

Japan's Wartime Sex Slavery: Unresolved Atrocity, Asia Unifier, Portal to Regional Peace

Barry A. Fisher¹

Introduction

We are now 25 years into this 21st century, and 35 years ago, in the final decade of the last century, historic American court developments triggered massive litigation and multinational negotiations that resolved Holocaust-era claims against Japan's war time allies—Germany and Austria. As an international human rights attorney for ethnic, racial, religious, and political minorities, I served as a class action lawyer on all the American court Holocaust-related cases. I was a member of an 8-nation negotiation team, and I, along with country representatives, personally signed the multinational German and Austrian treaties that resulted along with complicit Swiss bank in settlements of over \$10 billion.²

Upon those settlements 25 years ago, Europe moved forward into the 21st century, with Germany, the war's perpetrator, having been reunited by 1990. But Asia remained a prisoner of the war and its colonial past. Korea is still divided to this very day, 80 years after the war and nearly 40 years after Germany's reunification. And to this day, Japan still refuses resolution, dragging its last century of horror deeper and deeper into this new century. In its wake, it has triggered court cases in the U.S., Japan, the PRC, and the ROK

¹B.A., Juris D. UCLA, R.H.Smith Fellow, U. Penn. Law Sch.

²For the wider context of the Holocaust-era Swiss bank litigation and related multinational settlements, see *In re Holocaust Victim Assets Litigation*, 105 F. Supp. 2d 139 (E.D.N.Y. 2000); Agreement Concerning the Foundation “Remembrance, Responsibility and the Future,” U.S.-F.R.G., July 17, 2000, T.I.A.S. No. 01-126774; and Agreement Between the Austrian Federal Government and the Government of the United States of America on the Settlement of Questions of Compensation and Restitution for Victims of National Socialism, Jan. 23, 2001, T.I.A.S. No. 01-13143.

(South Korea), mass demonstrations, and political action blocking Japan from a permanent seat on the U.N. Security Council, and much more.

As is universally known, the horror of Japan's atrocities was of enormous scope, with Chinese, Koreans, and others subjected to massacres, rape, Unit 731 biological and chemical warfare, and Auschwitz-like "medical experiments." And of a scope and dimension unprecedented in world history: slave labor and sexual slavery. In massive slave ship operations on a scale unseen in the world since the horrendous African slave trade centuries ago, Japanese ships with cargoes of thousands of women, children, and men, including POWs from many nations, were taken from Korea, China, the Philippines, Burma, the Dutch East Indies/Indonesia, and elsewhere. These human shiploads crisscrossed the vast Pacific region that Japan controlled. Those who survived these death ships were taken wherever Japan's government wanted sex slaves and laborers, including factories, coal mines, and Japan's military sex slave brothels, all with the complicity and profiting of Japan's railroad and maritime companies paid from Japan's treasury filled with the looted assets of conquered nations.

Germany's wartime atrocities were short in duration compared to Japan's, whose so-called Asian Pacific War, covering most of Asia and the Pacific region, began with its September 18, 1931, invasion of China. The Asian Pacific War then merged with World War II and ended in 1945. But that 1931 invasion of China was launched from Korea, which Japan had already brutally controlled for over 25 years, beginning with its savage murder of the beloved, unifying Korean Empress Myeongseong (Queen Min).

In 1999, while I was still involved in Washington, Berlin, and Vienna shuttle diplomacy, I turned to the Japanese victims of German/Austrian parallel crimes. I knew that like the Holocaust cases, required would be the creation of a multinational team of lawyers, experts, activists, and victims. I'll shortly explain what I did, but first, I want to speak briefly to my motivations that drew me to focus on the challenges of Japan's wartime crimes—particularly the sex slaves—and to do so entirely pro bono and unpaid.

My Motivations and the Start of a Movement

Like the birthplace of my own mother, Poland, which for centuries was the war-torn crossroads between hostile nations, my sympathies are with Korea, a historical victim caught between China and Japan. Much of the entire war-filled 20th century, from 1900 to the present, including the Russo-Japanese War and two World Wars, is explained by the way each conflict concluded with treaties that devastatingly impacted Korea and Poland, both entirely excluded from negotiations about their fate. These include the 1905 Japan/Russian Portsmouth Treaty, which rendered Korea Japan's possession; the 1939

Hitler/Stalin Pact carving up Poland between Germany and Russia; and the 1945 Yalta Agreement, which decided the post-war fate of both the Polish and Korean people.³

