup>3</sup> Indeed, Professor Soh carefully illustrates how the prevailing, simplistic view of the phenomenon overlooks the diversity of the women's experiences, the influence of historical factors and the role that Koreans and others played in causing women to become “Comfort Women.” Professor Soh explains how South Korean activists and their supporters have framed alleged

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<sup>2</sup> Soh, C. Sarah, The Comfort Women: Sexual Violence and Postcolonial Memory in Korea and Japan (University of Chicago Press, 2008).

<sup>3</sup> Park, Yuha, 朴裕河、帝国の慰安婦、Asahi Newspaper Co., 2014. English summary at <http://scholarsinenglish.blogspot.com/2014/10/summary-of-professor-park-yuhas-book.html>

human rights abuses as solely a Japanese problem, by attacking the those in the Japanese military in World War II without a frame of reference, and ignoring the ongoing and widespread grave human rights violations of women, especially those working in the sex industry in postcolonial South Korea.

Moreover, with regard to historians' reliance on "personal narrative," pro-Japanese historians may additionally offer testimonial statements, under oath, by officers and soldiers of Japanese Imperial Military. These eyewitnesses have revealed many personal details including their names and places of residence, position and rank, and confesses to the exact nature of sexual activities with the "Comfort Women" in wartime.

These personal narrative testimonies have been published so as to be cross-examined, and the details of these testimonials contradict the theory that the "Comfort Women" were all sex slaves in a systematic, government-sponsored program of war crimes and sexual violence. One of these narratives is translated into English and is attached as **Exhibit 7**.

SDHF regrets that the City of Glendale has apparently accepted as true, espoused, and literally set in stone, an unfairly pro-Korea version of history that is not accurate, and that draws conclusions that are hotly debated by scholars, and which result in government-sponsored defamation of Japan and Japanese.

SDHF supports human rights and abhors sexual violence and exploitation wherever it may occur; but the City of Glendale has improperly inserted itself into an international dispute and a historical dispute where it does not belong.

The appeal of plaintiff-appellants should be reheard *en banc*.

DATED: September 26, 2016 Respectfully submitted,

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**STATEMENT OF RELATED CASES**

There are no related cases pending in this Court.

**CERTIFICATE OF COMPLIANCE**

I hereby certify that this brief has been prepared using proportionally double-spaced 14 point Times New Roman typeface. According to the "Word Count" feature in my Microsoft Word for Windows software, this brief contains **2202** words (including footnotes) up to and including the signature lines that follow the brief's conclusion.

I declare under penalty of perjury that this Certificate of Compliance is true and correct and that this declaration was executed on September 26, 2016.

DATED: September 26, 2016 Respectfully submitted,

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#	<u>Description</u>
1	Dudden, Alexis, “Standing with Historians of Japan.” Letters to the Editor <i>Perspectives on History</i> . March 2015.
2	Multiple Authors, “On ‘Standing with Historians of Japan,’” Letters to the Editor, <i>Perspectives on History</i> . December 2015.
3	Johnson, Jesse and Osumi, Magdalena, “Fifty Japanese Scholars attack McGraw-Hill, U.S.Academics on ‘comfort women’ issue,” <i>The Japan Times</i> , 11 Dec 2015.
4	Morgan, Jason, “U.S. Textbook defender lacks an open mind,” <i>The Japan Times</i> , 18 Dec 2015.
5	Dudden, Alexis, “Learning from past best way to move forward,” <i>The Japan Times</i> . 26 Dec 2015.
6	Yamashita, Eiji, “Challenging the ’20 American historians,’” <i>The Japan Times</i> , 9 Mar 2016,
7	Inoue, Hayashi, “Insights and Thoughts on Issues of Sex and the Military,” <i>History of Showa Era Research Center Report</i> , 10 Sept 2001.

# EXHIBIT 1



## Letters to the Editor

# Standing with Historians of Japan

Alexis Dudden, March 2015

*To the Editor:*

As historians, we express our dismay at recent attempts by the Japanese government to suppress statements in history textbooks both in Japan and elsewhere about the euphemistically named “comfort women” who suffered under a brutal system of sexual exploitation in the service of the Japanese imperial army during World War II.

Historians continue to debate whether the numbers of women exploited were in the tens of thousands or the hundreds of thousands and what precise role the military played in their procurement. Yet the careful research of historian Yoshimi Yoshiaki in Japanese government archives and the testimonials of survivors throughout Asia have rendered beyond dispute the essential features of a system that amounted to state-sponsored sexual slavery. Many of the women were conscripted against their will and taken to stations at the front where they had no freedom of movement. Survivors have described being raped by officers and beaten for attempting to escape.

As part of its effort to promote patriotic education, the present administration of Prime Minister Shinzō Abe is vocally questioning the established history of the comfort women and seeking to eliminate references to them in school textbooks. Some conservative Japanese politicians have deployed legalistic arguments in order to deny state responsibility, while others have slandered the survivors. Right-wing extremists threaten and intimidate journalists and scholars involved in documenting the system and the stories of its victims.

We recognize that the Japanese government is not alone in seeking to narrate history in its own interest. In the United States, state and local boards of education have sought to rewrite school textbooks to obscure accounts of African American slavery or to eliminate “unpatriotic” references to the Vietnam War, for example. In 2014, Russia passed a law criminalizing dissemination of what the government deems false information about Soviet activities during World War II. This year, on the 100th anniversary of the Armenian genocide, a Turkish citizen can be sent to jail for asserting that the government bears responsibility. The Japanese government, however, is now directly targeting the work of historians both at home and abroad.

On November 7, 2014, Japan’s Foreign Ministry instructed its New York Consulate General to ask McGraw-Hill publishers to correct the depiction of the comfort women in its world history textbook *Traditions and Encounters: A Global Perspective on the Past*, coauthored by historians Herbert Ziegler and Jerry Bentley.

On January 15, 2015, the *Wall Street Journal* reported a meeting that took place last December between Japanese diplomats and McGraw-Hill representatives. The publisher refused the Japanese government’s request for erasure of two paragraphs, stating that scholars had established the historical facts about the comfort women.

On January 29, 2015, the *New York Times* further reported that Prime Minister Abe directly targeted the textbook during a parliamentary session, stating that he “was shocked” to learn that his government had “failed to correct the things [it] should have.”

We support the publisher and agree with author Herbert Ziegler that no government should have the right to censor history. We stand with the many historians in Japan and elsewhere who have worked to bring to light the facts about this and other atrocities of World War II.

