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9 MICHIKO SHIOTA GINGERY, KOICHI
10 MERA, MASATOSHI NAOKI and
11 GAHT-US CORPORATION
12

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF LOS ANGELES**

15 **MICHIKO SHIOTA GINGERY**, an
16 individual, **KOICHI MERA**, an individual,
17 **GAHT-US CORPORATION**, A California
18 Non-Profit Corporation; and **MASATOSHI**
19 **NAOKI**, an individual;

20 Plaintiffs

21 v.

22 **CITY OF GLENDALE**, a Municipal
23 Corporation, and **DOES 1 through 20**,
24 inclusive,

25 Defendants.

Case No.: BC556600

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF FOR:**

- 26 (1) **VIOLATION OF THE
GLENDALE MUNICIPAL
CODE;**
- 27 (2) **VIOLATION OF THE EQUAL
PROTECTION CLAUSE OF
THE CALIFORNIA
CONSTITUTION;**
- 28 (3) **VIOLATION OF THE
PRIVILEGES AND
IMMUNITIES CLAUSE OF
THE CALIFORNIA
CONSTITUTION**

1 Plaintiffs **MICHIKO SHIOTA GINGERY**, an individual, **KOICHI MERA**, an
2 individual, **GAHT-US CORPORATION**, a California Non-Profit Corporation, and
3 **MASATOSHI NAOKI**, an individual, (collectively “Plaintiffs”) hereby complain against
4 Defendant and allege as follows:

5 1. Plaintiffs seek injunctive and declaratory relief relating to the presence of a
6 monument authorized by Glendale and condemning the nation of Japan, and by
7 implication, all persons of Japanese origin and descent, regarding individuals that have
8 come to be known as “Comfort Women” (the “Public Monument”). When Glendale
9 decided to place the “Comfort Women” statue on public property, it chose public land that
10 had previously been selected to contain monuments in honor all of Glendale’s various
11 sister cities in Japan, Armenia, Mexico and Korea.¹ However, the interpretive text
12 permanently affixed to the statue, without any vote by Glendale’s elected officials, reflects
13 an explicitly pro-Korean and anti-Japanese view of certain historical events during World
14 War II, that are vigorously debated in Asia and in the United States.

15 2. Glendale has deprived Plaintiffs and Japanese, equal protection of the laws
16 and has offered certain privileges and immunities on different terms to Japanese-
17 Americans, including Plaintiffs, by its placing the “Comfort Women” statue, which
18 condemns Japan and the Japanese people, in such a manner to deprive the Plaintiffs of
19 certain public benefits and use of property on equal terms as non-Japanese. On
20 information and belief, Glendale has no public monument dedicated to public
21 condemnation of alleged war crimes or human rights violations by any other nation, race
22 or people at the Complex, in Central Park, or anywhere else in its city limits. Glendale has
23 no public memorial to the wartime suffering and patriotism of its own Japanese-American
24

25 _____
26 ¹ Glendale has indicated that it has seven sister cities, but only lists six. Two are Korean cities,
27 and only one, Higashiosaka City, is Japanese. As explained further below, Hiroshima, Japan, was
28 once considered by Glendale to be sister city, but no longer is. *See*
www.glendaleca.gov/government/departments/communications-community-relations/glendale-s-sister-city-program

1 citizens. As a result of its decision to single out the nation of Japan, and the Japanese
2 people, Glendale has caused injury to the Plaintiffs by unfairly and one-sidedly
3 implicating them as complicit with war crimes and ““unconscionable violations of human
4 rights,” resulting in alienation and exclusion from Glendale’s civic matters, based on their
5 national origin. Plaintiffs deplore the Public Monument’s implication that they are
6 associated with the war crimes alleged against their ancestors.

7 3. The Public Monument is located on public land in a publicly owned park in
8 Glendale known as Central Park, located at 201 South Colorado St., Glendale, CA 91205.
9 The Public Monument is located on public property within the City of Glendale in a
10 prominent location directly in front of Glendale’s Adult Recreation Center. Glendale
11 sometimes refers to this area as “Adult Recreation Center / Central Park Complex”
12 (“Complex”). The Complex offers a number of public benefits not offered elsewhere,
13 including “senior programs and services that include health screenings and wellness
14 programs, housing and legal assistance, life-long learning classes, travel and volunteer
15 opportunities, recreational activities, and special events with an emphasis on diversity.”²
16 The Complex offers reduced-price senior meals seven days a week. It also offers all
17 residents an exercise room fitness classes and facilities, at reduced rates for seniors, and it
18 may be reserved for private events. Plaintiffs (including the constituent members of
19 GAHT-US) could benefit from these programs and services but Glendale’s acts and
20 omissions disproportionately burden and interfere with Japanese-American citizens’ use of
21 the Complex and enjoyment of public benefits, and therefore Glendale has injured the
22 Plaintiffs, members of an minority group, based upon their ethnicity and/or national origin.