As to the latter, this included Koreans who had long before fled Japan's occupation but were living in China or Soviet lands, those in Japanese slave labor, or those in the Peninsula's north—all trapped, frozen in their diaspora from returning to a unified Korea or even to the Peninsula's south. This included Koreans worldwide who had fled war and occupation long before, yearning to return. And as I will underscore later, I'm convinced it's those millions of the Korean diaspora living in the U.S. and throughout the world today who are, in fact, the potential vast power if organized to help win the cause of the sex slave victims and Korea tong il—unification. (Polish history also includes a huge diaspora beginning with it being annexed by the Russian Empire with parts going to the Austro- Hungarian empire until the end of the First World War, and included is a period of Polish history called the Great Emigration).⁴

As for my motivations, of all the war crimes issues, I was particularly drawn to those in sexual slavery (parallel to, but no comparison to German death camp inmate sex slavery). I expected universal sympathy and multinational support from all the sex slave victim countries, including the ROK, DPRK, PRC, Taiwan, the Philippines, the Netherlands, Indonesia, and elsewhere. I also expected universal support from the countries and human rights groups that supported the victims of Japan's war partners, Germany and Austria. I saw it as a unifying issue for the ROK, DPRK, the PRC, and the ROC/Taiwan. I expected solidarity and, optimistically, even a potential steppingstone for Korea's reunification.

I was also drawn to the extraordinary injustice of falsified wartime history, like Holocaust denial, as after the war, the East/West Cold War quickly began, and Korea and truth became victims. Japan's brutal Korea abuse was suppressed, history books were fictionalized in Japan and Korea, and even the truth of what happened in the south before the Korean War and atrocities during the war, such as No Gun Ri, were whitewashed as truth became a victim of the war, with history this time written by the conquered, not victor.⁵

³ Treaty of Portsmouth (1905); Molotov–Ribbentrop Pact (1939); Yalta Conference (February 1945); Katyn Massacre (1940). See encyclopedic entries on each treaty/event (e.g., *Wikipedia* or comparable sources).

⁴ The Polish 'Great Emigration' (the nineteenth-century diaspora following partitions and uprisings) is discussed in standard histories; see *Wikipedia*, 'Great Emigration'.

⁵ For authoritative histories of the Korean War and its origins, see Bruce Cumings, *The Korean War: A History* (Modern Library, 2010) and Bruce Cumings, *The Origins of the Korean War, Vol. 1* (Princeton Univ. Press, 1981).

With these motivations, and while still working on the Holocaust matters, I turned to the Japan wartime issues. Towards the end of 1999, I made contact with Chinese and Korean victim advocates in California, including the politically powerful international Chinese diaspora group, the Global Alliance for Preserving the History of WWII in Asia.⁶

In September 1999, GA leader Ignatius Ding of the San Francisco area and I flew to Tokyo and met with activist lawyers and redress group leaders to introduce the strategy of forming multinational teams of lawyers, scholars, activists, and victim groups to create coordinated legal and political strategies addressing Japan's wartime crimes. The Japanese lawyers we met had already filed cases in Japan for eight years, starting in

⁶ Global Alliance for Preserving the History of WWII in Asia (Global Alliance). For background on GA and its activities see contemporary reporting and the organization's public materials, see Global Alliance, 'About.'

1991, on behalf of the courageous Korean sex slave victim Kim Hak-Sun,⁷ but with frustratingly limited success, and they were dubious of Ding and I.⁸

This view began to change soon after, in December 1999, when I returned to Tokyo for the International Citizens' Forum on War Crimes and Redress, an historic three-day conference at which I was the only American speaker as right-wing crowds outside the building blasted megaphoned opposition.⁹

⁷There is an interesting historical parallel to the U.S. courts Holocaust-era cases also beginning in the 1990's. Kim Hak-sun's 1991 revelation triggered an onslaught of wartime victim litigation in Japan courts, beginning with sex slavery but quickly expanding to forced labor, Unit 731 and other victim cases. The U.S. Holocaust litigation was also triggered by a single individual. At about the same time as the Kim Hak-sun revelation, a Swiss bank guard, Christoph Meili, disclosed that he witnessed bank destruction of war time records of Jewish account holders. He had to flee to the U.S. for safety and his information triggered a number of class actions in U.S. courts against two Swiss banks. I got to know him as were both conference speakers and attended events; he remained in the U.S., studied and became the only Swiss national ever to receive political asylum in the U.S. The Swiss cases not only concerned the banks' stealing of Holocaust victim money, deposited for safety as the Holocaust began and account holders were killed, but the cases also concerned the enrichment of the Swiss banks serving as the depositories and paymaster for the German's looting countries and individuals and paying, like Switzerland, other war "neutral" countries Spain and Sweden for raw materials and manufacturing tanks and other heavy armament used in the Nazi war effort. See Barry Fisher, "Sweden's Palestine Offense," *Wall Street Journal*, Nov. 17, 2014, A13. I served as a class action lawyer in all the Swiss banks litigation which were settled in 1998 for \$1.25 billion. That same year 1998, I was a class action lawyer in all of the many Holocaust cases filed against German and Austrian companies, banks, railroad and other industries covering a wide range of issues, including slave labor, death camp complicity and much more. While the cases were pending in 1998, then President Clinton and Secretary of State Albright convened the 44 nation 4-day Washington Conference on Holocaust-Era Assets focusing on the still unresolved Holocaust-era claims of many countries and individuals. I personally participated as the organizer and counsel to the International Romani-so-called "Gypsy" delegation. Following the conference, while litigation continued in the U.S. courts, multinational negotiations began with Germany and Austria resulting in billions of dollars in settlements within a few years. I served on the U.S. negotiating team and at the many negotiation sessions that took place in Berlin, Vienna, and Washington before settlements were reached just prior to the end of the Clinton administration.