We practice and produce history to learn from the past. We therefore oppose the efforts of states or special interests to pressure publishers or historians to alter the results of their research for political purposes.

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University of California, Irvine

Theodore Jun Yoo  
University of Hawaii

*Editor's Note: This letter originated from an informal meeting held at the AHA annual meeting on January 2, 2015 in New York City.*



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# EXHIBIT 2





## Letters to the Editor

# On "Standing with Historians of Japan"

Multiple Authors, December 2015

*To the editor:*

Generally speaking, it is better that governments do not intervene in the writing of history textbooks. However, if clear factual mistakes are found in textbooks, and if those mistakes have extremely negative effects on the dignity of a given country and its nationals, then it is natural that such a country's government request revisions of the errors. We think McGraw-Hill's textbook is just such a case. In their March 17, 2015, booklet "Requesting Corrections of Factual Errors in McGraw-Hill Textbook," 19 Japanese historians identified 8 apparent factual errors within 26 lines in merely 2 paragraphs concerning the issue of comfort women, and then requested that the textbook's publisher, McGraw-Hill, correct these errors. If the US government was in the same situation, it presumably would have taken issue with the publisher and author of such an error-laden textbook, in an incomparably fiercer manner.

The title of the statement of the 20 American historians (*Perspectives*, March 2015) is "Standing with Historians of Japan." However, even Professor Yoshiaki Yoshimi, whom the 20 American historians hold in high regard in their statement, could identify multiple factual errors in the McGraw-Hill textbook, if he were asked to do so. We are afraid that, in point of fact, the 20 American historians would never be able to find a single Japanese academician with whom they could stand. It would be as if they were standing with Japanese ghosts.

Both the author of the McGraw-Hill textbook and the authors and co-signers of the 20 American historians' statement never mentioned the Interagency Working Group (IWG) report of April 2007, which stated that they could not find any documentation to show that the Japanese government committed war crimes with respect to the comfort women during the Second World War. This report was the result of very thorough research by the US National Archives and Records Administration (NARA). NARA identified 142,000 pages of Japanese-related classified documents held by the Office of Strategic Services (OSS), CIA, FBI, US Army Counterintelligence Corps (CIC), and others. This research task took 7 years and cost \$30 million. If the author of the McGraw-Hill textbook and the 20 American historians did not know about the IWG report, then they should be censured for performing an inadequate study; if they did know about the IWG report but ignored it, then their impartiality as academics should be seriously questioned.

In the McGraw-Hill textbook, there are phrases such as "the army presented the women to the troops as a gift from the Emperor" and "At the end of the war, soldiers massacred large numbers of comfort women to cover up the operation." These accounts are completely without supporting historical evidence. Writers of fiction have license to create alternative realities using their imaginations, but history textbooks written by serious scholars should contain nothing but demonstrable truths. Furthermore, we have to say that the credibility of the McGraw-Hill textbook as a whole should be seriously questioned as 8 errors of fact in only 26 lines, mentioned earlier, on the comfort women were found in the textbook. Given how many mistakes were in just these two paragraphs, one would seriously wonder about the quality of the other parts of the textbook. This is a problem that affects the prestige of American historians as a whole. American historians need to make an effort to check the appropriateness of American history textbooks in America, across the board, rather than point fingers at the Japanese government when it tries to call attention to these errors of fact. The efforts of American historians will determine whether or not future generations of Americans will have the correct historical view, which will be extremely important for the United States as well as for the rest of the world.

*Takehiko Aoyagi, International University of Japan*

*Kazuhiro Araki, Takushoku University*

*Koji Okamoto, Osaka International University*

*Genki Fujii, Takushoku University*

*Nobukatsu Fujioka, Takushoku University*

*Shigeki Hakamada, Niigata Prefectural University*

*Michiko Hasegawa, Saitama University\**

Katsuo Hiizumi, Aichi University  
 Yoichi Hirama, National Defense Academy of Japan  
 Kobo Inamura, Chuo University  
 Nozomu Ishii, Nagasaki Junshin Catholic University  
 Takashi Ito, University of Tokyo\*  
 Hideo Kaneoka, Akita International University  
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 Toshio Watanabe, Takushoku University\*  
 Hidetsugu Yagi, Reitaku University  
 Eiji Yamashita, Osaka City University\*  
 Tsuneo Yoshihara, Takushoku University  
 \*9 initiators of the 50 Japanese academics' rebuttal

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# EXHIBIT 3

The Japan Times **NEWS**

NATIONAL / HISTORY

**Fifty Japanese scholars attack McGraw-Hill, U.S. academics on ‘comfort women’ issue**

BY JESSE JOHNSON AND MAGDALENA OSUMI

STAFF WRITERS

ARTICLE HISTORY | DEC 11, 2015

In the latest salvo in an ongoing battle over history, a group of 50 Japanese scholars has chided the author of a U.S. textbook and his backers in academia for “factual errors” that the group claims no Japanese scholar would support.

In a letter in the December edition of [✉ Perspectives on History](https://www.historians.org/publications-and-directories/perspectives-on-history/december-2015/letter-to-the-editor-multiple-authors-on-standing-with-historians-of-japan#) (<https://www.historians.org/publications-and-directories/perspectives-on-history/december-2015/letter-to-the-editor-multiple-authors-on-standing-with-historians-of-japan#>), a scholarly journal published by the American Historical Association, the group defends a government move to request revisions to a high school history textbook published by U.S. publisher McGraw-Hill.

The book contains a section covering the “comfort women” issue, which the group dissects. The move is a rebuttal to a March statement by 20 American historians slamming a push to “censor history” by the administration of Prime Minister Shinzo Abe.

The term comfort women is a Japanese euphemism referring to women and girls who were forced to work at Japanese military brothels before and during World War II.

The December letter calls out the American academics and claims that they would have difficulty finding a single Japanese scholar to support their position.

“The title of the statement of the 20 American historians . . . is ‘Standing with Historians of Japan.’ However, even Professor Yoshiaki Yoshimi, whom the 20 American historians hold in high regard in their statement, could identify multiple factual errors in the McGraw-Hill textbook, if he were asked to do so,” the statement says. “We are afraid that, in point of fact, the 20 American historians would never be able to find a single Japanese academician with whom they could stand. It would be as if they were standing with Japanese ghosts.”

Asked to respond, Yoshimi, a professor of history at Chuo University in Tokyo and a leading researcher on the issue, declined comment, saying he is unfamiliar with the content of the textbook and in what context the disputed phrases occur.