23 4. The area where the Public Monument is located, in the Complex, was
24 selected by Glendale to become a new Sister City area, to showcase and honor all of
25 Glendale’s sister cities in South Korea, Japan, Armenia, and Mexico. The “Sister Cities”
26

27 ² [http://www.glendaleca.gov/government/departments/community-services-parks/parks-facilities-](http://www.glendaleca.gov/government/departments/community-services-parks/parks-facilities-historic-sites/adult-recreation-center-)
28 [historic-sites/adult-recreation-center-](http://www.glendaleca.gov/government/departments/community-services-parks/parks-facilities-historic-sites/adult-recreation-center-)

1 concept was founded in 1956 by U.S. President Dwight D. Eisenhower in an effort to
2 promote what he called “citizen diplomacy.” According to the current Sister Cities
3 International website, “Eisenhower envisioned an organization that could be the hub of
4 peace and prosperity by creating bonds between people from different cities around the
5 world. By forming these relationships, President Eisenhower reasoned that people of
6 different cultures could celebrate and appreciate their differences and build partnerships
7 that would lessen the chance of new conflicts.” ([http://www.sister-cities.org/mission-and-](http://www.sister-cities.org/mission-and-history)
8 [history](http://www.sister-cities.org/mission-and-history)) The mission of Sister Cities International is “to promote peace through mutual
9 respect, understanding, and cooperation—one individual, one community at a time.” (*Id.*)
10 In fact, the first Sister-Cities relationships eased post-WWII tensions between the United
11 States and Japan by creating cultural and educational exchanges, resulting in friendship,
12 trust, trading relationships, and, ultimately economic benefits to all. (*Id.*)

13 5. Ironically, the Public Monument, while nominally created to honor
14 Glendale’s sister cities, undermines rather than promotes the above-stated aims as it
15 expressly and pointedly condemns and shames Japan and its people. And it does so in
16 accordance with the aims of certain pro-Korean interest groups, while ignoring all of
17 Glendale’s non-Korean sister cities, including in Japan. Moreover, Plaintiffs are informed
18 and believe that Glendale’s public anti-Japanese messages embodied in the Public
19 Monument have revived anti-Japanese sentiment within Glendale, resulting in Plaintiffs
20 and other Japanese-Americans experiencing alienation and exclusion.

21 6. Because the Public Monument contains and consists of a public
22 condemnation of Japan and the Japanese people, and because it is placed on public
23 property adjacent to Glendale’s Adult Recreation Center, it has a chilling effect on citizens
24 of Glendale and persons of Japanese origin and descent, by alienating persons of Japanese
25 origin and descent from public lands and public services, and associating them with
26 alleged war crimes, “sexual slavery” and “unconscionable violations of human rights,”
27 while promoting the interests of persons of Korean origin and descent. Plaintiffs are
28 discouraged from full and fair enjoyment of the Complex. Plaintiffs are informed and

1 believe that this was the intended effect of the Public Monument. In addition, the written
2 statements on the Public Monument were never voted on by any public official; on
3 information and belief, these statements were placed on the Public Monument by a private
4 interest group that funded the Public Monument. For these reasons, Plaintiffs allege herein
5 that the emplacement of the Public Monument violates Glendale’s Municipal Code, and
6 the Plaintiffs’ rights under the Article 1, Section 7(a) of the California Constitution (“Equal
7 Protection Clause”); and Article 1, Section 7(b) of the California Constitution (“Privileges
8 and Immunities Clause”).

