

CASE NO. 14-56440

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

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.

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

**BRIEF OF *AMICUS CURIAE* THE NIPPON TODAY'S RESEARCHERS
SOCIETY (KINGEN) IN SUPPORT OF PLAINTIFFS AND APPELLANTS
PETITION FOR RECONSIDERATION *EN BANC***

William B. DeClercq, Esq.
William@DeClercqLaw.com
DECLERCQ LAW GROUP, INC.
225 South Lake Avenue, Suite 300
Pasadena, California 91101
(626) 408-2150
Attorneys for (Proposed) Amicus
Curiae The Nippon Today's
Researchers (KINGEN)

TABLE OF CONTENTS

TABLE OF AUTHORITIES iii

BRIEF OF AMICUS CURIAE 1

Corporate Disclosure Statement. 1

Interest of Amicus. 1

Statement of Authorship and Funding. 2

I. INTRODUCTION. 3

II. JAPAN DENIES THAT THE “COMFORT WOMEN” WERE ENSLAVED. 4

 A. The “Kono Statement” Was a Diplomatic Compromise. 4

 B. Japan Has Denied the Allegations on Four Separate Occasions...... 5

III. JAPAN DISAPPROVES OF GLENDALE’S MONUMENT TO THE “COMFORT WOMEN.” 6

 A. Japan Calls Glendale’s Monument “Incompatible” and “Regrettable.”..... 6

 B. Another Diplomatic Compromise on “Comfort Women”: Japan-Korea Agreement of 2015...... 6

IV. WHO WERE THE “COMFORT WOMEN”?..... 7

 A. U.S. Military Intelligence Report No. 49...... 8

 B. Interagency Working Group Report of 2007 9

 C. Glendale Strains Relations with Japan in Favor of Korea. 10

 D. About Amicus GAPH...... 10

 E. Statements of the “Comfort Women” 11

 F. Argument Amongst Academic Historians 13

V. WHAT IS THE REAL PURPOSE OF THE MONUMENT?..... 13

VI. PLAINTIFFS AND APPELLANTS CAN STATE A CLAIM...... 14

ARGUMENT

I. INTRODUCTION.

Glendale has installed a permanent monument in a public park – in stone and bronze – which sets forth a disputed and controversial view of history. Glendale espouses the point of view of Korean interest groups that over 200,000 “Comfort Women,” were “sex slaves” during World War II, and demands that Japan “take historical responsibility” for alleged war crimes.

KINGEN respectfully submits that these statements are not appropriate nor supported by the historical record, and reflect a strongly pro-Korean interpretation of the issue, to the detriment of Japan, resulting in anti-Japanese discrimination in Glendale. Further, Glendale has violated the First Amendment by permanently endorsed one viewpoint while excluding others. In so doing, the panel improperly expanded the scope of *Pleasant Grove City v. Summum*, 555 U.S. 460, 470 (2009) – dealing with symbolic speech—and *Alameda Newspapers, Inc. v. City of Oakland*, 95 F.3d 1406, 1414 (9th Cir. 1996)—dealing with a (non-permanent) written resolution or proclamation. This is an entirely new statement of the law: that a city can adopt the foreign policy statement of an interest group, in bronze and stone, in a public park, that a foreign nation should be held accountable for war crimes over the objection of its citizens.

The new rule announced by the panel allows statements in favor of a controversial foreign policy agenda of an interest group to be set in stone in a public park. This invites municipalities to engage in all manner of viewpoint-discriminatory speech in public fora by conflating “*merely expressive*” monuments with proclamations.

II. JAPAN DENIES THAT THE “COMFORT WOMEN” WERE ENSLAVED.

A. The “Kono Statement” Was a Diplomatic Compromise.

In the spring of 2014, the government of Japan began aggressively denying the accusation that the “Comfort Women” were enslaved. The Kono Statement, announced on August 4, 1993, was interpreted as an admission to police and military coerced recruitment of the “Comfort Women.” But the statement reveals no use of the words “abduct,” “slave,” nor an admission that these women were “enslaved by the Japanese Military.” However, Kono Statements caused serious misunderstandings internationally, so a blue-ribbon panel of Japanese experts revisited the statement in Spring 2014.

On June 20, 2014, the commission concluded that the Kono statement was not a factual admission of abduction/enslavement of “Comfort Women,” but rather a diplomatic concession to Republic of Korea (“ROK”), a formal apology but not an admission of fault, that was intended to bring an end to the dispute.

On February 20, 2014, a high-ranking Japanese official expressed disappointment at the reversal by the ROK. (*Appendix*, Exhibit A.) Japan felt compelled to support the fragile country of South Korea in its fight against communist threats, especially in the Korean War, during the cold war, and even into the 1990's, in order to maintain warm diplomatic relations with the ROK to keep Japan's good standing with the USA. (See *Id.*)

B. Japan Has Denied the Allegations on Four Separate Occasions.

Following the 2014 study, Japan addressed the issue of "Comfort Women" in great detail. Japan explicitly and specifically denied forcible recruitment (abduction or slave hunting), slavery, and the claim that "Comfort Women" numbered 200,000. Japan named ASAHI Newspaper as a propagandist and the main disseminator of alleged disinformation. Japan's official denial started with a statement before the UN Human Rights Committee (CCPR) on July 15, 2014, and Japan's denial has been repeated four times. (**Exhs. B, C, D, E & G [summary prepared by KINGEN]**.) Japan's position to the international community directly contradicts Glendale's accusations, as Japan maintains:

- These are one-sided claims which lack corroborative evidence;
- There is no documentation of state-sponsored abductions of women,
- The claim of "200,000 comfort women" is based upon confusing "Comfort Women" with women volunteer corps.

- The phrase expression “sex slaves” contradicts the facts and it is inappropriate to consider the comfort women system as "slavery" from the perspective of then-current international law.
- Japan objects to the allegation of historical revisionism and maintains it has fully addressed the issue “Comfort Women.”