Eiji Yamashita, a professor emeritus at Osaka City University who spearheaded the group’s rebuttal, alleges that the textbook’s section on comfort women, comprising just 26 lines, contains eight mistakes. These include the phrases “the army presented the women to the troops as a gift from the

Emperor” and “At the end of the war, (Japanese) soldiers massacred large numbers of comfort women to cover up the operation.”

“These two episodes are unsupported and fictional,” Yamashita told The Japan Times, adding that he believes the phrase “A Gift from the Emperor” might have been based on a novel titled “A Gift from the Emperor,” written by Therese Park, an author of Korean descent.

He also criticized the 20 American historians for the nature of their reaction: Instead of responding to the Japanese government’s call to correct the information, they took it to task for trying to do so.

“As scholars, they should have verified (the information) when they were informed of those mistakes,” Yamashita said.

Michiko Hasegawa, a professor emeritus at Saitama University and a governor at public broadcaster NHK, said she signed the protest letter because it was “meticulously” researched.

However, she said, the statement was not an attempt to impose her group’s views about comfort women on the American side. Rather, it was aimed at pointing out and criticizing the textbook’s mistakes, while also urging the American historians to correct errors in the historical record.

“Conveying information that contains even one mistake to younger generations is just inappropriate,” Hasegawa said. “There’s nothing more or nothing less to it.”

The American side, on the other hand, says its focus — as well as that of the letter — has always been on the larger issue of academic freedom in Japan and what some see as attempts to whitewash history.

“We do not make claims about the content of the textbook,” Alexis Dudden, a professor of history at the University of Connecticut and the main organizer of the group, said in an email. “Our concern was and remains with two basic features of historical research in an open society such as Japan.

“First, academic freedom; and second, the repression and denial of a proven international history — the brutal mid-20th century system of state-sponsored sexual slavery throughout the Empire of Japan.”

In January this year, textbook co-author Herbert F. Ziegler said representatives of the Japanese government had contacted him to demand a rewrite.

Andrew Gordon, a professor of history at Harvard University’s Edwin O. Reischauer Institute of Japanese Studies and a signatory to the March statement, said this is what the U.S. statement centered on.

“(It) objected to the intervention of the Japanese government, which sent its officials directly/uninvited/unannounced to the office of the textbook author, demanding deletion or correction,” Gordon said in an email.

Meanwhile, the Japanese statement goes on to say that the American side has “never mentioned” the U.S. government’s Interagency Working Group, which worked for years to locate and recommend for declassification secret U.S. records relating to Nazi and Japanese war crimes, paying special attention to records related to areas such as the comfort women issue.

The IWG's April 2007 [final report](https://www.archives.gov/iwg/reports/final-report-2007.pdf) (<https://www.archives.gov/iwg/reports/final-report-2007.pdf>) stated that it could not find any documentation among the formerly classified papers it researched to show that the Japanese government had committed war crimes with respect to the comfort women issue.

However, a set of introductory essays entitled "[Researching Japanese War Crimes](http://www.archives.gov/iwg/japanese-war-crimes/introductory-essays.pdf) (<http://www.archives.gov/iwg/japanese-war-crimes/introductory-essays.pdf>)" released by the IWG in 2006 just ahead of the final report makes specific note that "at the close of the war, Japanese authorities hid or destroyed much evidence of the country's war crimes." In this, it cited the vast disparity in the numbers of surviving documents that relate to war crimes committed by Nazi Germany as opposed to those of Imperial Japan.

According to the IWG's findings, while there were nearly 8.5 million documents relating to Nazi war crimes, there were a mere 142,000 deemed relevant to Japanese war crimes.

"While it is standard practice for governments to destroy evidence in times of defeat, in the two weeks before the Allies arrived in Japan, various Japanese agencies — the military in particular — systematically destroyed sensitive documents to a degree perhaps unprecedented in history," Daqing Yang, one of several independent historians employed by the IWG, wrote in an introductory essay.

Still, Yoshimi, the Chuo University professor, stressed that not all the documents related to the issues have been destroyed.

"There are many records that have been left and they may serve as evidence," Yoshimi said. Victims' testimonies as well as memoirs written by former soldiers should also be considered as historical evidence, he added.

Yamashita, however, argued that victims' testimonies are often unreliable, citing a widely criticized practice in Japan where court rulings are highly dependent on suspects' confessions, often made under made duress, which in turn often lead to false accusations of crimes.

Yamashita said while the victims have not sued any specific perpetrators, they have used their public statements to try to impose "responsibility" on a foreign government. This, he claimed, makes their testimony "even less reliable."

"Some of those who have testified might be telling the truth, but how can it be confirmed?" Yamashita asked.

Dudden disputed this, calling the group's latest push an effort to "will away the living victims of history."

"There are 46 remaining registered South Korean survivors of the Empire of Japan's state sponsorship of an egregious human rights crime: sexual slavery," Dudden said. "These surviving women have been acknowledged as 'real' by prior Japanese administrations as well as countless Japanese historians, journalists, and others concerned with this history.

"These women are not ghosts; rather, they are human beings who bear physical witnesses to the history they endured."



As for the Japanese group's claims that the U.S. scholars may have wilfully ignored the IWG report's final findings, Dudden called this a nonstarter.

"This report had nothing to do with our discussion — it is alarmingly apparent that the 'Gang of 50' did not even bother to learn that some of our signatories were part of that 2007 commission's expert assistance," she said, describing the Japanese historians who put their names to the statement.

Today, Dudden said, the plight of the comfort women has particular relevance.

"Under what conditions they became involved, in whose name and for what purpose, and how they disappeared are issues that continue to hold deep significance precisely because we need to learn from this history in order to stem its recurrence today and in the future," she said.

"I think of Boko Haram and (the Islamic State group's) current use of sexual slavery as a weapon of war critical to why denying away historical evidence is so deeply retrograde."

Dudden said the current climate in Japan raises questions about continued access to the historical record.

"Will these materials and these historians be declared 'state secrets' under Abe administration-related efforts such as this letter? Will it become possible in today's Japan to declare that this history did not happen, when many of us in Japan and around the world possess historical materials that prove it took place?"

