

# **The Japanese Government Weighs in with the Supreme Court**

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The Japanese government has submitted an *amicus* brief to the U.S. Supreme Court expressing its opinion that the Supreme Court should hear the appeal asking that the statue memorializing Comfort Women be removed. This is an unprecedented step and it appears that the Japanese government determined that the successive establishment of “Comfort Memorials” necessitated that it express its own opinion.

The removal of the memorial is being sought by the Global Alliance for Historical Truth (GAHT), a nonprofit organization created by Koichi Mera, a Glendale resident, and other Japanese Americans. In February 2014, a suit was brought against the city of Glendale requesting the removal of the memorial on the grounds that the city's establishment of a Comfort Women statue created a diplomatic dispute and because the federal government exclusive authority in diplomatic relations, the city decision undermined that authority and was a departure from U.S. diplomatic policy. The case was lost in the District Court and in January 2017, a petition appealing the decision was delivered to the Supreme Court. Mera and her group welcomed the Japanese government's decision.

The *amicus curiae* from the Japanese government was submitted to the U.S. Supreme Court on February 22 and argues that the United States should deal with diplomatic issues, such as the Comfort Women issue, consistent with "The Diplomatic Policy Established According to Bilateral Negotiations with Japan." On that basis, the *amicus* brief claims that "The Comfort Women Memorial in Glendale City interferes with and is a departure from established diplomatic policy."

In addition, it refers to the wording on the inscription on the side of the statue—"200 thousand women were taken by force and compelled to be sex slaves"—differs from historical evidence. In this regard, the Japanese government argues that the city claimed that the inscription was protected by freedom of expression, usurping the federal government's primacy in the diplomatic field. It also argues that if the freedom of expression in the diplomatic area is infringed upon by the state and the local government, there is a danger that it could damage the close relationship between the United States and Japan.

Given U.S. support for the December 2015 agreement reached on the Comfort Women issue, the brief states that "The problem of Comfort Women is a sensitive issue between Japan and Korea and inconsistent judgment by the United States could lead to confusion."

The erection of the Comfort Women statue was financed by a Korean-American organization in July 2013 and is the same design as the statue outside the Japanese Embassy in Seoul. Glendale's mayor at that time voted against the statue but a majority of city council members supported its placement.

Government officials explained their decision to submit the *amicus* brief, saying that “It was considered to be a good opportunity to put the opinion of the Japanese government on the official record of the U.S. justice system indicating the measures it has taken with regard to the comfort women problem from the Japanese point of view”.

The U.S. Supreme Court receives between 7000-8000 appeals for hearings annually. Of those, approximately 80 are actually heard and there is no guarantee that GAHT's lawsuit will be heard.

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