III. JAPAN DISAPPROVES OF GLENDALE’S MONUMENT TO THE “COMFORT WOMEN.”

Glendale has disrupted the relationship between Japan and the USA. Japan has expressed support for this citizen lawsuit against the monument in Glendale, and expressed disapproval of another very similar statue in Seoul.

A. Japan Calls Glendale’s Monument “Incompatible” and “Regrettable.”

On February 21, 2014, the day after plaintiffs filed this action, Mr. Yoshihide Suga, Chief Cabinet Secretary of Japan, gave a press conference, stating: “This installation of a memorial statue by a municipal government in the U.S. is incompatible with the views of the Japanese Government,” and “extremely regrettable.” Mr. Suga expressed solidarity with the plaintiffs, Japanese, and Japanese-Americans. (Exhibit F)

B. Another Diplomatic Compromise on “Comfort Women”: Japan-Korea Agreement of 2015

On December 28, 2015, the Japan-Korea Agreement on “Comfort Women” was announced and the Foreign Minister of ROK, Mr. Yun, specifically addressed the “Comfort Woman” statue in Seoul, as follows:

The Government of the ROK acknowledges the fact that the Government of Japan is concerned about the statue built in front of the Embassy of Japan in Seoul from the viewpoint of preventing any disturbance of the peace of the mission or impairment of its dignity, and will strive to solve this issue in an appropriate manner through taking measures such as consulting with related organizations about possible ways of addressing this issue. (Exh. H.)

Japan supports for the fragile government of the ROK, in the face of volatile situations in the South and East China Sea, to maintain its alliance with the U.S.A. Nevertheless, Japan requested removal of the statue in Seoul, and the ROK has acknowledged the problem. Similarly, the statue in the Glendale creates friction amongst ethnic groups, and its continued presence in Glendale threatens to destabilize the relationship between the USA and Japan. (Exh. I.)

IV. WHO WERE THE “COMFORT WOMEN”?

According to various reports, “Comfort Women” were recruited through advertisements in newspapers (Exh. 6), proprietors of brothels, employment agencies, panders, and other private individuals. As valuable employees, scholars argue, they were treated with respect. Furthermore, historians claim that as a result of the risk of their work near battlefronts, they received high remuneration. Documents submitted herewith reflect that one “Comfort Woman” deposited in her bank earnings then-equivalent to the purchase price for two houses in Tokyo, in only one year. (Exh. J.)

U.S. Military reports have supported this view of the historical facts. Indeed, the U.S. Government has previously investigated the allegations of atrocities against the “Comfort Women” by the Japanese military, at urging of *amicus* GAPH, without results.

A. U.S. Military Intelligence Report No. 49.

On October 1, 1944, the U.S. issued a report, Japanese Prisoners of War Interrogation on Prostitution Report No. 49, prepared by U.S. Office of War Information, Psychological Warfare Team which was attached to U.S. Army Forces India-Burma Theater, APO 689. (Exh. K.) It is based on interrogations of “Comfort Women” captured by the U.S. in Burma. The report concludes: “A ‘comfort girl’ is nothing more than a prostitute or ‘professional camp followers’ attached to the Japanese Army for the benefit of the soldiers.” (*Id.*, p.1) A summary of the major findings of this report follows:

- “Comfort Women” were recruited by Japanese private-sector agents in May 1942 in Korea for “comfort service,” which was a contract wherein the women or their families were paid in advance
- The women’s age ranged from 21 to 28.
- Each woman lived, slept and transacted business in a private room.
- The report opines that they lived fairly comfortably.
- The report characterizes the relationship between “Comfort

Women” and soldiers as generally amicable and social with numerous instances of marriage proposals and a few marriages.

- The report describes strict regulation to protect the health and safety of the women and their customers.
- The report states that women had time off and were able to refuse a customer if they wished.

(*Id.*) U.S. military interrogations of Japanese prisoners of war in south Asia and southern Pacific areas, held at the U.S. National Archives and Records Administration (NARA), mirror Report No. 49 in the depiction of “Comfort Women” in Manila, the Philippines and Rabaul, Papua New Guinea. (Exhibit L.)

B. Interagency Working Group Report of 2007

In response to the 1998 Nazi War Crimes Disclosure Act, Public Law 105-246, *amicus* GAPH, a Chinese-American organization, persuaded Congress to also authorize and investigation into war crimes by the Japanese resulting in the Japanese Imperial Government Disclosure Act, Public Law 106-567, (2000). The Interagency Working Group (IWG) – consisting of top U.S. government officials—began researching alleged war crimes by the Japanese. After reviewing over 8.5 million pages, little evidence was reported. (Exhibit P.) Acting Chair Steven Garfinkel acknowledged the disappointment of GAPH, who hoped to unearth massive troves of evidence of Japanese war crimes. (Exhibit Q.)

Despite the U.S. acknowledging a lack of documentation, *amicus curiae* GAPH insists on pressing the “enslavement” theory, seeking redress for “Japan's aggression, invasion, and occupation of mainland Asia and island nations of the Pacific.” (Exh. M) But the U.S.A. has no policy regarding “Comfort Women” as a war crime since it was a then-acceptable and legal local practice. (Exh. L, p. 15) But Glendale, following *Amicus* GAPH, ignores the policy of the U.S.

C. Glendale Strains Relations with Japan in Favor of Korea.

Glendale’s monument has alienated its first sister city, Higashi-Osaka. (Exh. U.) According to KINGEN’s study, the mayor of Glendale has visited its relatively new Korean sister cities, Goseong and Gimpo, seven times in the last seven years, but not once stopped in Higashi-Osaka, a few hours from Seoul. By favoring Korea over Japan, Glendale has shunned Japan – an American ally and home of Glendale’s sister city dating back to 1960.