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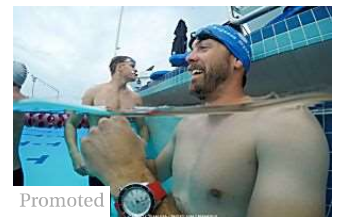
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## Japanese-Indian crowned Miss Japan, drawing mixed issues

(<http://www.japantimes.co.jp/news/2016/09/05/entertainment/social-issues/woman-of-indian-descent-crowned-miss-japan/>)



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# **EXHIBIT 4**

# The Japan Times **OPINION**

## READER MAIL

### U.S. textbook defender lacks an open mind

ARTICLE HISTORY | DEC 18, 2015

The article “[50 Japanese scholars fire back in McGraw-Hill sex slave row](http://www.japantimes.co.jp/news/2015/12/11/national/history/fifty-japanese-scholars-attack-mcgraw-hill-u-s-academics-on-comfort-women-issue/) (<http://www.japantimes.co.jp/news/2015/12/11/national/history/fifty-japanese-scholars-attack-mcgraw-hill-u-s-academics-on-comfort-women-issue/>)” in the Dec. 12 issue about professor Eiji Yamashita’s well-worded and eminently reasonable rebuttal to the American academics’ year-long histrionics over the “comfort women” makes a nice capstone to this disheartening affair.

Throughout this past year, some of the most highly respected professors in Japan have consistently called for a revision of a badly flawed American textbook, and an open and honest public debate on the actual historical facts at issue. In return, they have gotten the obfuscations, insults, and amateurish politicking of the likes of Alexis Dudden. The Japan Times has, regrettably, slavishly followed the American herd — will no one among the academic and journalistic left take up the challenge and respond to the Japanese professors’ enumerated points with sincerity?

Professor Dudden’s latest broadside, in which she likens the Japanese government during the Pacific War to the barbarians in Boko Haram, should put paid to the idea that she has ever been interested in having a real debate.

For those who still think Dudden is an unbiased watchdog willing to call a spade a spade, wherever she finds it, let us wait for her response to South Korea’s recent indictment of Park Yu-ha, whose scholarly, balanced and well-researched book on the comfort women may very well earn her a prison sentence in the same country that also arrested a Japanese journalist just one year ago.

The frustration that the Americans feel over their failure to find even one-sixtieth the amount of evidence for Japanese “war crimes” as for Nazi atrocities is very real. What it really reveals, though, is that the Americans have accused and convicted the Japanese long before they bothered to start looking for the evidence. A professional scholar would have started with an open mind first, and seen what the documentary evidence had to say. But this is not what Dudden has done.

JASON MORGAN  
MADISON, WISCONSIN

*The opinions expressed in this letter to the editor are the writer’s own and do not necessarily reflect the policies of The Japan Times.*

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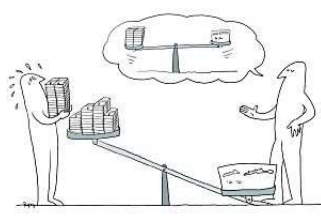
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# EXHIBIT 5

# The Japan Times **OPINION**

## READER MAIL

### Learning from past best way to move forward

ARTICLE HISTORY | DEC 26, 2015

Criticism is always fair game. When it borders on make-believe it is worth correcting. In his Dec. 20 [letter](http://www.japantimes.co.jp/opinion/2015/12/18/reader-mail/u-s-textbook-defender-lacks-open-mind/) (<http://www.japantimes.co.jp/opinion/2015/12/18/reader-mail/u-s-textbook-defender-lacks-open-mind/>) to the editor regarding the article “[50 Japanese scholars fire back in McGraw-Hill sex slave row](http://www.japantimes.co.jp/news/2015/12/11/national/history/fifty-japanese-scholars-attack-mcgraw-hill-u-s-academics-on-comfort-women-issue/)” (<http://www.japantimes.co.jp/news/2015/12/11/national/history/fifty-japanese-scholars-attack-mcgraw-hill-u-s-academics-on-comfort-women-issue/>) in the Dec. 12 issue, Jason Morgan’s intentionally misreads my words to create scurrilous fantasy.

Morgan asserts that I compare Imperial Japan to Boko Haram. I do nothing of the sort. Instead, I state that, “I think of Boko Haram and (the Islamic State group’s) current use of sexual slavery as a weapon of war critical to why denying away historical evidence is so deeply retrograde.”

The history of Japan’s state-sponsored militarized system of sexual slavery is an international history. Learning from past wrongdoings — which a majority of Japanese and the world community hold the awful “comfort women” system to be — is precisely how societies (including the historians among them) can endeavor to make our current and future worlds more just.

The denialists among us aim otherwise.

ALEXIS DUDDEN  
CONNECTICUT

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*The opinions expressed in this letter to the editor are the writer’s own and do not necessarily reflect the policies of The Japan Times.*

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## Japan's dark fantasies thrust back in the light

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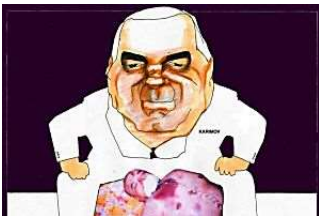
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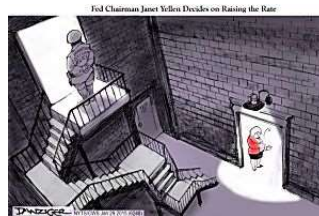
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# EXHIBIT 6

# The Japan Times **OPINION**

COMMENTARY / JAPAN

## Challenging the '20 American historians'

BY EIJI YAMASHITA

ARTICLE HISTORY | MAR 9, 2016

I organized “the 50 Japanese academics’ rebuttal of the 20 American historians’ statement,” which was announced last September and published in the December issue of Perspectives on History of the American Historical Association (AHA). This is the same periodical that published the 20 American historians’ statement last March. Our rebuttal was reported on in the Dec. 10 edition of The Japan Times and the December issue of Inside Higher Ed, an e-magazine on education based in Washington. I would like to take this opportunity to clarify the main aim of our rebuttal.

We said the 20 American historians would never find a single Japanese academician with whom they could stand, even though the title of their statement was “Standing with historians of Japan,” because there are at least eight factual mistakes in 26 lines about “comfort women” in the McGraw-Hill textbook at issue. Furthermore, we questioned their fairness since their statement had no reference to the report by the Interagency Working Group in the United States in 2007.

However, a more important reason for why we wrote the rebuttal is that we were concerned about the 20 American historians’ basic stance as scholars and educators, beyond the immediate comfort women issue. We were confident that our arguments could lead to better education for American youths, and hence were inherently beneficial to the U.S. as well as to the rest of the world in the longer perspective.

I think our concern was right. Several scholars, such as professor Alexis Dudden (University of Connecticut), professor Andrew Gordon (Harvard University) and others out of the 20 American historians were interviewed by The Japan Times or Inside Higher Ed, but none of them seemed to be worried about the education of young Americans. Moreover, it seems to me that American historians are still refusing to address the major factual errors in the McGraw-Hill history textbook.