⁸ For discussion of early transnational organizing and the Kim Hak-sun litigation in Japan, see Barry A. Fisher, 'Japan's Postwar Compensation Litigation,' 22 *Whittier L. Rev.* 35 (2000).

⁹ See Peter Li, ed., *Japanese War Crimes: The Search for Justice* (Transaction Publishers, 2003), which includes materials from the December 1999 Tokyo conference (International Citizens' Forum on War Crimes and Redress).

Perhaps a sign of future problems was that an ally in the Holocaust cases, the powerful Wiesenthal Center and its leader Rabbi Cooper refused to support, speak or attend this Tokyo conference. After the conference in the last days of 1999 there was a sudden breakthrough in negotiations with Germany and I flew to Berlin to join with U.S. Secretary of State Madeleine Albright and German Foreign Minister.

The New Century and Litigation

Then the eventful and optimism-filled new century year of 2000 began. Until then, victim groups in China existed largely only under government-approved radar, and at the beginning of 2000, I flew to Beijing to privately meet with several academics, lawyers, and important activists, including the extraordinary Wang Xuan.¹⁰

Change came quickly. In March 2000, Shanghai Normal University's remarkable Professor Su Zhiliang,¹¹ having just created the university's Chinese Centre for Comfort Women Research, was permitted to hold the PRC's very first-ever Japan war redress conference on any issue, this first focusing on sex slavery and denominating the International Symposium on Chinese Comfort Women. I was the only American invited to speak.¹²

There I met scholars, lawyers, and activists from the PRC, ROK, DPRK, ROC/Taiwan, the Philippines, the Netherlands, and elsewhere. There I sat at meals between the surprisingly friendly chatter of North and South Koreans, like out of Park Chan-Wook's movie *Joint Security Area* (2000).¹³ And I was introduced to North Korean music that, as an ethnomusicology-trained musician, opened a window of understanding into the deep DPRK-Russian relationship. It's where my dialogue with North Koreans led to a first of

¹⁰ See "Meet Wang Xuan, China: What I do is deeply meaningful." <https://www.nobelwomensinitiative.org/meet-wang-xuan-china>; see also "Introduction of Wang Xuan," Pacific Atrocities Education, <https://www.pacificatrocities.org/introduction-of-wang-xuan.html>

¹¹ Su Zhiliang and Chen Lifei, "The Chinese scholars keeping the memory of Japanese sexual slavery alive." *Friends of Socialist China* <https://socialistchina.org/2025/08/31/the-chinese-scholars-keeping-the-memory-of-japanese-sexual-slavery-alive/>

¹² 'Shanghai Hosts Symposium On "Comfort Women",' People's Daily Online, March 30, 2000 (report on Shanghai Normal University conference organizing Chinese research on comfort women).

¹³ Park Chan-wook (Director), *Joint Security Area*, CJ Entertainment, 2000.

several meetings in Pyongyang, including windows to the North's soul at the Kumsusan Palace of the Sun's inner sanctum and to Juche, its mind and heart.¹⁴

Discussions at Professor Su's conference also led to my helping form and actively participating in what became known as the International Solidarity Council for Redress (the ISCR), with representatives from the PRC, ROK, DPRK, Taiwan, the Philippines, the Netherlands, and elsewhere. The ISCR coordinator was the gifted Japanese activist Arimitsu Ken, who I worked closely with for many years in strategy meetings and litigation.

