Japan Report

Our original hope was to publish a detailed "diary" of our August trip to Japan. With the suspension of CENTER PEACE publication and our immersion in Pendle Hill's life and work we find that is not possible. We apologize - especially to those whose ear-marked contributions made the trip a reality. We want all our supporters and readers to know that, in our view, the trip was an unqualified success as well as a very moving and deepening experience for us.

Statistically, we presented 12 talks or workshops in the same number of days. We met with war tax resistance groups in Chiba, Tokyo, Yokohama and Osaka. In addition, we conducted a day-long workshop for students at Hosei University, Tama Campus, and we participated in several meetings and a field trip with Japan F.O.R. (joining the American F.O.R. group led by Hal and Margaret Rickard of Boulder, Colo. on these occasions). While with the F.O.R. group we also met with the National Christian Council of Japan to be apprised of the most pressing local issues before Japanese peace groups.

We were given Foreign Delegate status to the 1985 World Conference Against A & H Bombs held in Hiroshima and Nagasaki August 5 thru 10. As such, we were able to attend conference sessions in special seating areas where simultaneous translation was provided and were able to take advantage of several opportunities to speak to workshop groups of the conference about war tax resistance and about activities of American Peace groups which take place on Hiroshima and Nagasaki days.

Spiritually, our experience in Japan went much deeper than the list of activities above can convey. We feel that what was accomplished for us was not only to gain an understanding of the Japanese peace movement, but also to begin to know the Japanese people and to begin to feel the power of the tragedy of Hiroshima and Nagasaki.

Spiritual highlights of our pilgrimage were two. The first, to sit by the river in Hiroshima on the night of August 6 watching thousands of lanterns float down the river, adding our own and simply sharing the beauty and peace of the night with the thousands of Japanese sisters and brothers gathered there. The second was the memorial mass at the Urikami Church in Nagasaki on the night of August 9 and the torch-light parade to the Peace Park afterwards. The original Urikami Church was at the epicenter of the Nagasaki blast. Our experience of worshipping there 40 years later with nearly 2500 Japanese Christians (and a few other western visitors like ourselves) was one of joy for the beauty and vitality of the present, grief for the horror of the past, and trembling hope for the future. Hiroshima seethed with political militancy and passion. Nagasaki glowed with religious fervor and faith. Both embodied a spirit of hope and reconciliation that can be a model for the world.

But, outshining these moving events and experiences were, simply, people. Long after our memories of occasions and locations have faded the warmth and hospitality of such as Susumu and Michko Ishitani and their 3 children - Quakers, teachers, Susumu himself a Nagasaki Hibakusha and leader of the Japanese war tax resistance movement, Toshikazu Takao - stellar translator and man of great humor and warmth, Hiroshi Kashima - Osaka attorney and advocate for many war tax resisters, Michio Ohno - Mennonite minister in Chiba and peace activist, the Sitos who are residents at the Tokyo Quaker Center, Yoshiko Tanaka - teacher at the Friends School in Tokyo and tireless worker for oppressed Koreans, our guides, escorts, translators and hosts; the countless people on the streets, in trains and subways who smiled at us, welcomed us and extended a spirit of warm hospitality without a word of English - all these we carry in our hearts.

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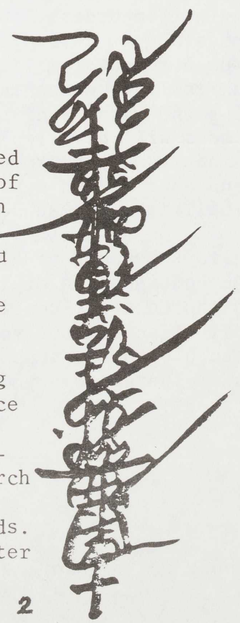

The time in Japan was a special inspiration to me as I traveled to Leverett, Mass. on Oct. 4 & 5 to take part in the dedication of the first North American Peace Pagoda of the Nipponzan Myohoji order of Buddhist monks. I was asked to be a speaker at an Interfaith Convocation held at the U. of Mass. on Oct. 4. Then I attended the dedication - a deeply moving and inspirational time - on the 5th. The mantra Na-mu-Myo-ho-ren-ge-kyo, said to be the last words of Buddha, and sometimes translated "Show respect for every living thing," epitomizes the work of the order and the essential meaning of the Pagoda. It appears at left.