Many English-language media outlets, including The Japan Times, refer to the comfort women as “sex slaves.” But such terminology is factually incorrect and runs counter to the Japanese government’s position. I hereby introduce the latest two examples. On Jan. 18, Prime Minister Shinzo Abe replied to a question raised by Upper House member Kyoko Nakayama in the Upper House Budget Committee that the phrases “sex slaves” and “200,000 comfort women” run counter to the facts. Moreover, on Feb. 16 Deputy Foreign Minister Shinsuke Sugiyama replied to a question raised by the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in Geneva that there was no evidence proving the forcible removal of comfort women from their homes by the Japanese military and government authorities.

There is a widespread misunderstanding among the Western world that the Abe administration is somehow suppressing the media. It seems to us that the situation is precisely the opposite. In fact, the reach of the Abe administration's efforts is rather limited by both the domestic and foreign media. Japan is among the highest ranked countries in the world in terms of freedom of speech. On the contrary, freedom of speech in the U.S. is obviously lower than that of Western European countries or Japan, because there are so many social taboos there. To take just one prominent example out of many, the U.S. government actively oppresses denunciations by former governmental staff members. Given all this, it would seem that Americans are not in a position to lecture other mature democracies on the finer points of freedom of speech. Instead, the 20 American historians should be more concerned about the free speech situation within their own country.

Upon its commencement in October 1998, the research objective of the IWG Report was limited to Nazi war crimes. Thereafter, though, Japanese Imperial government records were added to the objectives of the IWG Report in December 2000 in response to a request from the Global Alliance for Preserving the History of World War II in Asia, a group led by people of Chinese descent based in San Francisco. After very extensive research lasting seven years, the IWG could not find any documentation to show that the Japanese government committed war crimes with respect to the comfort women. In the IWG Final Report to the U.S. Congress, a document stretching 155 pages, there is no language clearly indicating that any record of Japanese war crimes vis-a-vis comfort women had been uncovered. Instead, the report contains reams of unimportant passages, presumably with the aim of camouflaging an inconvenient truth.

But despite no evidence of war crimes by the Japanese government in the IWG Report to the U.S. Congress, on July 30, 2007, the U.S. Congress still passed House Resolution 121 on the comfort women, demanding that the Japanese government apologize for "crimes" for which no evidence had been produced. The whole process in the U.S. Congress at that time was extremely unfair — or worse — to Japan.

Today, American fairness is in serious question almost everywhere in the world, although most Americans may not know this or do not wish to know. This broad lack of trust in American fairness is one of the major factors in the failure of American foreign policy on so many fronts in the past decades. Under such circumstances, is it wise for the U.S. to show apparent unfairness to the Japanese public, too, especially given that Japan is one of the closest American allies in the world? If the U.S. wishes to see its foreign policy succeed, it should begin with a reassessment of its fundamental fairness. The safety of Americans and of the rest of the world depends on it.

It is often said that we cannot acquire a clear picture of any given era of history until at least a century has elapsed. Since we are now 71 years past the end of World War II, it is natural that new evidence or interpretations will emerge in the years to come. Not only newly found historical facts but also new historical interpretations should be respected and subjected to academic discussion and debate. Incidentally, this year marks the 102nd anniversary of the outbreak of World War I, but we still lack a coherent historical evaluation of even that conflict.

And yet, these same Americans who have striven to fashion a consensus regardless of where the evidence leads them are quick to call us revisionists. But isn't it always important for open-minded scholars to seek revisions when they are appropriate? Those who cry "revisionism" are unscientific; they do not behave like intellectuals. Perhaps it is time for us to return the favor and label them the "bigoted old guard."



On this note, it is also important for us to begin to discuss the meaning of the latest world war, the Cold War, particularly in connection with World War II. It is indispensable to correctly recognize why the Cold War began soon after the end of World War II in order to clarify the characteristics of the "hot war." It is also very important to review how we in the free world won the Cold War.

Finally, to return to our original point, McGraw-Hill Education in New York should sincerely address the major factual defects in its history textbook for the future generation of the U.S. and the rest of the world as well.

*Eiji Yamashita is a professor emeritus at Osaka City University.*

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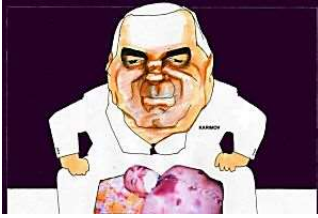
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# EXHIBIT 7



**Testimony and Diary Comfort Women Problem**

Officer involved in historical battles Testifies  
on the Comfort Women Issue **(Section 1)**

**“Insights and Thoughts on  
Issues of Sex and the Military”**



1943, at the time Inoue  
was involved in Fukong  
Offensive in Burma

Former Imperial Military,  
Major Infantry Division  
Hayashi Inoue

The Koreans are mounting a very aggressive and relentless attacks against Japan regarding the Comfort Women and Comfort Stations during the war. The response from the Japanese is vague and passive allowing the barrage of attacks to continue unopposed and letting the issue remain unresolved. Furthermore, in Japan, the proliferation of self-loathing publications and media information has inflamed the tabloid mass media escalating emotions without addressing just what has happened and why. Although extreme various reports and events thus far according to these current reports can be summarized as follows: During the war (WWII) Japan and the Japanese Military by contract or organizationally, suddenly attacked and captured young Korean women, then transported them to the war fronts; It was abduction and sexual slavery on the part of Japanese soldiers, who committed inhumane acts forbidden by heaven and earth. In the post- war period there has been no formal apology from Japan, and no financial reparation. Simply put, this is the essence of the matter.

**The Tainted legacy will remain if we leave it as it is**

If these allegations are unchallenged and accepted by the both Korean and Japanese youth, who do not know the realities of war, ever greater hatred will be instilled – amongst the Korean youth towards the Japanese, and amongst the young Japanese towards Japan and the Japanese military. They may succumb to a feeling of shame for this tainted episode in the history of Japan. As a person who was present at the heart of the matter I feel most shameful and regretful about this. Reading recent newspaper reports of the issue, leaves me with a deep sense of frustration.

Though dwindling in numbers, some of the people who actually experienced the war and have some knowledge of the comfort women stations, still remain. I am extremely annoyed with those people within the government who have power and visibility, not just regular citizens like myself, who do not speak out on this issue so detrimental to image of the Japanese race. Understandably, speaking out about this kind of problem may be awkward, and may cause some embarrassment to themselves. Perhaps this is why they choose to remain silent. However, I cannot help feeling a great anguish over this act of negligence. Thus, I have decided, though I am an insignificant small voice, to record my personal memories with hopes of shedding light on what exactly happened.