The year 2000 continued to be very significant. For months, I concentrated on preparing the first U.S. court Japan sex slavery case, working with lawyers and victim groups in the ROK, PRC, Taiwan, and the Philippines, collecting and reviewing over 100 victim statements and preparing the landmark Hwang Geum Joo v. Japan class action case on behalf of 15 representative sex slave victim plaintiffs: six Korean, four Chinese, four Filipina, and one Taiwanese. The case was filed in Washington in 2000 on the historic memorial date of Japan's invasion of China from Korea, September 18. We filed simultaneously with demonstrations at Japan's U.S. Embassy and a heavily attended world news presentation at the U.S. National Press Club.¹⁵

To help coordinate with victims, I worked with groups including the Chinese diaspora GA, Korean groups, including The Council for the Women Drafted for Military Sexual Slavery and House of Sharing, where I met with victims and explained the litigation. I also worked with Philippines activist Nelia Sancho and organizations, both the Lila-Pilipina and the Asian Centre for Women's Human Rights and I had help from many in the U.S., including my long-time friend and colleague on sex slave issues, author and filmmaker Dai Sil Kim-Gibson.¹⁶

The lawyer teams included those of Japan's prominent former national bar associations president Kohken Tsuchia, including my friend Takahashi Tohru; ROK's Chang, Wan-ik, and Choi Bongtae; PRC's Sun Jing and Kang Jian; and ROC/Taiwan's Wang Ching-Feng, who later became Taiwan's Minister of Justice. Before the end of 2000, working on the Hwang case, I met with lawyers and witnesses at Tokyo's Women's International War

¹⁴ Kumsusan Palace of the Sun; Juche (see Wikipedia entries).

¹⁵ For the Hwang case and procedural history, see Hwang Geum Joo v. Japan, 172 F. Supp. 2d 52 (D.D.C. 2001); 332 F.3d 679 (D.C. Cir. 2003); 413 F.3d 53 (D.C. Cir. 2005) (appellate history).

¹⁶ Dai Sil Kim-Gibson, *Silence Broken: Korean Comfort Women* (Mid-Prairie Books, 1999) and related activist/film work.

Crimes Tribunal on Japan Military Sexual Slavery,¹⁷ which provided specific evidence supporting the revelatory 1990's seminal work of Japan's courageous Professor Yoshiaki Yoshiaki.¹⁸

2000 was the year of the very controversial settlement of the Japan court case against the Kajima on behalf of Chinese Hanaoka massacre victims including the Spartacus-like slave laborer revolt leader Geng Zhun who I met with when we both spoke at a Beijing University conference.¹⁹

The Unjust Ending: U.S. Government Opposition

Turning to what did, in fact, happen in the Hwang sex slave case, it was an absolute opposite from the Holocaust cases. Shockingly unexpected was that the U.S. government's 2001 beginning Republican party Bush administration aggressively intervened and took Japan's side in every case and against Japan's victims, including in Hwang. This was all profoundly different from the experience of the victims of Germany and Austria. Both encouraged by the United States, recognized their past and paid significant compensation.

As the author of the very important book *Rape of Nanking*, Iris Chang, and I wrote together in a commentary published in American newspapers about the U.S. government's opposition to the Comfort Women case, we wrote: "these women expected the U.S. government to view their claims with sympathy and to help them negotiate a resolution with Japan."²⁰ And we underscored that while supporting international laws against sexual human trafficking and women's rights in international fora, the U.S. applied a complete double standard, turning its back on Asians while supporting European victims.

My first dramatic experience with this U.S. government position occurred in the early months of the Bush administration in a case I led, Jeong v. Onoda Cement Co., Ltd., No.

¹⁷ Women's International War Crimes Tribunal on Japan's Military Sexual Slavery (*Tokyo Tribunal*, 2000); see archives of Women's Initiatives for Gender Justice and conference proceedings. <http://iccwomen.org> › wigjdraft1 › Archives › oldWCGJ

¹⁸ See works by Yoshiaki Yoshimi. <https://en.wikipedia.org> › wiki › Yoshiaki_Yoshimi

¹⁹ Hanaoka Monogatari and reporting on the Hanaoka massacre; see academic summaries and conference reports (<https://www.sciencespo.fr> › document › hanaoka-).

²⁰ Commentary by Iris Chang and Barry A. Fisher (contemporary newspaper pieces discussing U.S. government responses to comfort women litigation).

BC217805, 2001 WL 1772750 (Cal. Super. Ct. Sept. 14, 2001) filed on behalf of an elderly Korean man living in Los Angeles—a slave laborer for a Japanese company during the war in a place now in the DPRK. After the war, the company became a giant international conglomerate that owned a major Los Angeles hotel. Soon after the September 11, 2001, New York World Trade Center attack, when I had a hearing in the case, a lawyer from Washington, somehow able to fly despite greatly limited flights, made a very dramatic appearance demanding to be heard, instructing the judge to rule for the Japan side. But this state court conservative Republican party member judge still ruled for us, with quick retaliation by way of his removal from President Bush's federal court appointment list.²¹

The California Court of Appeal ultimately reversed Jeong, holding that Section 354.6, which gave rise to the plaintiff's claims therein, was preempted by the foreign policy embodied in the 1951 Treaty, namely the intent for claims against Japan to be resolved diplomatically. Taiheiyo Cement Corp. v. Superior Court, 117 Cal.App.4th 380, 385, 12 Cal.Rptr.3d 32 (2004).