9 **PARTIES**

10 7. Plaintiff Michiko Shiota Gingery (“Gingery”) is a long-time resident of
11 Glendale. Gingery lives in the vicinity of Central Park and the Public Monument. Gingery
12 is a founding member of Glendale’s Sister City Committee, as related to the City of
13 Hihashiosaka, a committee created to develop and administer Glendale’s Sister City
14 Program. In this capacity, Gingery made significant contributions to Glendale’s
15 establishment of a Sister City relationship with the City of Higashiosaka (at the time called
16 Hiraoka), Japan, Glendale’s first sister city. Gingery was born in Japan, and is now a
17 naturalized U.S. citizen. As a Glendale resident of Japanese heritage, Gingery believes the
18 Public Monument presents an unfairly one-sided portrayal of the historical and political
19 debate surrounding Comfort Women and presents the potential to disrupt the United
20 States’ strategic alliances with its closest East Asian allies, Japan and South Korea. She
21 also believes the emplacement of the Public Monument represents a significant obstacle in
22 maintaining friendly relations among Glendale’s sister-cities in Japan and elsewhere, the
23 primary objective of the Sister City Program.

24 8. Gingery suffers feelings of exclusion, discomfort, and anger because of the
25 position espoused by her city of residence through its display and endorsement of the
26 Public Monument. Gingery would like to use Glendale’s Central Park and Adult
27 Recreation Complex. But she now avoids doing so because she is offended by the Public
28 Monument’s pointed expression of disapproval of Japan and the Japanese people. In

1 addition, the presence of the Public Monument diminishes Gingery’s enjoyment of the
2 Complex. Moreover, as a founding member of Glendale’s Sister City committee, Gingery
3 is personally affronted by the exclusion of the City of Higashiosaka, Japan and Hiroshima,
4 Japan, both of whom are identified by Glendale as sister cities, but neither of whom were
5 consulted about, agreed with, nor approved the Public Monument.

6 9. Gingery contributes as a taxpayer to the Adult Recreation Center / Central
7 Park Complex, and the services offered there. Gingery, a senior citizen over the age of 60,
8 could benefit from a variety of public services and benefits at reduced prices available to
9 senior citizens who reside in Glendale at the Complex. However, because of the presence
10 of the Public Monument directly adjacent to the Adult Recreation Center, Gingery feels
11 unwelcome as a person of Japanese origin and descent. Because the Public Monument
12 states that her nation of origin should “take historical responsibility” for “unconscionable
13 violations of human rights,” while there is a vigorous, ongoing debate in the nations of
14 Japan, South Korea and the United States, and elsewhere, pertaining to the historical issue
15 of “Comfort Women,” Gingery feels unwelcome at the Complex for reasons beyond her
16 control. The presence of the Public Monument and its public condemnation therefore
17 effectuates a deprivation to Gingery of public benefits that are freely available to Korean
18 and other non-Japanese senior citizens in Glendale. Under the California Constitution,
19 Gingery should not be forced to experience shame and exclusion in order to benefit from
20 the reduced cost services available to her as a taxpayer and Glendale resident whereas
21 other ethnic and national groups are freely accepted and welcomed by Glendale.

22 10. Plaintiff GAHT-US Corporation (“GAHT-US”) is a non-profit public benefit
23 corporation organized under the laws of the State of California with a membership of
24 nearly 500 people. The purpose of GAHT-US is to provide accurate and fact-based
25 educational resources to the public in the U.S., including within California and Glendale,
26 concerning the history of World War II and related events, with an emphasis on Japan’s
27 role. GAHT-US has undertaken this goal in an effort to enhance a mutual historical and
28 cultural understanding between and among the Japanese and American people. Given its

1 mission, GAHT-US believes that the Public Monument advances an unfairly biased
2 portrayal of the Japanese government’s purported involvement with Comfort Women
3 during the Second World War. Individual members of GAHT-US reside in Glendale and
4 nearby cities, and elsewhere. GAHT-US’s members suffer feelings of exclusion,
5 discomfort, and anger by the continued presence of the Public Monument, and the
6 controversial and disputed stance on the debate surrounding Comfort Women that it
7 perpetuates. Although GAHT-US members would like to use Glendale’s Central Park and
8 its Adult Recreation Center, they no longer intend to do so as a result of their distress due
9 to the Public Monument. In addition, the presence of the Public Monument diminishes
10 GAHT-US members’ enjoyment of the Adult Recreation Center / Central Park Complex.

11 11. Plaintiff Koichi Mera (“Mera”) is a Japanese-American resident of the City
12 of Los Angeles and the President of GAHT-US. Mera disagrees with and is offended by
13 the position espoused by Glendale through the Public Monument and its pointed
14 condemnation of the Japanese people and government. Although Mera would like to use
15 Glendale’s Central Park and its Adult Recreation Center, as a result of his alienation due to
16 the Public Monument, he avoids doing so. In addition, the presence of the Public
17 Monument diminishes Mera’s enjoyment of the Complex.