D. About Amicus GAPH

GAPH was established by Chinese-Americans in northern California with the aim of alleging atrocities by the Japanese military during World War II. GAPH helped write The Rape of Nanjing, by Iris Chang, a controversial text that many Japanese scholars argue lacks credible evidence. GAPH lobbied Congress to create the IWG, which ultimately failed to unearth documentation of the Japanese military’s alleged crimes.

Also, GAPH opposes U.S. diplomatic policy by, among other things, claiming that the San Francisco Peace Treaty of 1951 was controversial, and was invalidated in 1972 by a joint communique between Japan and PROC (Exh. M.) GAPH hopes Glendale will generate “a formidable popular consensus (which) will compel [] Japan to honor its postwar responsibilities.” (*Id.*) In short, GAPH is promoting the “Comfort Women” to lower Japan’s standing.

E. Statements of the “Comfort Women”

Historical evidence of Glendale’s narrative relies on narrative statements from self-proclaimed “Comfort Women.” In The Comfort Women (University of Chicago Press, 2008), author Sarah Soh, Professor of Anthropology at San Francisco State University, has rigorously examined the evidence, concluding:

1. “Comfort Women” were not typically kidnapped. (p.3)
2. “Comfort Women” received advance payments when recruited. (p.9)
3. “Comfort Women” numbered 50,000 at most, not 200,000. (p.24)

Professor Park Yuha of Sejong University in South Korea has resisted the pressure to adopt the ROK version of history:

“some well-known Korean [‘Comfort Woman’] survivors (such as Kim Hak-sun, Pae Pong-gi, and most recently, Yi Yong-su) have given different version of testimonial narratives. In particular, the stories of some Korean survivors have varied regarding a crucial issue of the method of their recruitment. ... In the case of Yi Yong-su, the published account states that she left home at dawn when her age-mate and neighborhood friend Pun-sun knocked on her window and whispered, ‘Come out quietly.’ Yi recalled: ‘I

tiptoed out and furtively followed Pun-sun to leave home...without letting her mother know.” (“Comfort Women of the Empire” in 2013 [Korean], 2014 (Japanese, Asahi Newspaper)

But Yi recently revised her statements to allege she was “dragged away by the Japanese military during her sleep” dovetailing with the activists’ paradigmatic discourse.” (Exh. V.)

By contrast, Special Edition of Bulletin of Showa Kenkyujo collects 33 testimonials from military personnel and civilians, recounting conversations with “Comfort Women,” along with Japanese military discipline and attitudes, detailing the strict regulation of soldiers’ visits to “Comfort Stations,” the mandate that natives of occupied territories be treated as equals, and denials of Hitler’s theories of racial supremacy. (Exh. N.) This argues Japanese military was disciplined and that “Comfort Stations” decreased the incidence of rape and prevented disease. (Exhibit O). KINGEN finds these results consistent with prisoners’ interrogation reports. Indeed, KINGEN has found no evidence of kidnapping, no evidence of 200,000 “Comfort Women,” and no mention of sexual servitude. (Exh. W.)

Glendale, and its *amici*, rely almost exclusively on the narratives of self-identified “Comfort Women” to proclaim the Japanese “guilty” of “war crimes.” There has been no tribunal, no sworn testimony, and no such verdict, but the language of the monument in Glendale’s Central Park insists otherwise. Permitting a California municipality to act as judge, jury and executioner in a serious matter

of international import invites perjury, and insults the process of international criminal courts.

Ironically, Glendale's purported justification for the monument – freedom of expression – actually limits freedom of expression of opposing viewpoints by officially condemning the Japanese military as a criminal.

F. Argument Amongst Academic Historians

Historians are hotly debating the “enslavement” theory, but debate is dead in Glendale Central Park. Those who insist that “Comfort Women” were enslaved have not responded for almost a half year since 50 Japanese historians presented evidence denying enslavement. (Exhibit R).

V. WHAT IS THE REAL PURPOSE OF THE MONUMENT?

Glendale's monument purports to commemorate “200,000 Sex Slaves,” but significant historical evidence suggests there were a quarter that many and that the “Comfort Women” were “*nothing more than prostitutes or professional camp followers*” (Exh. K.) Indeed, none of the Japanese “Comfort Women” – who as a group constituted the greatest number of these women – have made any accusation of enslavement against the military of Japan, nor have they demanded reparations.

This begs the question: why do the proponents of the monument fail to commemorate victims of sexual exploitation and/or alleged war crimes, at any other time, in any other place? Why does not Glendale commemorate prostitutes

who worked during the Korean War, Vietnam War, elsewhere? KINGEN respectfully submits that the “Comfort Women” theory espoused by Glendale’s monument is a proxy for anti-Japanese sentiment and is part of a campaign to shame and demean the Japanese people, with a goal of Japan’s standing as an ally of the U.S.A.

As evidence, KINGEN has collected images of anti-Japanese demonstrations, rallies and signage around the monuments by Korean and Chinese activists. Although the monuments purport to promote peace, they have become a lightning rod of division. (Exh. S [KINGEN-assembled collage of anti-Japan demonstrations surrounding “Comfort Women” monument].) Therefore, KINGEN maintains that the “Comfort Women” issue is an international political issue, using a hypocritical double standard on women’s rights, in order to marginalize Japan and the Japanese today. There have been many atrocities during wars in history and in the world. To single out Japan and to condemn Japanese persistently, in light of the broader context and the complicated history of this issue is tantamount to state-sponsored discrimination and prejudice against the Japanese people.

VI. PLAINTIFFS AND APPELLANTS CAN STATE A CLAIM.

The panel concluded that Plaintiffs’ complaint should be dismissed without leave to amend; however, in California, plaintiffs have alleged claims under the California Constitution Equal Protection and Privileges and Immunities clauses.