The case is particularly noteworthy for a couple of reasons. While categorically refusing to assist in any of the decade of redress cases in Japan, the DPRK assisted me in my meeting with Jeong case witnesses in Pyongyang, and our team of lawyers in Tokyo assisted when we won the historic court order forcing the Japanese company to reveal its wartime records held in Tokyo archives. Also, when the case was on appeal, I contacted two of my colleagues, one of America's most conservative law professors and one of the most liberal—Jack Goldsmith (now Harvard Law professor, previously Bush White

²¹ Claims seeking compensation for his work at a Japanese labor camp during the Second World War under Section 354.6 of the California Code of Civil Procedure. Section 354.6 provided a remedy and a special statute of limitations specifically for victims of forced labor during the Second World War. The parties presented competing interpretations of the 1965 Treaty between Japan and Korea. Nevertheless, that decision held that in the absence of an applicable treaty negotiated and ratified by the United States or any ongoing negotiations addressing the plaintiff's claims, the case presented a justiciable question. *Id.* at *9. That decision relied in part on a statement of interest from the United States (filed in a separate case in 2000) for the contention that the 1951 Treaty between the United States and Japan did not extinguish the claims of a foreign national against Japan. *Id.* at *7 n.8 (citing Statement of Interest of the United States, dated Dec. 6, 2000, *In re World War II Era Japanese Forced Labor Litigation* , MDL No. 1347 (N.D. Cal. Dec. 13, 2000) (Judge Vaughn R. Walker)).

The California Court of Appeal ultimately reversed Jeong, holding that Section 354.6, which gave rise to the plaintiff's claims therein, was preempted by the foreign policy embodied in the 1951 Treaty, namely the intent for claims against Japan to be resolved diplomatically. Taiheiyo Cement Corp. v. Superior Court , 117 Cal.App.4th 380, 385, 12 Cal.Rptr.3d 32 (2004).

House Counsel) and Erwin Chemerinsky (now Dean, U.C. Berkeley Law School)—who joined together in a powerful friend of court brief in support of the slave laborer. We still ultimately lost based on the same grounds as in the Hwang case, which I'll discuss below, but first I want to mention some other cases involving multinational redress group and lawyer cooperation, including one I also filed in Los Angeles ultimately having the same fate as Hwang.

Zhang Chang v. Mitsui Manufacturing (Los Angeles County Superior Court BC 235526) was a California state court case I brought in 2005 on behalf of Chinese slave labor victims, including 6 elderly disabled men living in Hebei and Hainan provinces who came to Los Angeles for their depositions from remote villages along with their Beijing lawyer Sun Jing, who worked with activist Wang Xuan and the GA.

In 2002 one of the prominent Japanese lawyers I met in my 1999 first meetings in Tokyo, Kohken Tsuchia, working with experts, including my Los Angeles neighbor and friend Unit 731 expert Professor Sheldon Harris, represented Chinese victims of the Harbin, China secret Japan military Unit 731 biological and chemical warfare center. He won in a Tokyo court unjustly without compensation damages but did secure a court declaratory judgement determination that the Japanese government was responsible for spreading deadly pathogens and undertaking horrendous so-called medical experiments, cultivating anthrax, typhoid, cholera and dropping plague infected insects over Chinese villages, including Yiwu where I along with Chinese activist Wang Xuan met with victims and witnesses. Heisei 9 (wa) No. 13813, Judgment of Tokyo District Court, August 27, 2002, Hanrei Jiho 1803:3.²²

A new Chinese film in this the 80th year since the war ended with the release date of the Japan invasion memorial date September 18 is 731 Biochemical Revelations with interviews of 95-year-old Hideo Shimizu who had been a young Japanese soldier assigned to Unit 731.²³

The last I'll mention is a 2014 China court case. I had researched and long advocated to victim groups, including the GA, that Japan's maritime fleet of death ships carrying human slave cargo should be sued and with GA pressure a case was filed in the PRC

²² Heisei 9 (wa) No. 13813, Judgment of Tokyo District Court, Aug. 27, 2002 (Unit 731-related declaratory judgment).