18 12. Plaintiff Masatoshi Naoki (“Naoki”) is a Japanese-American resident of the
19 City of Glendale. Naoki was raised in Higashiosaka, Japan, Glendale’s oldest sister city,
20 and contributed significantly to the promotion of friendship between Glendale and
21 Higashiosaka. Naoki has been involved with Glendale’s Sister Cities program for over 30
22 years. Naoki disagrees with and is offended by the position espoused by Glendale through
23 the Public Monument and its pointed condemnation of the Japanese people and
24 government. Although Naoki would like to use Glendale’s Central Park and its Adult
25 Recreation Center, as a result of his alienation due to the Public Monument, he avoids
26 doing so. In addition, the presence of the Public Monument diminishes Naoki’s enjoyment
27 of the Adult Recreation Center / Central Park Complex. He also deplores the Public
28 Monument’s implication that he is associated with the alleged war crimes of his ancestors.

1 Meeting on July 9, 2013, the City Council approved the installation of the Public
2 Monument, described as “a Korean Sister City ‘Comfort Woman’ Peace Monument,” on a
3 substantial portion of public land immediately adjacent to the Adult Recreation Center
4 Plaza in Central Park. On information and belief, the monument was funded by private
5 contributions from the Korean-American Forum of California (“KAFC”), a group of
6 Korean-American citizens in Glendale, Los Angeles, and throughout California. On
7 information and belief, KAFC is not affiliated with any of Glendale’s sister cities, and
8 KAFC’s stated mission has nothing to do with Sister Cities International. Rather, KAFC,
9 by its own admission, was formed in recent years “[i]n an effort to continue to raise
10 awareness regarding the unresolved history and to push the government of Japan to
11 formally acknowledge and apologize for the Military Sexual Slavery.... Our first effort is
12 to build ‘Comfort Women’ memorials in California, also a national grassroots effort in the
13 US, as a way to continue to put pressure of the government of Japan and to raise public
14 awareness... On July 30th of this year (2013) with leadership from the Mayor and the
15 Members of the City Council of the City of Glendale, California, proclaimed July 30 as the
16 Comfort Women Day in 2012, and decided to erect the Comfort Women monument in its
17 public park in the year 2013.” (<http://kaforumca.org/about-us/>) KAFC analogizes the
18 Comfort Women to the victims of the Holocaust and calls for Japan to issue a “sincere”
19 public apology that mimics the 1970 “*kniefall*” of German Chancellor Willy Brandt.
20 (<http://kaforumca.org/>) (linking to a *Time* article entitled “Top 10 National Apologies”
21 noting that Germany also paid billions in reparations.) On its home page, KAFC also cites
22 a statement by United States President Barack Obama that “Japan’s wartime slavery was a
23 ‘terrible’ violation,” omitting his further comment “I think [Japanese] Prime Minister
24 [Shinzo] Abe recognizes this and certainly the Japanese people recognize that the past is
25 something that has to be recognized honestly and fairly.”

26 16. On information and belief, the KAFC has paid for one or more members of
27 the Glendale City Council to visit the nation of South Korea prior to the Council’s decision
28 to erect the Public Monument. On information and belief, no funds, including any funds

1 provided to Glendale by KAFC, have been used to erect monuments in the “Sister City
2 area” to honor Glendale’s other sister cities in Japan, Mexico, and Armenia. On
3 information and belief, no other monuments in honor of any other Glendale sister city has
4 been considered for the “Sister City area,” and none of Glendale’s non-Korean sister cities
5 were consulted about or even informed of the decision to erect the Public Monument.

6 17. The Public Monument was unveiled 21 days after the meeting, on July 30,
7 2013. The Public Monument is a 1,100-pound bronze statue of a young girl in Korean
8 dress sitting next to an empty chair with a bird perched on her shoulder along with the
9 bronze plaque described below. The young girl in Korean dress is presumed to be of
10 Korean origin, but is not identified by name. Indeed, the Public Monument has no imagery
11 apparently relating to any of Glendale’s Sister Cities.