Gene Durland

David Johnson wins habeas corpus case!

As a result of a Habeas Corpus action filed last January by Bill Durland the Federal District Court in Denver, on November 4, ordered the Colorado Department of Corrections to credit prisoner David Earle Johnson with 463 days of pre-sentence confinement time. Prior to a trial in 1975 Johnson had been locked up for almost a year and a half awaiting trial because he was too poor to pay for bail. In 1980 the U.S. District Court clearly stated that such persons have a constitutional right to such credit. The significance of this is that Johnson could have been paroled a year and a half ago if the Colorado Department of Correcitons had simply given him the credit that was his due. Instead, by fighting it all the way in the courts, for almost three years, they effectively took away his right and caused him to stay in jail a year and a half longer than his earliest parole date. The District Court decision came a month and a half after Johnson was paroled.

His case began when the Center on Law and Pacifism filed a case on his behalf in February 1983 in the Colorado District Court. That court ordered the Department of Corrections to credit Johnson with this time on his sentence. The Department of Corrections simply refused to do so and defied a legal court order forcing Johnson to return to court to ask the District Court to enforce its own order, which it did. However, the Department of Corrections, represented by the Colorado attorney general then appealed the case to the Colorado Court of Appeals in the fall of 1983. Johnson could do nothing about this delay of his rights because the United States Supreme Court had previously determined that a prisoner was obligated "to exhaust his state remedies" before he could get to a U.S. Court seeking his constitutional rights. This is a recent inovation of a more conservative court in prisoner habeas corpus procedings operating in some instances to allow the prisons to hold onto prisoners even though ultimately their rights are affirmed by the federal court. In this case the Colorado Department of Corrections, by the manipulation of this required procedure, effectively destroyed Johnson's rights and made a mockery of the justice system insofar as this case is concerned.

In May 1984 the Colorado Court of Appeals reversed the orders of two Colorado District Courts and Johnson was then required to spend more time appealing to the Colorado Supreme Court. The Colorado Supreme Court, in December 1984, refused to change the decision of the Court of Appeals, and with less than 11 months remaining before Johnson would have been paroled anyway, Johnson filed a peititon for habeas corpus with the U.S. District Court (which he could not do before the highest court in Colorado reached a decision on his case).

His case was assigned to a U.S. Magistrate. The function of the magistrate is to expedite an overload of cases before U.S. District judges. But instead, this magistrate took 8 months to reach a decision. He ruled against Johnson in late August 1985. Johnson had one recourse left and that was a plea to the federal judge, Jim Carrigan, to change the decision of the magistrate on the basis that the Colorado Court of Appeals, the Colorado Supreme Court and the U.S. Magistrate were all wrong and Johnson did, in fact, have the constitutional right which they said he did not.

After almost three years, the initial decision of the two Colorado District Court judges was affirmed, Johnson's right vindicated, but a year and a half too late.

The case should stand as precedent for others following him and the decision may reduce the amount of time Johnson must serve on parole. But because it cannot be proved that the Colorado Department of Corrections was malicious in the manner in which it used the law for its own power, it seems that Johnson's rights were taken away by due process of law. Thanks are due to Johnson for his perseverance and to Judge Carrigan for proclaiming the truth at long last!

report by Bill Durland

... a look at the light

Quaker war tax resistance blossoms in Philadelphia. Cindy Taylor has the support of her employer, Friends General Conference in an attempted IRS levy; and Vint Deming of Friends Journal is the subject of an IRS levy - this one at the Friends' Credit Union.