²³ For recent documentary reporting on Unit 731 and survivor interviews (e.g., contemporary press coverage about '731 Biochemical Revelations' and interviews with Hideo Shimizu), see "Shedding light on Japan's WWII germ warfare program," NPR, <https://www.npr.org/2025/08/14/nx-s1-5497951/japan-germ-warfare-biological-wwii>

against the Mitsui ship conglomerate involving Japan's confiscation of Chinese ships used for the slave trade. A \$26 million judgement was finalized in 2012 by the China Supreme court but not paid; A Mitsui massive container ship was dramatically seized in 2014 in Shanghai under court order and the case was quickly resolved.²⁴

I have written generally of the hostile U.S. government position, and now I want to describe the legalistic knives, sharpened over the years after the Jeong case, that were used to execute the "Comfort Women" case. Hwang was litigated for six years in the federal trial and appellate courts, including two trips to the U.S. Supreme Court. During those years, I had meetings at the ROK Foreign Ministry in Seoul, unsuccessfully seeking its supportive filing in the case, including taking a position about the 1965 Japan treaty's absence of any sex slavery inclusion. At practically every stage of the Hwang litigation, the focus was on different facets of the myriad theories and defenses of the case, but ultimately it turned on a single, extraordinary U.S. government claim, as I will explain.

The case was filed under the Alien Tort Statute of 1789, 28 U.S.C. § 1330 which grants non- U.S. citizens jurisdiction to U.S. federal courts in order to recover for torts "committed in violation of the law of nations or a U.S. treaty" and allows non-U.S. citizens to sue other non-U.S. entities as long as the court has jurisdiction over the defendant. Defenses included whether Japan was immune under the Foreign Sovereign Immunities Act of 1976 (FSIA) 28 U.S.C. §§ 1330, 1332, 1391(f), 1441(d), and 1602–11 and whether the commercial exception applied. The U.S. government was not a party in the case with the right of participation, but it filed a statement of intervention, its position ultimately swallowed by the Supreme Court. It argued that under the U.S. tripartite system divided between the legislative, judicial, and executive branches, the judiciary must abstain (i.e. exclude, dismiss) any dispute involving foreign policy that the executive branch deems sensitive—that such matters are non-justiciable, political issues in the exclusive realm of the President.

In Hwang, the U.S. government argued that to allow the case would be judicial intrusion that could disrupt Japan's "delicate" relations with China and South Korea and would impinge upon the ability of the President to conduct U.S. foreign policy. So while the 2nd World War ended with the U.S. dropping an atomic bomb on mostly innocent Hiroshima civilians, the "Comfort Women" case summarily ended, blown up by the U.S. dropping the bomb at the door to any American court by Japan's victims seeking wartime atrocity redress. This is a disturbing bookend to an earlier war-related court case in which Japan

²⁴ Chinese court actions against Japanese firms (2012 judgment; 2014 enforcement via vessel seizure) — see reporting in *The Diplomat* and contemporaneous news coverage (2014).

and the U.S. were on the same side, then not a U.S. court but the first post-war victim case in Japan, Shimoda v Japan. Hiroshima and Nagasaki surviving A-bomb victims sued Japan for money damages based on Japan law providing that Japan's settlement of claims with the U.S. made it liable to them. Japan could win if it argued the U.S. bombings were justified-- it did and won in a decision handed down December 7, 1963, the memorial day of Japan's Pearl Harbor attack.²⁵

What happened was part of efforts beginning in the Reagan administration to flex and expand the muscle of presidential power, something at this very moment in history incredibly taken to absolutely astronomical heights by President Trump and so far acceded to by the Supreme Court, exponentially expanding presidential power under the previously fringe so-called Unitary Executive Theory that all elements of the executive branch military, law enforcement, and more are absolutely controlled by one person, uncheckable by independent or bipartisan agencies.²⁶

A power to unleash the military in American cities like President Yoon tried but failed in Korea soon after President Trump was elected but President Trump is presently getting away with it in Los Angeles and attempting to do so in Portland and Chicago. The Yoon attempt was suspiciously coordinated with the Trump administration its Korean version of the Trump "stop-the-steal" slogan protesting impeachment and Trump's reference to the Yoon prosecution as a "purge" - the same rhetoric he has used about the prosecution of his friend Brazil former president Bolsonaro. The news in the U.S. at this moment in history is that the Trump administration filed for an emergency Supreme Court hearing of an appeal court ruling the tariffs unconstitutional, and the argument is what was developed in Hwang and other cases: that courts should not interfere with anything the president does involving foreign relations, including trade and including the 50% Brazil tariff in retaliation for what is happening to Bolsonaro.²⁷

²⁵ Shimoda v. Japan, 355 Hanrei Jiho 17(Tokyo Dist. Ct. Dec. 7, 1963, translated in part 8 Japanese Ann. Intl. L. 212(1964). See also Barry A. Fisher, "Japan's Postwar Compensation Litigation," 22 Whittier L. Rev. 35, 38 (2000) and Barry A. Fisher, "Notes From The World War II Redress Trenches, The Disparate Treatment of Victims East and West," 32 Loy.L.A. Int'l; comp. L.Rev 95, 108(2010).