**The Battle moves from Manchuria to the Southern territories**

I would like to tell my story without using an alias as doing so would lack openness and honesty; even some embarrassing aspects of this issue will be brought forth.

I was born in the 4<sup>th</sup> year of Taisho Era (1916) in Seoul, Korea. At the time of the Korean Annexation my father was a

subordinate government official to Hirobumi Ito and lived in various parts of Korea. My siblings were all born in Korea. I lived in Korea until I was 23, thus my entire education was received in Korea. In 1938, immediately after completing my education at the age of 23, I was drafted into the military. I received basic military training from the divisions stationed on the eastern border region of Northern Manchuria, then was accepted into the officer training school in Mukden. Upon graduation I was assigned to the Southern China Occupation Force near Guangzhou, China. I was engaged in regional battles there, as well as in Fukien Province. With the start of the Greater East Asia War I was sent to the Malay Peninsula, crossed the Peninsula and participated in the Battle of Singapore. After the battle I entered Burma and remained there until the end of the war. After about one year of detention I returned to Japan. I was an infantry soldier, so I was always at the front line of the battle. Initially, I was a platoon commander, then a regiment leader, followed by positions related to reconnaissance and pacification, and at times brigade leader to manage the comfort stations. This was in Manchuria, South China regions, and in Fukien Province. From that point on, the Greater East Pacific War evolved into Malaysia, Singapore, and Burma, thus I have a working knowledge of the front lines and behind the lines. During the war, due to battle inflicted injuries and illness I received the services of field hospitals, military hospitals, and army hospitals.

### **Military and Citizens were united**

I have some knowledge of the ‘behind the lines’ support bases in large towns-e.g. Rangoon, Singapore, Bangkok, Saigon, etc., and the conditions of the cities and comfort stations. Because I have this kind of back- ground, I believe I am qualified to speak about the issues related to the comfort stations. Furthermore, I feel people like myself, who know the truth about the subject, have the responsibilities to speak out about it.

Let me explain. Before I discuss the issue of the comfort stations, it is important to acknowledge that we should not judge the past with today’s standards. Although Japan is a nation that lost the war, and there always is an argument for both sides of wars or conflicts, once a nation loses a war, all vilification is directed against the loser. In post-war Japan, if one spoke negatively about Japan or the Japanese military, he was applauded. Previously, if you had a healthy mind and body you would have fulfilled your military duties for the honor of the family and nation. There was a united support and appreciation from the public as they sacrificed and fought for the country. For these men the nation expressed gratitude and respect and provided support behind the battle lines. Such unity prevailed. There are now so called “cultured intellectuals” who speak proudly about dodging the military draft, but it was unthinkable then.

Now is February and February 15<sup>th</sup> is the date of the fall of Singapore. At the time I was on the front line of the attack force to capture Singapore, and preparing for the final night assault. When we landed on the Malay Peninsula there were about 200 men in our battalion, but by February I was the only remaining officer with about 40 soldiers. As we were readying for the final assault the enemy surrendered with their hands raised. As I recall that evening, everyone jumped up, hugged each other and cried. Within Japan there were



The morning after the fall of Singapore (February 16, 1941) The front photo is of Inoue smoking cigarette at the enemy hospital, behind the battle lines.

lantern-lit parades, I heard. Such was the people’s behavior of the time. The prevailing national public sentiment towards the military was completely different.

**Prostitution was publicly accepted (legal)**

Before the war, prostitution, though socially not desirable, took place legally in brothels. Despite its dark side, it served a social function. Common people and military people frequented these institutions regularly. Such was the culture of the time. In some nations these business still remain in one form or another, but it was a legally accepted business in Japan at the time. Such facts may have been forgotten in modern day Japan. Listening to the recent outcries of the Koreans, it seems as though the Japanese treated the foreign nationals horribly. But they forget in those days the Koreans were Japanese citizens, as were the Taiwanese. In those days it was regarded as an issue within the same nationality. As they were colonies in those days, there was some discrimination by the citizens of the mainland Japan against those in the colonies. A look at colonies around the globe tells us that the assimilation of the colonial population to the home country requires a long period of human frictions and development. In the case of Japan, the post war treaty should have resolved the issues that resulted from discrimination and colonization, and brought them to rest. The revival of the comfort women issue brought a new dimension to the problem.

Let's proceed with this basic premise in mind. The issue started with the accusation that Korean comfort women received horrific treatment from the Japanese, but gradually the scope expanded to the accusation that atrocities were committed by the military and the government of Japan; the crimes were not accidental, or isolated; the organizational and premeditated involvement by the military became the core issue. As we pursue the issue of comfort stations we arrive at the larger thematic issue of 'war and sex'.

**Sexual desire is human nature**

History can be sometimes seen as nothing more than 'history of wars'. When one speaks of 'war' we picture aggression and violence. The sexual desires of men in wars is a dark but serious human issue. I will talk about my personal experience in the war, but let me first relate a story I once heard as a child. During the Russo-Japanese war, while struggling to attack Hill 203, General Mogi in an effort to raise the fighting spirit of the soldiers ordered many women from the brothels in the homeland to be sent over. As a child I heard this sort of real life story circulating from the adult world. When I was stationed at a small village near the border of Northern Manchuria and Russia, on the return path from training I saw huts with red pillows hanging, meaning they were brothels. Being a young soldier, I did not think much of it.

When I was appointed to be became a training officer for the South China regiment, I recall my commander making the following statement: "Since you (the trainees) are young, don't go near (the brothels). However, we (the commanding officers) are regular visitors (implying to me that they were frequently satisfying their sex needs there). You should not get close to these (brothels)." His comments surprised me at the time.

Afterwards I proceeded further into the battle zone. There was one Senior Commander of the Brigade who had recently arrived from the homeland. I recall hearing him reprimanding the veteran officers who fought through the Bay of Guangzhou and the Bias Bay "The Imperial Military officers should not be frequenting such filthy establishments". As the veteran officers of battles dispersed I overheard one of them say "what is with that 'upstart' officer from the homeland? What is he saying, mouthing these condescending comments?" Several years afterwards, I became the deputy officer under the Senior

Commander who came from the mainland. I seemed to have been favored by him, to my surprise he had a surprisingly large number of issues with women, despite his squeaky clean image; I recall painfully acknowledging how 'war' changes human beings.