Plaintiffs and Appellants should be permitted to amend their federal complaint in light of the analysis above as Glendale’s pro-Korean position in light of the vigorous international dispute is a state-sponsored proxy for anti-Japanese-American sentiment in Glendale, California.

Plaintiffs Can State a Claim for Violations of their First Amendment Rights.

As alleged in Plaintiffs’ complaint, Glendale decided to adopt the monument’s language – which was provided and supported by a pro-Korean interest group—while ignoring the objecting views of its Japanese citizens. Glendale’s Central Park is a public forum and the City has adopted and set in stone the views of one set of interests while denying the right of others to offer different views of the historical facts and to defend the “trial by monument” in Glendale.

Glendale’s statement in the *written* plaque reads as an out-of-court indictment of Japan--a foreign power—and expresses subtle anti-Japanese animus. The narrative plaque is not a valid “time, place and manner” restriction on speech in a public forum, nor is it mere “expressive speech.”

Rather, the written statement set in stone in Glendale’s Central Park is an impermissible government subsidy of controversial, highly charged, and

internationally relevant speech that adopts the views of a political activist group with anti-Japanese objectives.

In permitting the language of the **plaque** (separately and distinct from the “expressive” monument of a sitting Korean woman) the panel improperly expanded the scope of *Pleasant Grove City v. Summum*, 555 U.S. 460, 470 (2009) – dealing with symbolic speech—and conflated it with the holding of this Court in *Alameda Newspapers, Inc. v. City of Oakland*, 95 F.3d 1406, 1414 (9th Cir. 1996)—dealing with a (non-permanent) written resolution or proclamation.

The result is an entirely new statement of the law: in reading the opinion, a city could adopt the foreign policy statement of any interest group, and cast it in bronze and stone, in a public park, arguing that a foreign nation should be held accountable for war crimes over the objection of its citizens. The rule announced by the panel would permit cities to engage in all manner of viewpoint discriminatory speech in public fora under the guise of “*merely expressive*” proclamations.

Given California’s troubled history of mistreating Japanese residents, this monument and its one-sided view of history can rightfully be seen as the first step on a slippery slope of government-sponsored anti-Japanese sentiment. If the monument and its incendiary narrative stand, nothing prevents Glendale from

adding, as additional “expressive speech,” any manner of divisive or exclusionary rhetoric.

VI. CONCLUSION

The “Comfort Women” monument was promoted, funded and created by Korean interest groups and erected three years ago by the City of Glendale, leading to international tensions and disenfranchisement of the plaintiffs, because Glendale accepted a pro-Korean, anti-Japanese view. Indeed, a very similar statue in Seoul has created diplomatic tensions between Japan and South Korea. Substantial historical evidence and academic scholars question the theory that “200,000 ‘Comfort Women’ were ‘sex slaves’ of the Japanese military,” but Glendale ignored the perspectives of the Japanese and embraced the views of pro-Korean groups. From a Japanese perspective, the monument does not preserve peace nor promote human rights, but rather defames and demeans Japan and the Japanese in the USA.

The Ninth Circuit should rehear the case *en banc* and reverse the ruling of the panel because a failure to act will cause the situation to worsen, resulting in more anti-Japanese monuments promoted by the Korean interest groups, threatening to weaken the U.S.-Japan Security Treaty. Performance of a bilateral security treaty is “greatly dependent on a mutual friendship,” as stipulated in the first line of the first paragraph in the Security Treaty. (Exh. T)

The monument threatens the friendship of Japan and the U.S.A. From the perspective of the Japanese members of KINGEN, the “Comfort Women” monument in Glendale is not just a 20-ton bronze memorial; it is a sharp and subversive dagger aimed at the U.S.-Japan Security Treaty, a Trojan Horse that threatens the safety of the Japanese and Japanese-Americans in Glendale. The opinion of the panel suggests improperly that municipalities can intervene in a global diplomatic issue without regard to U.S. policy or the right of its citizens to have equal access to express their viewpoints in a public forum.

DATED: September 26, 20166 Respectfully submitted,

DECLERCQ LAW GROUP, INC.

By: /s/ William B. DeClercq, Esq.
WILLIAM B. DECLERCQ, ESQ.

Attorneys for (Proposed) *Amici Curiae*
NIPPON TODAY'S RESEARCHERS
SOCIETY (KINGEN)

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 **3766** words 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,

DECLERCQ LAW GROUP, INC.

By: /s/ William B. DeClercq, Esq.
WILLIAM B. DECLERCQ, ESQ.

Attorneys for (Proposed) *Amici Curiae*
NIPPON TODAY'S RESEARCHERS
SOCIETY (KINGEN)

CASE NO. 14-56440

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

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.

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

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

William B. DeClercq, Esq.
William@DeClercqLaw.com
DECLERCQ LAW GROUP, INC.
225 South Lake Avenue, Suite 300
Pasadena, California 91101
(626) 408-2150
Attorneys for (Proposed) *Amicus
Curiae* The Nippon Today's
Researchers (KINGEN)