²⁶ See overview articles on the unitary executive theory and scholarship summaries (Wikipedia entries). https://en.wikipedia.org/wiki/Unitary_executive_theory

²⁷ Pending U.S. Supreme Court cases concerning presidential powers include the following with court docket numbers: 25A264 Trump v. Slaughter(independent agencies); 24-1286 Learning Resources Inc. v. Trump(tariffs); 25A269 Department of State v. AIDS Vaccine Advocacy(refuse appropriation enactments).

Concluding Thoughts: A Path Forward

Lastly, some concluding thoughts. First, I want to emphasize that all of the Japan's wartime victim court cases filed by me and an army of Korean, Japanese, Chinese, and American lawyers were all absolutely central, integral components of an international redress movement involving organizations, activists, political leaders, and lawyers in many countries. All these efforts, whether cases were won or lost, clearly served successfully to raise the historical and political consciousness of public officials and citizens worldwide of Japan's wartime sex slavery and other atrocities.

The redress movement in the 26 years since I began in 1999 has been multinational and multifaceted. To this day, it has included the Chinese and Korean activists who organized a massive petition with 22 million signatures, blocking Japan from a U.N. Security Council seat.²⁸ Korean and Chinese NGOs' work is responsible for U.N. and multinational parliamentary resolutions demanding redress, including the U.S. Congress's 121 resolution, sponsored by Japanese American congressman Honda and what was known as the 121 Coalition—a powerful alliance of American Korean and Chinese NGOs, including the One Korea Forum led by Phyllis Kim and Jeong Yeon-Jin's Historical Justice Now, presently leader of AOK Action One Korea. Worldwide demonstrations have included my participation at Tokyo's Yasukuni Shrine, where forced conscripted Koreans, killed and buried, are to this day refused repatriation to Korean families because of the Shinto belief that soldiers after death continue to protect the emperor.²⁹

Particularly successful has been the worldwide "Comfort Women" memorial monument statue movement in Europe, Asia, the Americas, and more, which has drawn highly Japan- financed efforts to defeat it, which nonetheless failed. These monuments now stand in American cities from the Pacific to the Atlantic coasts, with the largest being the San Francisco's 3 Women Column of Strength statue, depicting Korean, Chinese, and Filipina Comfort Women. And included is a smaller one which provoked the biggest court battle—it's in the Los Angeles suburb community of Glendale in a city park and triggered Japan's right-wing groups spending millions of dollars, led by Japan "Comfort

²⁸ Contemporary press accounts report petitions and mass signature drives (commonly cited figure ~42 million signatures) opposing Japan's UN Security Council seat bid; see "UN officials receive petition to block Japan's Security Council bid." *Associated Press*, July 1, 2005. Published in the *San Luis Obispo Tribune*, June 30, 2005.

²⁹ Barry A. Fisher, 'Yasukuni Shrine: Typhoon's Eye of Japan's Spiritual/Political Storm Rejecting Wartime Victim Redress,' *International Academic Symposium* (Columbia University, Nov. 8, 2007) (paper/online text).

Women” denier the notorious Hideaki Kase, who shares the same bed as Holocaust deniers. I worked on this federal trial and appeal case; Japan failed, and the monument stands to this day. (Gingery v. City of Glendale, No. 14-56440 (9th Cir. 2016)).³⁰

When I began, I saw sincere intent on the part of DPRK officials I met, and I witnessed positive signs, including being present in the Pyongyang hotel banquet room when South Koreans were first permitted to meet relatives and being at the Seoul airport when the North Koreans departed a DPRK Air Koryo plane to meet their relatives. But today, any optimistic view is clouded by serious challenges, including the recent Japanese election right-wing win and President Trump’s tilt favoring Japan, including his recent August 25 joint press conference with ROK President Lee, where he ignorantly blurted that the “Comfort Women” controversy is Korea’s, not Japan’s, problem.³¹

Also, his comments that the ROK-leased U.S. military bases should be U.S. property, like Putin’s view that Crimea Ukraine-leased Russian military bases should be on Russian-owned land, which he then took by military force in 2012 and annexed to Russia.³²

Also, very recent treatment of South Koreans as mafia criminals working on a billion-dollar Hyundai plant construction compliantly responding to President Trump’s demand for ROK investment in the U.S.³³

Also, and finally, Mr. Trump’s again expressed love and support for Putin-controlled Kim Jong-Un and yearning for a fourth bromance visit is a harbinger of a continued divided and militarized Korea.³⁴

A possible positive development is fallout from the apparent Trump/Putin trade of Ukraine for the Middle East, with Putin withdrawing support for Iran’s hegemony,

³⁰ Gingery v. City of Glendale, No. 14-56440 (9th Cir. Aug. 4, 2016) (appeals court opinion upholding dismissal of action challenging Glendale comfort-women memorial).

