



FOR IMMEDIATE RELEASE
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Tule Lake Committee v. City of Tulelake, et. al.

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Lawyers for the Tule Lake Committee are preparing for a pre-trial settlement conference for the civil case, *Tule Lake Committee v. City of Tulelake, et. al.*, set for September 27, 2018 before U.S. Magistrate Judge Dennis Cota of the Eastern District of California.

The settlement conference was ordered by U.S. District Judge Kimberly Mueller, who had denied, without prejudice, the Tule Lake Committee's request for a temporary restraining order to prevent the City of Tulelake from selling the Tulelake airport land. However, Judge Mueller noted "multiple competing equities" and allowed the lawsuit to move forward.

"Instead of a motion for Preliminary Injunction, Judge Mueller ordered an early Settlement Conference. In such a conference, the Magistrate Judge helps the parties to discuss anything that might resolve the court case voluntarily, out of court," said Yoshinori Himel, on the current status of the legal proceedings.

Attorneys representing the Tule Lake Committee pro bono include Himel, a former attorney with the U.S. Department of Justice Civil Rights Division and the Eastern District of California U.S. Attorney's Office, and Sacramento civil rights lawyers Mark Merin and Paul Masuhara. Merin is a veteran attorney whose work is dedicated to social justice, including Native American civil rights. Masuhara is a Yonsei (4th generation Japanese American) whose grandfather was incarcerated at the Tule Lake concentration camp.

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The lawsuit alleges that the City of Tulelake denied due process of law to the Tule Lake Committee in deciding to reject the Committee's offer of \$40,000 to purchase the airport, says Himel. The Tule Lake Committee's offer was more than double the \$17,500 offer the City accepted. Furthermore, it appears that the City Council did not publicly deliberate on Modoc County's offer to purchase the airport land for \$17,500, even though Modoc County has leased the airport land from the City of Tulelake and sponsored and managed the airport for more than 40 years.

The Tulelake airport land occupies 2/3rds of the area where more than 24,000 Japanese Americans lived and where over 331 died during the years of incarceration from 1942 through 1946. In the postwar years, homesteaders desecrated the concentration camp's cemetery by bulldozing it, leaving it as a gouged-out hole in the earth. The burial earth was used to fill in the grid of ditches within the concentration camp site so the historic site could be used for an airport.

"The City of Tulelake disposed of the Tule Lake concentration camp site - a national treasure - as if it were trash," says Himel. "The City gave away the historic site for the cost of their negotiator's bill. In doing so, the City and the FAA failed to consider the site's historical significance and failed to take any steps to protect the historic site." Notably, in the public meeting where the Tulelake City Council voted to sell the land, the City's negotiator minimized the property's historical value, repeatedly referring to the historic site as "the dirt" or "a piece of dirt."

The entity the land was sold to, the Modoc of Oklahoma, has been under investigation for misusing their tribal sovereignty to help usurious payday loan businesses avoid government regulation. By the time of the sale, City leaders knew of the FBI investigation, IRS investigation, FTC investigation, Federal convictions, and over \$4 million in penalties paid by the Modoc of Oklahoma. According to local news reports, City leaders dismissed the Oklahoma Tribe's misconduct after assurances by the Oklahoma Tribal leaders.

At the City's meeting to sell the airport land, a lawyer for the Oklahoma Modoc tribe, Patrick Bergin, assured City Council members that the Oklahoma Tribe would not support the local Klamath, Modoc and Yahooskin Tribes' pending lawsuit to protect sacred fish and habitat. The Oklahoma Modoc, he said, could instead be counted on to oppose other Tribes' interests.

"The Modoc Tribe filed an Amicus brief in which they joined in that brief with the County of Modoc, the County of Siskiyou and the County of Klamath in opposition to the Klamath Tribes' litigation, in opposition to the Tribes' having litigation in the Northern District in San Francisco and in opposition of the injunction the Klamath Tribes were seeking," Bergin said. "The [Oklahoma] Modoc Tribe is standing with the County and its position on agriculture."

Representing the Oklahoma Modoc, Blake Follis, the grandson of the Tribe's chief, who flies from Oklahoma in a private plane and describes himself as Attorney General of the 300-member Tribe, said his goal was to do "anything to support aviation."

Since 2012, the Tule Lake Committee has opposed the expansion of the Tulelake airport and its aviation activities as incompatible with the site's preservation. The airport site has not undergone a comprehensive surface and underground historic and cultural resource survey. Consequently, any expansion of the airport's footprint and activities may destroy unidentified resources and compromise the site's integrity and its eligibility for future protection.

The Tule Lake Committee has been pressing to enable future visitors to walk the concentration camp site, to go to the location of the barrack to which they or elders were assigned, and to experience the concentration camp's magnitude. Survivors and their descendants wish to summon the ghosts, to revive long suppressed memories, and to mourn personal and collective loss.

Developing the airport threatens the opportunity to heal the multi-generational wounds of the incarceration.

The Tule Lake lands - instead of being given to a local City or a distant sovereign indifferent to preserving this piece of American history - deserve to be returned to the American people to be preserved in perpetuity for future generations.

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