Exhibit	Description
A	"Details of Exchanges Between Japan and the Republic of Korea (ROK) Regarding the Comfort Women Issue ~ From the Drafting of the Kono Statement to the Asian Women's Fund ~issued on June 20, 2014, Sankei Newspaper Digital Version, February 20, 2014 Source: http://www.sankei.com/politics/print/140220/pl1402200006-c.html
B	"Korean Comfort Women agreement is a triumph for Japan and the US" <i>The Guardian</i> Dec. 28, 2015
C	United Nations <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</i> , 22 April 2015
D	Comments by the Government of Japan on the <i>Concluding Observations of the Human Rights Committee (CCPRIC/JPN/CO/6)</i>
E	United Nations <i>Convention on the Elimination of All Forms of Discrimination against Women</i> , 22 Feb 2016
F	"Press Conference by the Chief Cabinet Secretary" 21 Feb 2014
G	Chart prepared by KINGEN
H	"Japan-ROK Foreign Minister's Meeting" <i>Ministry of Foreign Affairs of Japan</i> . 28 Dec 2015
I	"Korean Comfort Women agreement is a triumph for Japan and the US" <i>The Guardian</i> , 28 Dec 2015
J	"Advertisement in Keijyo Nippo" 26 July 1944; "Passbook of Comfort Woman" 1944-1945
K	U.S. Office of War Information, Psychological Warfare Team, report dated 10 August 1944
L	Confidential Allied Translator and Interpreter Section, South West Pacific Area, report dated 16 Feb 1945
M	Global Alliance for Preserving the History of WW II in Asia, home page. (http://www.global-alliance.net/home.html , loaded 23 Sept 2016)
N	Ishikawa, "Summary of Testimonies: A Collection of 33 Soldiers of Imperial Japanese Army" May 2016
O	"Insights and Thoughts on Issues of Sex and the Military" History of Showa Era Research Center Report 10 Sept 2001
P	Nazi War Crimes & Japanese Imperial Government Records Interagency Working Group, <i>Final Report to the United States Congress</i> , April 2007. Source: https://www.archives.gov/iwg/reports/final-report-2007.html
Q	<i>Id.</i> , excerpt of Preface.
R	Yamashita, "Challenging the '20 American historians'" <i>Japan Times</i> , 10 Mar 2016
S	Nippon Today's Researchers Society (KINGEN), "Anti-Japan Rallies Around the Statues."
T	United States – Japan Security Treaty
U	Noda, Yoshikazu "Letter from Higashi-Osaka City," 25 Jul 2013. http://www.city.higashiosaka.lg.jp/cmsfiles/contents/0000011/11653/25.7.25shokan-e.pdf
V	Fackler, "No Apology for Sex Slavery, Japan's Prime Minister Says," <i>New York Times</i> , 6 Mar 2007.
W	Hata, "No Organized or Forced Recruitment: Misconceptions about Comfort Women and the Japanese Military," <i>Society for Dissemination of Historical Fact</i> , 2007.

EXHIBIT G

The Japanese Government's Official Refutation of "Sex Slavery of Comfort Women"

September 2016 KINGEN

Year	month/ day	International Occasion	Factors of "Sex-Slaved Comfort Women"				Subappendix No.	Source Internet Archive URL
			Abduction	Enslavement	200k Hunting	Disseminated by Asahi		
2014	June 20	(Study report by Secretariat (Cabinet Secretariat, Ministry of Foreign Affairs))	(N/A)	(N/A)	(N/A)	(N/A)	M-1	http://www.mofa.go.jp/files/000042171.pdf
							Study report on the Details of Exchanges Between Japan and the Republic of Korea (ROK) Regarding the Comfort Women Issue ~ From the Drafting of the Kono Statement to the Asian Women's Fund ~	
	July 15	at Meeting held by the Human Rights Committee (CCPR) of the UN (United Nations)	-	Denied	-	-	M-3(b)	http://tbinternet.ohchr.org/_layouts/ treatybodyexternal/Download.aspx? symbolno=CCPR%2fC%2fSR.3082& Lang=en
						Summary Records CCPR/C/SR.3082 (Aug. 20, 2014) Page 3 (13)		
2015	March 13	Additional Information on the concluding observations to the Committee against Torture (CAT) of the UN	Denied	Denied	Denied	Δ (*1)	M-3(c)	http://tbinternet.ohchr.org/_layouts/ TreatyBodyExternal/Countries.aspx? CountryCode=JPN&Lang=EN
							CAT/C/JPN/CO/2/Add.1 (Apr. 22, 2015) Paragraph 19: page 10-13	
	Aug. 27	Comments by the Government of Japan on the Concluding Observations of the Human Rights Committee (CCPR) of UN	Denied	Denied	Denied	Δ (*1)	M-3(d)	http://tbinternet.ohchr.org/_layouts/ treatybodyexternal/Download.aspx? symbolno=INT%2fCCPR%2fCO% 2fJPN%2f21588&Lang=en
						MISSION PERMANENTE DU JAPON FY/UN/421 (Aug. 27, 2015) Page 7-8 Item 26-31		
2016	Feb. 16	at Meeting held by the Committee on the Elimination of Discrimination against Women (CEDAW) of the UN	Denied	Denied	Denied	Yes (*2)	M-3(e)	http://tbinternet.ohchr.org/_layouts/ TreatyBodyExternal/Countries.aspx? CountryCode=JPN&Lang=EN

*1: Specified as "a leading Japanese newspaper", which means ASAHI Newspaper.

*2: In the meeting the head of the delegation Mr. Shinsuke SUGIYAMA explicitly referred to the ASAHI as the disseminator

the UN Summary Record- the evidence CEDAW/C/SR.1375 records the disseminator as "a leading Japanese newspaper".

EXHIBIT S

Anti-Japan Rallies Around the Statues

1. Around the Glendale Statue in USA (1/2)

As of Sept 2016, there are two statues and seven monuments in US. Chinese and Korean groups are planning to erect more statues, and are now deploying anti-Japan activities.

These are the photos of their anti-Japan activities related to around the statue of Glendale city..

Prime Minister Shinzo Abe addressed a Joint Congressional Meeting of the US Congress on April 29, 2015 titled "Toward an Alliance of Hope". He emphasized especially an enhancement of US-Japan security. The speech was applauded by the members with standing ovations.



(Photo: Cabinet Public Relations Office)

During the speech protests took place on the Capitol Hill by Koreans and its descents in US.