³¹ Contemporary news coverage of the Aug. 25, 2025 bilateral between President Trump and ROK President Lee (press-transcript excerpts; see *France24*, *The Chosun Daily*, *Reuters* coverage). <https://www.france24.com> › Home › Live news

³² Comparative references to territorial disputes and annexations (Crimea) are drawn from widely reported events; see reporting from major international outlets. *The Chosun Daily* By Park Su-hyeon
Published 2025.08.26. 04:12Updated 2025.08.26. 09:16

³³ Reporting on the 2025 Hyundai-LG plant immigration enforcement events in Georgia (AP, *Reuters*, *The Guardian* and other outlets)

³⁴ For contemporary diplomatic signaling (Trump remarks about Kim Jong-un), see press reporting in *The Guardian* and other outlets (Aug 2025 coverage).

diminishing Iran's reliance on the DPRK as its missile and nuclear bomb testing and development partner. The North might be somewhat freed up to turn its attention to relations with the South, as was the case in the early 2000s.

These very recent Korean Peninsula-related developments portent a doubtful future. Still, I believe that a peaceful Asia future can improve with redoubled efforts to raise historical and political consciousness, atrocity acknowledgment, and reparation demands, recognizing the long victimization of the Korean people and the nightmare of division. And at the center is the shared horror of the so-called "Comfort Women" of Korea and other Asian countries.

It's in unity with the millions of Koreans living throughout the world, aided, I would hope, by the ROK government helping form a Global Alliance of Koreans in Diaspora, modeled on and partnered with the China diaspora Global Alliance, that should reach out and join in solidarity to work to resolve the multinational "Comfort Women" issue as an essential key to unlocking the door to a peaceful Asia future and a realization of the yearning of all Koreans worldwide for tong il, a yearning expressed in the famous 1932 song known in the diaspora and both North and South Korea, a song I've played as a musician— Tahyangsal- I (Living in a Foreign Country).³⁵

³⁵ 'Tahyangsal-I (타향살이) / Living in a Foreign Country' - recorded song; streaming and video recordings available online (YouTube).

Works Cited

Cumings, Bruce. *The Korean War: A History*. Modern Library, 2010.

—. *The Origins of the Korean War, Vol. 1*. Princeton University Press, 1981.

Fisher, Barry A. "Japan's Postwar Compensation Litigation." *Whittier Law Review*, vol. 22, 2000, pp. 35-?.

—. "Notes From The World War II Redress Trenches: The Disparate Treatment of Victims East and West." *Loy. L.A. Int'l & Comp. L. Rev.*, vol. 32, 2010, pp. 95-?.

Hwang v. Japan, 172 F. Supp. 2d 52 (D.D.C. 2001); 332 F.3d 679 (D.C. Cir. 2003); 413 F.3d 53 (D.C. Cir. 2005). *In re Holocaust Victim Assets Litigation*, 105 F. Supp. 2d 139 (E.D.N.Y. 2000).

Kim-Gibson, Dai Sil. *Silence Broken: Korean Comfort Women*. Mid-Prairie Books, 1999.

Li, Peter, editor. *Japanese War Crimes: The Search for Justice*. Transaction Publishers, 2003.

"Global Alliance for Preserving the History of WWII in Asia." Wikipedia, en.wikipedia.org/wiki/Global_Alliance_for_Preserving_the_History_of_WWII_in_Asia. Accessed 2025.

"Shanghai Hosts Symposium On 'Comfort Women'." *People's Daily Online*, 30 Mar. 2000, en.people.cn/english/200003/31/print20000331N107.html. Accessed 2025.

Shimoda v. Japan, Tokyo Dist. Ct., Dec. 7, 1963 (reported in *Hanrei Jiho*, vol. 355, p.17; translated in *The Japanese Annual of International Law*, vol. 8, 1964).

"Women's International War Crimes Tribunal on Japan's Military Sexual Slavery (Tokyo 2000)." *Women's Initiatives for Gender Justice* (archives).

"Gingery v. City of Glendale," No. 14-56440, U.S. Court of Appeals for the Ninth Circuit (Aug. 4, 2016).

U.S. Supreme Court. "Learning Resources, Inc., et al., Petitioners v. Donald J. Trump, President of the United States, et al., No. 24-1287 (docket)." [SupremeCourt.gov](https://www.supremecourt.gov). Docketed June 17, 2025.

Various contemporary news reports cited in notes (*The New York Times*; *Reuters*; *The Guardian*; *The Diplomat*; *Japan Times*).