12 18. There is no indication that the Public Monument or the area in which it is
13 located at the Complex, is dedicated to all, some or any of Glendale’s sister cities,
14 including those in South Korea. Its text says nothing about sister cities, but integral to and
15 alongside the statue is a permanent bronze plaque that reads:

16 “I was a sex slave of Japanese military

- 17 • Torn hair symbolizes the girl being snatched from her home by the Imperial
- 18 Japanese Army.
- 19 • Tight fists represent the girl’s firm resolve for a deliverance of justice.
- 20 • Bare and unsettled feet represent having been abandoned by the cold and
- 21 unsympathetic world.
- 22 • Bird on the girl’s shoulder symbolizes a bond between us and the deceased
- 23 victims.
- 24 • Empty chair symbolizes survivors who are dying of old age without having
- 25 yet witnessed justice.
- 26 • Shadow of the girl is that of an old grandma, symbolizing passage of time
- 27 spent in silence.
- 28 • Butterfly in shadow represents hope that victims may resurrect one day to
- receive their apology.

Peace Monument

In memory of more than 200,000 Asian and Dutch women who were removed from
their homes in Korea, China, Taiwan, Japan, the Philippines, Thailand, Vietnam,
Malaysia, East Timor and Indonesia, to be coerced into sexual slavery by the
Imperial Armed Forces of Japan between 1932 and 1945.

1 And in celebration of proclamation of “Comfort Women Day” by the City of
2 Glendale on July 30, 2012, and of passing of House Resolution 121 by the United
3 States Congress on July 30, 2007, urging the Japanese Government to accept
4 historical responsibility for these crimes.

5 It is our sincere hope that these unconscionable violations of human rights shall
6 never recur.

7 July 30, 2013.”

8 19. Although Glendale claims it has two sister cities in Korea, and one sister city
9 in Japan, the permanent bronze plaque affixed to the Public Monument does not
10 acknowledge or mention any of Glendale’s sister cities, but it does admonish Japan. No
11 other monuments are present in this area of Central Park and, upon information and belief,
12 no other permanent markers may be placed there without approval of the City Council.

13 20. The city of Higashiosaka, Japan does not have any permanent marker or
14 monument in this area of Central Park, although the area is dedicated to Glendale’s sister
15 cities. Glendale exercises exclusive custody and control of Central Park and the Public
16 Monument, and, on information and belief, Glendale may be using tax revenues paid by
17 Plaintiffs, among others, to maintain the “Sister Cities area” and the Public Monument.

18 21. Moreover, upon information and belief, Glendale’s sister cities are as a
19 group obligated to provide necessary maintenance services for the Public Monument. In
20 short, Glendale’s sister cities other than those in South Korea, including its sister city in
21 Japan, are obligated to share the burden of maintenance costs despite the fact that they
22 never agreed to this arrangement. As it is likely that collecting maintenance charges from
23 its sister cities is not easy, the City of Glendale cannot avoid bearing the costs of
24 maintenance despite its policies that avoid Glendale’s obligations to its sister cities.

25 **The International Debate Concerning Comfort Women**

26 22. The subject of “Comfort Women” is intensely debated, to this day, in and
27 among many nations in Asia, particularly in Japan and South Korea. It is a subject of
28 diplomatic discussions at the highest levels of government of each nation. The historical

1 record is a matter of ongoing public discussion in these nations, with a variety of
2 viewpoints and interpretations of historical accounts and documentation.

3 23. During World War II and the decade leading up to it, an unknown number of
4 women from Japan, Korea, China, and a number of nations in Southeast Asia, were
5 recruited, employed, and/or otherwise acted as sexual partners for troops of the Japanese
6 Empire in various parts of the Pacific Theater of war. These women are now referred to as
7 “Comfort Women.”

8 24. Beginning in the 1990s, a dispute arose between South Korea and the
9 government of Japan concerning the hardships experienced by Korean Comfort Women
10 and whether the Japanese government forcefully recruited Comfort Women and enslaved
11 them..

12 25. Officials of the Japanese government assert that the Japanese military and
13 Japanese Imperial government were not responsible for or directly involved in the forceful
14 recruitment of Comfort Women, and that private firms and individuals of various national
15 and ethnic origins, undertook the recruitment of Comfort Women.

16 26. Other governments, including that of South Korea, claim that Comfort
17 Women were recruited by and/or forced into sexual slavery by the Imperial Japanese
18 government and/or officials of the Japanese military.

19 27. The debate concerning historic responsibility for the Comfort Women (has
20 been a significant and ongoing source of tension in recent decades between Japan and
21 South Korea, both of which are important American allies. Disagreements concerning
22 responsibility for Comfort Women are a major impediment to improved present-day
23 relations between Japan and South Korea, which are less than cordial, and between those
24 two nations and the United States.