*The Korea Times April 29, 2015
Abe addresses Congress without apology as protests continue
By Tae Hong, Korean Times US
<http://www.koreatimesus.com/abe-addresses-congress-without-apology-as-protests-continue/>*



Photos taken at the opening ceremony of the statue (July 30, 2013)



Chinanews July 30th, 2013.
Glendale, the opening ceremony of comfort girl statue
<http://www.chinanews.com/gj/2013/08-01/5111201.shtml>

<https://youtu.be/MwcpGxZeWiA>

1. Around the Glendale Statue in USA (2/2)

Before and after PM Abe’s speech in the Congress Chinese and Korean Americans jointly and separately protested in the US. Some held signs “COMFORT WOMEN WERE SEX SLAVES NO COVER UP OF WAR CRIMES!”, and some “COMFORT WOMEN DESERVE SINCERE APOLOGY!”

No matter what PM Abe says in his speech, they just do accusations against any Japan.



“WAR CRIME DENIER NOT WELCOME!”

Lotus Gan, left, and Yize Chen yell with other Chinese American and Korean American protesters as they hold up a photo of Japanese Prime Minister Shinzo Abe during a rally outside of the Japanese Consulate in San Francisco, Tuesday, April 28, 2015. (AP Photo/Jeff Chiu)

“COMFORT WOMEN WERE SEX SLAVES” NO COVER UP OF WAR CRIMES!”



Hundreds protest Japanese leader ahead of California visit
By JANIE HAR April 28, 2015 6:53 PM
<https://www.yahoo.com/news/hundreds-protest-japanese-leader-ahead-california-visit-211500694.html?ref=gs>

“COMFORT WOMEN DESERVE SINCERE APOLOGY!”



Chinese American and Korean American protesters hold up signs and yell as they rally outside of Japanese Consulate in San Francisco, Tuesday, April 28, 2015. Hundreds of people protested outside the Japanese Consulate Tuesday, calling on Prime Minister Shinzo Abe to apologize for his country’s atrocities toward other Asian countries during World War II. The protest came as Abe met with President Barack Obama in Washington, D.C., ahead of the prime minister’s three-day visit to California this week. (AP Photo/Jeff Chiu)

Just after the speech in the Congress

“WAR CRIME DENIER NOT WELCOME!”

Demonstrators gather outside the Millennium Biltmore hotel in downtown Los Angeles during a visit by Japanese Prime Minister Shinzo Abe during a Japan-U.S. Economic Forum on Friday, May 1, 2015. About a hundred people chanted and held signs demanding “justice” for the sexual slaves kept by the Japanese during World War. The protesters, many of Korean or Chinese descent, shouted “Abe, liar!” and held signs reading “Mr. Abe, official apology.” Japan maintains that it has already apologized for the sex slaves known as “comfort women” held by its imperial army. (AP Photo/Richard Vogel)



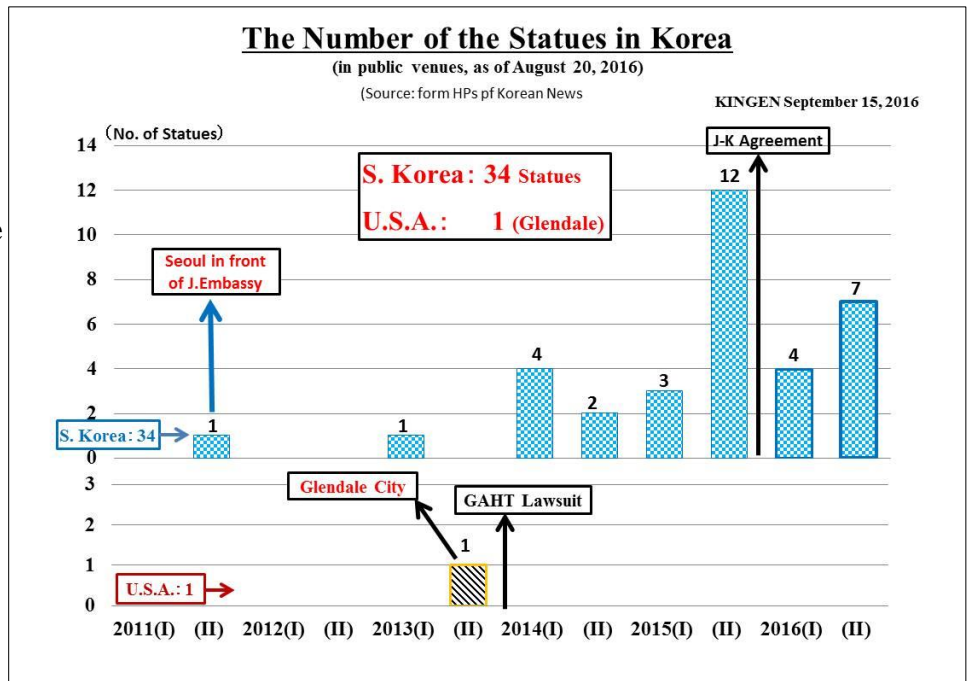
2. Around the Statues “Enslaved Comfort Woman” in South Korea (1/4)

How Contradictory They are!

1. Claiming Justice by the Illegal Statue!
2. Radical/Violent Rallies around the “Peace Monument”

Now 34 statues have been erected all over the South Korea. The first statue was installed in front of the Japanese Embassy in Seoul in December 2011.

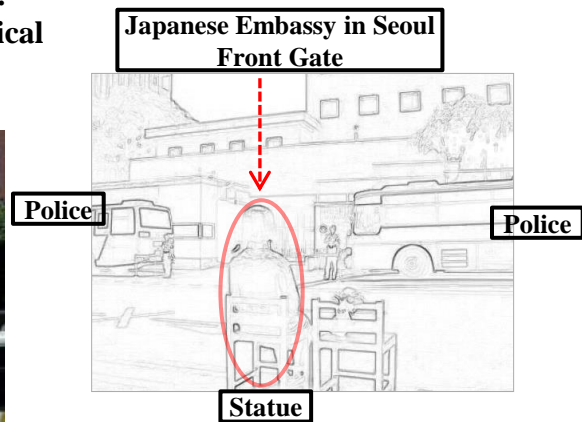
Even after the Japan-S.Korea Agreement, so far only with 9 months, 11 statues were erected in public venues by private organizations.