I once saw a cute Japanese girl on a Guangzhou street corner while walking in the city. The officer who was with me jokingly said to me "Don't make a pass at that girl. She belongs to the Senior Commander". I do not know whether this was true, but it could have been. In reality, repressed sexual desires posed realistic issues for all, from lower ranking soldiers, platoon commanders, regiment commanders, senior brigade commanders, to top military commanders.

### **Tragedy of absent comfort stations**

To those who believe "comfort stations are unsanitary", or who condemn them outright, I would like to state a counter argument. When you have a young, healthy man fighting on the front line for an extended period of time, how should his natural sexual desires be controlled or sublimated? I would like to counter argue against those statements vilifying the existence of sexual desires, and advocating their sublimation. Once one acknowledges that sexual desires are natural, and these conflicts arising from them are inevitable, one can begin to properly resolve the issues. I sincerely believe that the military does not face up to the problem but they should think seriously about it.

In dealing with these situations at first, orders will be given to impose super-human self-discipline. This is quite noble, but in reality it just means the military or the government is doing nothing.

Everyone knows about the sexual rampage by the Soviet soldiers in Manchuria just before the end of the war. Also, although the US Occupation of Japan appears to have taken place very smoothly, there were many problems with the Japanese women. Furthermore, during the Vietnam War, there were tens of thousands of illegitimate orphans born to Vietnamese women as a result of unregulated sexual relations with the US soldiers, as previously mentioned. Something must be done about these problems, I believe.

In China, in those days, there were many brothels. In Guangzhou it was common practice to use these brothels, though they posed many problems of health, hygiene as well as espionage as often military secrets were leaked from these women. Also, it was unacceptable from the Chinese man's perspective to see their women servicing Japanese men. That is totally understandable from the counter perspective; there were some terror incidents-bombs being thrown into the brothels- resulting from this type of anger.

These problems exist. Furthermore, if a soldier rapes women of an occupied territory, it will bring the military control into question. Once I was involved in the pacification operation (public relation), but there was a case of rape perpetrated by one soldier; the wellbeing of public trust disappeared instantly.

History of Showa Era Research Center Report Oct./10/2001

**Testimony and Diary Comfort Women Problem**

Officer involved in historical battles Testifies

on the Comfort Women Issue (Section 2)



A recent photo of Mr. Inoue

Former Imperial Military,

Major Infantry Division

Hayashi Inoue

**“Comfort women were treated well”**

In retrospect, taking legally employed prostitutes and related workers from the mainland Japan to the towns near the battle front in foreign countries required extension of services and care. This meant military managed security and protection from dangers had to be provided to the personnel: provision of food, health and life necessities; some organization and control of the brothel business. Without these organizational and management support from the military the brothel business could not have been run. Furthermore, the business entailed a lot of risk, but offered big returns. This is due to the arrival of various military related commerce and businessmen who provisioned the advancing military troops. So, the brothels advanced side-by-side along with other businesses. However, there was never a case where women were gathered by the military, managed by the military nor where the brothel business was run by the military. A civilian owner, or a ring leader of the brothel business group usually existed, who worked closely with the military, and managed the day to day business of the brothels. In hind sight there was nothing illegal or illicit about this structure. I still believe it is the most rational method.

Thus, I believe there should be more thought given to the problem and issues related to sex in the front lines. To think that soldiers do not have sexual appetite is, in itself, unnatural and makes the problem perverse. This is an episode I heard from a close comrade who was a vice commander of the regiment in Burma Offensive. When the post-battle cleanup security operation began, he was called by the senior commander. He was a serious and righteous person, and was asked how to treat the soldiers. To this question he responded “we should immediately try to check and maintain the health of the soldiers, uphold the military code strictly, and prepare them for the next battle”. This is an exemplary response, I thought. But, to this response he was apparently scolded by the senior commander, “What are you saying. I am not referring to those things. Go and secure some women for them” by. This is not just a superficial statement but a statement that could come only from someone who has actually fought and survived the rigors of a major battle. Such was the true nature of the military comfort station.

**Abductions could never have occurred**

Recently there was a newspaper article which contained a testimony by a Korean comfort woman: “(She) lived in a village in North Korea, but suddenly Japanese police and military came, surrounded the village and abducted about 20 women. Then the women were placed in single rooms with Japanese soldiers on watch. Then women were eventually shipped to the front lines”. This is a total fiction written with underlying malicious intent. I lived in Korea until I was 23 years old, and still maintain very close relationship with many of my childhood friends. Because I was born in Korea and intend to have my remains buried in Korea after I die, I regard myself as someone who has deep knowledge of Korea; it is my absolute belief that such abduction never took place. After the Manchurian Incident the policies of appeasement and harmonizing with the Koreans were the highest priority of the Japanese Provisional Government in Korea. The Japanese



Provisional Government wanted nothing more than building harmony and unifying Korea, and such an incident of abduction of women would have been unthinkable.

As mentioned in the beginning, my father also worked for the Japanese Provisional Government in various regions of Korea, responsible for what is now called cities and villages-where almost all of the mayors, high officials, and police officials were Koreans. Such kidnapping and abductions could never have occurred. Furthermore, the Central Office of the Japanese Provisional Government could never have condoned such acts. I cannot but feel some vindictive and conspiratorial intent in the events in recent times. I believe there were many cases of brothel owners and prostitution ring leaders abducting women. This refers not only to the Korean brothel operators but also the mainland Japanese brothel operators. There were many dark aspects to this kind of trade. However, now every transgression and violent abduction is blamed on the Japanese military, but the true nature of the problems lies with the brothel and prostitution ring operators, and not the military.

### **Koreans treated the Taiwanese condescendingly**

As far as I could observe, the comfort women in the area near the battle front were treated with kindness. There were some who were hired near these towns close to the battle front. The business relationship was established between the military leaders and the chief of the local prostitution ring leader. The relationship I maintained was with a Korean prostitution ring leader who usually brought 7-8 prostitutes at a time. They were probably the remnant prostitutes from the regiments above ours. Usually during rest periods after a battle these allocations were brought to us. All of the soldiers were happy, treated the prostitutes like important guests, built homes for them, provided food and security for them. The Koreans, in those days, were legally considered Japanese, so it is possible that they may have taken advantage of their status and treated the Taiwanese with arrogant condescension. However, I have never personally heard or seen any complaints levied by the local staff of the comfort stations and comfort women about being treated arrogantly, violently, or unfairly by the soldiers. I can honestly attest to the fact they were treated with kindness.