25 28. Plaintiffs are informed and believe that a group of 122 women recently sued
26 the government of South Korea in Seoul Central District Court, seeking approximately \$1.2
27 million in damages suffered as Comfort Women, alleging that the South Korean
28 government coerced, trained and offered them to U.S. troops, commencing during the

1 Korean War. This issue was the subject of a scholarly work, *Sex Among Allies: Military*
2 *Prostitution in U.S.-Korea Relations*, by Katharine Hyung-Sun Moon, Columbia
3 University Press, 1997 examining the human rights, foreign policy, and national security
4 implications of the Comfort Women issue.

5 29. The Japanese government has continued to study and discuss the
6 controversial Comfort Women issue to this day; the United States, Japan, and South Korea,
7 among many other nations are engaged in ongoing, international diplomacy over the
8 political and historical issues engendered by the controversy.

9 **Efforts by Japan and South Korea to Address the Dispute**

10 30. In 1993, after some years of controversy regarding the Japanese Imperial
11 Government's alleged coercion in recruitment and enslavement of Comfort Women, then-
12 Chief Cabinet Secretary Yohei Kono issued a statement concerning the Comfort Women
13 issue. Some have regarded that statement as an admission of Japan's "historical
14 responsibility" with respect to the issue of Comfort Women, although the statement also
15 acknowledges the role of private individuals and firms in the recruiting of these women.
16 This "Kono Statement" was at that time and still is considered by many to be a political act
17 motivated by Japan's diplomatic interests in improving Japan's relations with South Korea.
18 The "Kono Statement" also specified that further research and study would be necessary to
19 fully understand the issue and to determine what next steps would be appropriate.

20 31. In 1995, Japan established the Asian Women's Fund to distribute
21 compensation to former Comfort Women in South Korea, the Philippines, Taiwan, the
22 Netherlands, and Indonesia, and to provide them with letters of apology from the Prime
23 Minister of Japan. The Asian Women's Fund continues to exist in Japan and elsewhere to
24 this day, although, on information and belief, its task of distributing compensation to
25 victims of war, was completed some time ago.

26 32. Nonetheless, several governments, including the government of South
27 Korea, have continued to demand that Japan take additional steps to redress grievances
28 relating to Comfort Women.

1 33. The Japanese government asserts that all World War II-related claims against
2 Japan, including those related to Comfort Women, were resolved by the Treaty of Peace
3 signed in San Francisco by Japan, the United States, and 47 other allied nations in 1951
4 (the “Treaty of San Francisco”), the Treaty on Basic Relations between Japan and the
5 Republic of Korea dated June 22, 1965, and/or the Agreement on the Settlement of
6 Problems Concerning Property and Claims and on Economic Co-operation between Japan
7 and the Republic of Korea also dated June 22, 1965 (the “Settlement Agreement”).

8 34. Article 4(a) of the Treaty of San Francisco provides that claims of Korean
9 and Chinese nationals relating to Japan’s wartime conduct, including issues related to
10 Comfort Women, are to be addressed through government-to-government negotiations
11 between Japan and each of those countries.

12 35. Article 2(1) of the Settlement Agreement provides that the “problem
13 concerning property, rights and interests of the two Contracting Parties [i.e., Japan and
14 South Korea] and their nationals (including juridical persons) and concerning claims
15 between the Contracting Parties and their nationals . . . is settled completely and finally.”

16 36. In December 2011, Japanese Prime Minister Yoshihiko Noda and South
17 Korean President Lee Myung-bak held talks in Kyoto, Japan in an effort to improve
18 bilateral relations between the two neighboring countries. The discussions terminated
19 when President Lee pressed Prime Minister Noda to take additional responsibility for
20 Korean Comfort Women. The Comfort Women are a matter of ongoing Japanese national
21 concern. In June 2014, the Japanese government announced the result of a comprehensive
22 review of the background of the “Kono Statement” of 1993. (Tedaki, et al., Office of the
23 Prime Minister of Japan and His Cabinet, Study Team on the Details Leading to the
24 Drafting of the Kono Statement etc., “Details of Exchanges Between Japan and South
25 Korea Regarding the Comfort Women Issue -- From the Drafting of the Kono Statement to
26 the Asian Women’s Fund - (Provisional Translation),” published June 20,2014,
27 (http://japan.kantei.go.jp/96_abe/documents/2014/140620.html) This recent review
28 disclosed, among other things, that the “Kono Statement” was influenced by political and

1 diplomatic compromise rather than purely historical statement of facts. (*Id.*) In the months
2 since its publication, several South Korean officials have spoken out in criticism of the
3 review. The government of Prime Minister Shinzo Abe has said that it adheres to the 1993
4 apology but asserted that there was no direct documentary evidence that military or
5 government officials were directly involved in kidnapping the women.