The agreement stipulates refrainment from accusations in international societies, however the Koreans seemingly understand that they could do anything freely in their homeland.

On December 14, 2011, the first slaved comfort girl statue was erected in front of the Japanese Embassy in Seoul.

The statue is called “Peace Monument” in South Korea. Since then anti-Japan protesters rally and perform radical anti-Japan activities around the statue.



The statue faces the front gate of the Embassy.

The idea seems to be her angry staring at Japan and Japanese, who never apologize for “their alleged atrocities”.

Source: <https://justiceforcomfortwomen.org/category/uncategorized/>

2. Around the Statues “Enslaved Comfort Woman” in South Korea (2/4)

Sino-Korea Alliance against whom?



Two months before the Japan-Korea Agreement, a paired statue of Korean and Chinese girls was unveiled on October 28, 2015.

Cooperation between China and Korea was materialized like this.

According to this article “A representative of the South Korean group said similar statues will be set up in Shanghai and **San Francisco**.”

Statues honoring Korean, Chinese ‘comfort women’ erected in Seoul (Japan Times Oct. 29, 2015)

<http://www.japantimes.co.jp/news/2015/10/29/national/politics-diplomacy/statuses-honoring-korean-chinese-comfort-women-erected-in-seoul/#.V-I2qSiLTIU>

Radical Rallies against the PM of Japan Are these expressions of their Opinions?

Around the statue rallies were performed by anti-Japan activists, who insult the Prime Minister and deface the national flag of Japan. The statue is the symbolic icon of the anti-Japan campaign.



The Himalayan Times August 15, 2015 Protests in South Korea
<http://thehimalayantimes.com/multimedia/photo-gallery/protests-in-south-korea/>
REUTERS

2. Around the Statues "Enslaved Comfort Woman" in South Korea (3/4)

Do they claim "Peace"?

The rallies' main claim is for an official Apology. Does that mean once the government apologized, these campaigns would cease? Does the Government of South Korea keep the promises? So far it has not.

So far the government of Japan, based on the agreements made with the South Korean government, announced 3 times that the issue was settled, as "all claims is settled completely and finally"(in 1965), "all settlement by unclear Kono statements", and thirdly J-K Agreement of Dec. 2015 as "final and irrevocable resolution".

The first two were broken by South Korea without any apologies so far.

The Government of South Korea promised to work for removal of the statue, but Japanese still wait and see how the situations develop.

Protesters defame PM Abe under names of:
"Human Rights"
"Freedom of Expressions"
"Peaceful Societies"
and put his face photos under their feet.
Do they claim "Peace"?



*Peace monument" for former "comfort women" during an anti-Japan rally outside the Japanese embassy in Seoul on April 1, 2015 | By: Jung Yeon Je | Getty Images
<http://en.koreaportal.com/articles/3292/20151030/south-korea-japan-comfort-women-statues.htm>*

A man (left) wearing a mask of Japanese Prime Minister Shinzo Abe kneels down in a mock apology next to the statue (right) of a teenage girl symbolizing former "comfort women," in Seoul on August 15, 2016 (AFP Photo/Jung Yeon-Je)



Rejecting a deal announced by the South Korean and Japanese governments, people protest on Dec. 30 at a statue symbolizing "comfort women" in front of the Japanese Embassy in Seoul. PHOTO: REUTERS



2. Around the Statues of Enslaved Comfort Women in South Korea (4/4)

"Oppose the Alliance between U.S. and Japan and Japan's Wartime atrocities."

(AP)

Former comfort women Kil Un-ock, boom, and Kim Bock-dong who were forced to serve for the Japanese troops as a sexual slave during World War II, shout slogans during a rally against a visit by Japanese Prime Minister Shinzo Abe to the United States, in front of the Japanese Embassy in Seoul, South Korea, Wednesday, April 29, 2015.

Abe has sidestepped a question on whether he would apologize for the sexual enslavement of women by Japan's army during World War II.

The letters at cards read *"Oppose the alliance between U.S. and Japan and Japan's wartime atrocities."*

(AP Photo/Ahn Young-joon) April 29, 2015



Source: AP April 29, 2015

<http://www.apimages.com/metadata/Index/South-Korea-US-Japan-Comfort-Women/14f28419b25a4d1a979eb05d13cad00f/312/0>

"A protester chops an effigy of Japanese Prime Minister Shinzo Abe with an axe" (REUTERS)



A protester chops an effigy of Japanese Prime Minister Shinzo Abe with an axe during an anti-Japan rally on the occasion of the 70th anniversary of liberation from Japan's 1910-45 colonial rule, on Liberation Day in Seoul, South Korea, August 15, 2015.

<http://thehimalayantimes.com/multimedia/photo-gallery/protests-in-south-korea/>



Belfast Telegraph

(AP Photo/Yonhap, Kim Ju-Sung)

<http://www.belfasttelegraph.co.uk/news/world-news/korean-activist-launches-knife-attack-on-us-ambassador-mark-lippert-in-seoul-leaving-him-with-nerve-damage-and-80-stitches-31042768.html>