For the prostitution ring leaders the business involved high degree of risks as well as returns. I was a vice commander in charge of managing the organization and managing of the comfort station relationship, with two military medical staff under my command who watched after health and sanitary aspects of the comfort stations. Once there was this incident.

In those days I was still young with a high sense of ethics and justice. I investigated the profit share of the ring leader



"Yesterday's enemy is today's friend", photo of Inoue standing behind an elderly British major offering a seat, early February 1942, with the British war prisoners)

and prostitutes and it turned out to be 60/40, 70/30, larger share taken by the ring leader. It may have been the '*modus operandi*' at the time, but it was very surprising to me, and I recall ordering the ring leader to reverse the profit ratio so as to make it more favorable to the prostitutes. I do not recall what subsequently happened, but I think the ratio was improved considerably.

### **Comfort station operation during the escape**

This is another episode, but at the time near the end of the war our entire regiment decided to escape into the jungle and hide. During this escape a group of 7-8 comfort women who serviced us came to join the escape with us, without the ring leader. One prostitute whom I knew came and pleaded to be taken along, so we escaped into the jungle for a while without any sense of binding enforcement upon them. But in the evenings, in the hilly jungle, they serviced the soldiers out of their own will. At the time I was shocked to see the strength of human sexual vitality. Many of us were so fatigued but they continued to service the soldiers and escape with us, carrying large bundles of military currency, which eventually became worthless after the war. Recently I saw a photo of some comfort women who were captured by the enemy and miserably treated, with an excuse that they were captured along with escaping soldiers. I recall during major offensives, when the fighting became intense, the comfort women were brought to safe and protected areas at an earliest opportunity, far away from the battle lines along with the sick and injured. The soldiers wanted the comfort women well cared for.

### **Enforcement was nationwide**

Besides the discrimination issues at the comfort station, there is an intense focus on the allegations of ‘forceful abduction’. The comfort women were not ‘forcefully abducted’ but were gathered by ring leaders and came to us to take part in the prostitution business. In response the military provided security, health services, espionage prevention, enforcement of military code of conduct, and managed the operation. I absolutely do not think they singled out Korean women, violently abducted or mistreated them. About the time close to the end the war the prevailing government conditions within Japan became more and more dire and strict, with respect to for example, the military draft; however, the treatment was equal and the same for all the Japanese and Koreans, regardless of whether they came from the mainland or Korea. In Taiwan there were the Takasago Troops, and in Okinawa, students fought in the front line. Within Japan all Japanese women and men were forced to work in military factories and mines, not just Koreans. The military induction drafts were the most severe enforcements, but the Koreans were granted pardons at the initial stages of implementations. So, in that sense there may have been reverse discriminations against the Japanese. Now the focus of the accusations is placed on the ‘forcible’ aspects, specifically with respect to the Koreans, but the severity of the force was upon all of Japan and its people; if it was a problem to the Korean comfort women then it was the same to the Japanese comfort women. The same can be said for the Chinese, who were the enemy to our country; there were many Chinese comfort women and they could have made the same allegations regarding the issues as by the Korean women. But, they did not. It is only recently that similar ‘me too’ accusations from the Philippines and other nations have begun to emerge, but their allegations lack scale and force. On the other hand, I think the Koreans are over-zealous in their allegations.

### **Evidence of several tens of thousands of comfort women**

To complicate the issue further, the Japanese side has been timid and apologetic in response to the accusation. The former Prime Minister of Japan (Kiichi Miyazawa-editorial department remarked) stated in his published conversations “I would like to apologize for the unbearable pain and suffering beyond expression that were inflicted” (to the Korean people). However, I believe such a gesture was unwarranted; after all, it was business; I do not believe it was unbearable and to

continuously apologize, according to a diplomatic protocol, giving into their demands for apologies, is actually a very dangerous act. In essence, only apologies are made in response to the demands, with no expression of counter arguments to explain our side of the debate. Consequently, if it is mishandled and left unchallenged, I fear the history of our nation will be forever tarnished. Accordingly, it is indeed gut-wrenching to see the people with media visibility and political clout- like the National Diet members-not stand up and speak out against these issues that could permanently taint the image of our nation. Also, I strongly feel there is a subversive element within our Japanese society who blindly sympathizes with the foreigners, agitating our society and the media. There should be more serious analysis and examination done of these issues for example, by a large respectable newspaper publisher.

The mass media, in recent times, have begun to quote the number of comfort women involved to be 200 to 300 thousands, but where do such colossal numbers come from? I recall one army corps is comprised of about 20 to 30 thousand soldiers, so the number of 200 to 300 thousands means it is equivalent to 10 army corps. These comfort women were supposedly servicing the Japanese soldiers, but there were no comfort women on the front line battle field. If one assumes only the soldiers who returned to the back lines to rest were being serviced, then just how were these hundreds of thousands of comfort women being employed?

#### **Need to address seriously the issue of 'sex and the military'**

What I would like to elucidate and emphasize with respect to the comfort women problem is that there is a serious lack of focus by the government and military on what to do about sexual appetite of healthy young men who are sacrificing their body and soul to serve the national interest. The same lack of focus applies to the general public. Because the American military had abundance of military funding and number of soldiers, they could rotate front line assignments frequently. As often depicted in the movies, the soldiers on their furloughs enjoyed a very relaxing life. There was no such luxury for the Japanese soldiers. My apologies for continuously mentioning my personal experiences, but from 1938 when I entered the military service to 1946 when I returned from the war I never experienced a day of rest or furlough. There were periods when I returned to the back lines to receive training, but almost all the time was spent on the front lines. There were times when I had to spend 10 months straight in the jungles. That is an extremely long time. There were many like me. I ask, has the military ever addressed the issue of sexual needs of these soldiers?

I try to be disciplined and keep my emotional composure, as much as possible, but inevitably, from time to time, I cannot help feeling like exploding with anger. In a recent media report a question was raised whether the issue of Japanese comfort women had been raised by the United Nations Human Rights Committee. To this I must say, if the issues with Japanese comfort women are raised there should also be an issue raised from a global and historical perspective about the atrocities and sexual crimes against women committed by the soldiers of the rest of the world. I find it odd that in a country like Japan, where 'free sex' slogan is embraced and sex related industries are allowed to thrive freely, the issue of 'sexual appetite' amongst those who are involved in the wars are never addressed. It is not too late for the Japanese government to deal with this issue with courage, head on. Of course I believe with 120% conviction that it is only proper to apologize where apology is due, but to apologize to all accusations without examination is wrong now and will be in the future. Concomitantly, I would like to request the Koreans to demonstrate more emotional composure regarding this subject.