6 37. At the time of drafting this First Amended Complaint, the issue of “Comfort
7 Women” remains a key element of the ongoing diplomatic efforts between Japan and
8 South Korea. South Korean President Park Geun-hye has said, “What we wish to see is an
9 apology to these victims as well as a courageous decision on the part of the Japanese
10 political leadership to take measures to wholly restore honor to these comfort women
11 victims.” On September 17, 2014, Japan’s Deputy Chief Cabinet Secretary Katsunobu
12 Kato responded by commenting, “We have repeatedly said that Japan and South Korea
13 already resolved the issue of the right (for South Koreans) to seek compensation,” referring
14 to the Settlement Agreement and the Asian Women’s Fund.

15 **Glendale’s Installation of the Public Monument**

16 38. Glendale has established a Glendale Sister Cities program to initiate ongoing
17 communication and “promote[] interest and good will” between and among Glendale and
18 its Sister Cities. In March 2009, Glendale claimed six Sister City partnerships:
19 Higashiosaka, Japan; Hiroshima, Japan; Tlaquepaque, Mexico; Rosarito, Mexico; Ghapan,
20 Armenia; and Goseong City, South Korea. Today, Hiroshima, Japan is not listed as a
21 Sister City, and Gimpo, South Korea has been added.

22 39. In 2010, then-mayor of Glendale, Ara Najarian, visited one of Glendale’s
23 sister cities, Goseong City, South Korea, along with Planning Commissioner Chang Lee.

24 40. On September 6, 2011, the City Council instructed Glendale’s Community
25 Services and Parks staff to explore the possibility of dedicating the use of a portion of
26 public land within Glendale for memorials, monuments, and/or artifacts representative of
27 Glendale’s sister city partners.
28

1 41. On March 26, 2013, the City Council voted to dedicate a plot of public land
2 within Central Park and adjacent to the Adult Recreation Center Plaza for the purpose of
3 sister city-related monuments and memorials.

4 42. In the spring and summer of 2013, a proposal was made to place a statue in
5 Central Park dedicated to Comfort Women. During that period, the City Council received
6 hundreds of letters and emails, from the Plaintiffs and others, in opposition to the
7 installation of the monument, almost entirely from residents and interested persons of
8 Japanese ancestry, including Plaintiffs Gingery, Naoki, and Mera, the members of GAHT-
9 US, and individuals in Japan.

10 43. At a July 9, 2013 Special Meeting the City Council considered and approved
11 a motion to install the Public Monument, described as a “Korean Sister City ‘Comfort
12 Women’ Peace Monument,” on public land within Central Park. The report
13 recommending approval of the installation of the Public Monument, submitted to the City
14 Council in conjunction with the motion, included a schematic diagram depicting the
15 proposed statue and its location.

16 44. The schematic diagram of the proposed statue did not include any mention
17 of, or reference to, the text of the plaque that currently is part of the Public Monument.
18 During the Special Meeting, City Council Member Ara Najarian asked Glendale
19 Community Relations Coordinator Dan Bell whether the statue would be accompanied by
20 a plaque and, if so, its inscription. Mr. Bell advised the City Council that the plaque would
21 say that it was “commemorating and in honor of the Comfort Women.” Mr. Bell made no
22 mention of the text of the plaque that ultimately was installed as part of the Public
23 Monument, and no mention of its references to Japan.

24 45. During the Special Meeting, numerous individuals, including Japanese-
25 Americans, among them plaintiff Mera and members of GAHT-US, publicly opposed and
26 condemned the proposed installation of the statue, arguing that the Comfort Women issue
27 is a matter of current diplomatic communications between South Korea and Japan, that the
28 view advanced by the South Korean government on Comfort Women has been severely

1 disputed, and that this controversy has become an element of U.S. foreign relations toward
2 both countries. Many of these Japanese-Americans were and are citizens of Glendale, and
3 taxpayers.