3. The Statue of Glendale in Australia

is Used for accusing Japan and generating ethnical frictions, not for peace

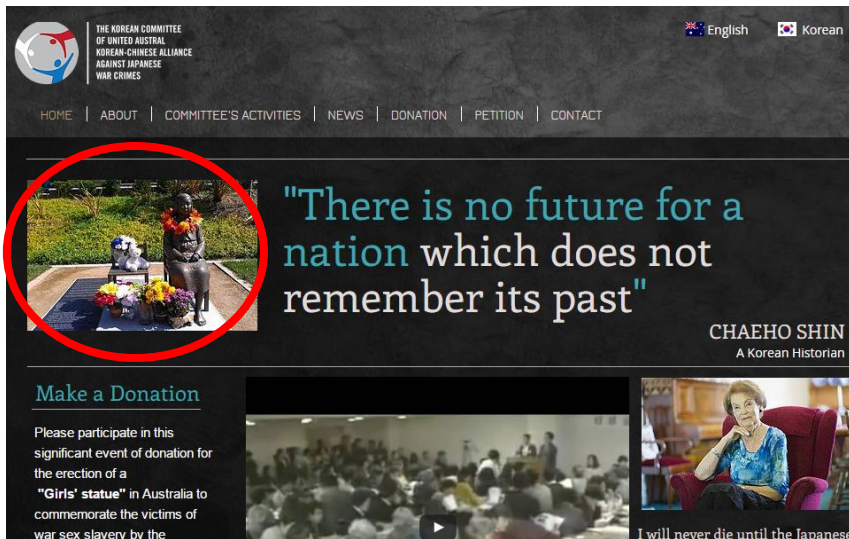
The Korean Committee of United Austral Korean-Chinese Alliance Against Japanese War Crimes (UAKCA)“, one of main driving organizations for erecting the statue in Australia, uses in the head of HP (<http://designbank.wixsite.com/korean-and-Chinese>) a snap shot of the statue of Glendale City for promoting the first similar statue in Australia at a public venue.

According to statements of the HP: **UAKCA is determined to have the statue built.** *“Increase public awareness about the Japanese government’s hidden policy of neo-militarism, distortion of war history and war crimes, including the use of sex slaves and the Nanjing Massacre.*

Erect a girls’ statue that represents those who were forced to work as sex slaves, commonly known as ‘comfort women’. The purpose of this statue is to inform growing second generations of Korean and Chinese in Australia and Australian citizens of the brutality and atrocity suffered by hundreds of thousands of women during the Second World War. We would like to further educate the generations to learn the lessons from history so that we can prevent this dark past from happening again in the future.”

UAKCA declares that by erecting statues (like one of Glendale), he will educate younger generation about Japanese military’s “brutality and atrocity”. The statue does not represent a peaceful world, instead generate frictions among ethnics.

Photo:
Statue in Glendale City



Head page of UAKCA HP
(printed at 11:00am (JST) on September 11, 2016)

4. the Mayors of the Glendale City (1/3)

Mayor Frank Quintero studied the comfort women in Seoul on April 14, 2013



Ex-Mayor Frank Quintero visits the statue located just in front of the Japanese Embassy in Seoul. 04.14.2013 / News 1

Mayor Frank Quintero with a well-known pro-Communist group-

"The Korean Council for the Women Drafted for Military Sexual Slavery by Japan" (Chong Dae Hyup)

Mayor Frank Quintero was taken a photo with a representative of "The Korean Council for the Women Drafted for Military Sexual Slavery by Japan"(Chong Dae Hyup), a famous organization very close to North Korea, formed by the South Korean communists. It is said that Chong Dae Hyup was confining surviving women in a nursing home called "House of Nanumu".

Some of Chong Dae Hyup's members were arrested as North Korean spies. The issue of comfort women was used by them for its political purpose - to drive a wedge into U.S.-Japan-South Korea security alliances.



Frank Quintero with the Statue and Pro-Communist in front of the Japanese Embassy in Seoul. 04.14.2013 / News 1

4. the Mayors of the Glendale City (2/5)

In merely three and a half months from the study, the statue was erected.

Both the Statue and the ceremony followed a well prepared template at an amazing speed and efficiency.



Unveiling Ceremony on July 30, 2013 4 of 5 City Council Members attended
Back row from left:

- Zareh Sinanyan
 - Ara Najarian (Ex-Major)
 - Frank Quintero (Former Mayor)
 - Laura Friedman (Former Mayor)
- (Source: <http://ironna.jp/article/3855>)

Four of all five Council members had visited South Korea before this ceremony, and three of them attended the unveiling ceremony. None of them had visited Japan.

The three studied only one-side of the issue.

The three were the all Ex Mayors :

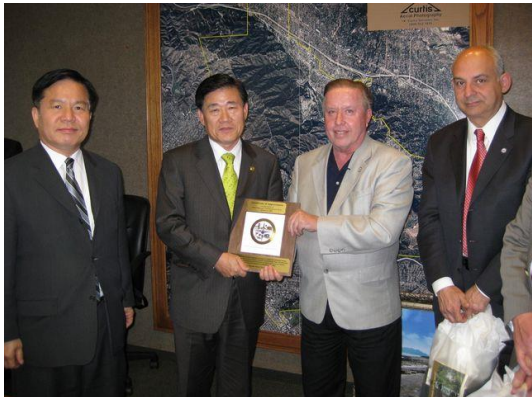
- Frank Quintero
- Ara Najarian
- and
- Laura Friedman.



Source: <http://ironna.jp/article/3855>

4. the Mayors of the Glendale City (3/3)

Other Mayors' visits to South Korea after 2009 Nothing to Japan, the first sister city- Higashi-Osaka



Ex-Mayor Dave Weaver visits Goseong City on January 15, 2009

Source:http://www.koreadaily.com/news/read.asp?art_id=772034



Then Mayor Frank Quintero visits Goseong City for the first time on September 13-14, 2009



Then Mayor Ara Najarian visits Goseong City on August 26, 2010

Source:
<http://www.newsty.net/news/articleView.html?idxno=2442>



Ex-Mayor Frank Quintero with the statue in Seoul on April 14, 2013/ News 1

After the erection in the Glendale City



Then Mayor Zareh Sinanyan on November 17, 2014.

photp@newsis.com 2014-11-17



The present Mayor Paula Devine on July 2-4, 2016

<http://www.gndomin.com/news/articleView.html?idxno=114626>