4 46. Plaintiff Gingery has been involved with the Glendale sister cities as related
5 to Higashiosaka and Plaintiff Naoki has been involved in the sister cities activities for a
6 long period of time, but, upon information and belief, the Sister Cities Committee was not
7 consulted by the City Council about the Public Monument prior to the council’s approval
8 of its installation. On information and belief, none of Glendale’s non-Korean sister cities
9 were consulted about the Public Monument despite Glendale’s indication that all the sister
10 cities would be required to pay for its upkeep.

11 47. Notwithstanding the numerous objections voiced at the Special Meeting,
12 ignorance over the text that would be included, and Glendale’s failure to consult its Sister
13 Cities committee, or any of Glendale’s non-Korean Sister Cities, the City Council
14 approved the installation of the “Korean Sister City ‘Comfort Women’ Peace Monument”
15 “as shown and described in the Report to Council dated July 9, 2013” by a vote of 4 to 1.
16 Glendale Mayor Dave Weaver, who voted against installation of the Public Monument,
17 later explained in a letter to Yoshikazu Noda, Mayor of Higashiosaka, Japan (a Glendale
18 sister city) that the dispute over Comfort Women “is an international one between Japan
19 and South Korea and the City of Glendale should not be involved on either side.”

20 48. Three weeks after the City Council’s approval, on July 30, 2013, the 1,100
21 pound bronze Public Monument was unveiled in Central Park. As described above, the
22 statue was accompanied by a plaque accusing the Japanese government of “coerc[ing]”
23 more than 200,000 women “into sexual slavery,” and “urging the Japanese Government to
24 accept historical responsibility for these crimes,” which it labels as “unconscionable
25 violations of human rights.” The plaque makes no mention of any other alleged “sexual
26 slavery” or alleged war crimes by any other nation or race. It does not mention the
27 wartime suffering and patriotism of Glendale’s own Japanese-American citizens.
28

1 49. The City Council never voted to approve the text on the plaque. Had the
2 City Council been fully informed, they might have chosen alternative text that would not
3 insult, alienate and exclude Glendale’s Japanese-American citizens. And certainly no
4 effort has been made by the City Council to remove or modify the plaque since its text was
5 revealed and after additional concern was expressed by the Japanese community.

6 50. Following the Public Monument’s installation, at the July 30, 2013 Meeting
7 of the City Council, Glendale City Council Member Laura Friedman commented: “We
8 really put the city of Glendale on the international map today by doing this.”

9 51. The installation of the Public Monument prompted opponents of the Public
10 Monument to commence a petition to compel its removal. The petition, posted on
11 President Barack Obama’s website “We the People” in late 2013, quickly received more
12 than 100,000 signatures, and now has nearly 130,000 signatures.³ A variety of citizens,
13 including the Plaintiffs, have been lobbying Glendale to have the Public Monument
14 replaced, revised or removed to lessen its unfair treatment of, and impact on, Glendale’s
15 Japanese-American citizens, without success.

16 52. The Comfort Women issue is not merely an element of relations between
17 Japan and South Korea, but an element of the United States’ relations with Japan and
18 South Korea. On April 25, 2014, while visiting Seoul, South Korea, President Obama
19 addressed the issue, expressed a portion of the United States’ foreign policy view, and
20 declared that the issue will require the “coordinated effort of our three countries.” The
21 President has also stated that the Japanese government “recognizes this [issue] and
22 certainly the Japanese people recognize that the past is something that has to be recognized
23 honestly and fairly,” in contrast to the seven-year-old statements of H.R. 121.

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27 ³ <https://petitions.whitehouse.gov/petition/remove-offensive-state-glendale-ca-public-park/3zLr8dZh>
28

The Japanese Government’s Reaction to the Public Monument

53. Glendale’s decision to install the Public Monument has elicited numerous unfavorable reactions from the Japanese government.

54. On July 24, 2013, Kuni Sato, the press secretary of the Japanese Ministry of Foreign Affairs, expressed Japan’s official displeasure, remarking that installation of the Public Monument “does not coincide with our understanding” of the Comfort Women dispute.

55. On July 25, 2013, Yoshikazu Noda, the Mayor of Glendale’s sister city, Higashiosaka, Japan, advised the City Council that the installation of the Public Monument was “an extremely deplorable situation and the people of Higashiosaka are hurt at a decision made by [Glendale] city to install a Comfort Woman monument.”

56. On July 31, 2013, Kenichiro Sasae, Japanese Ambassador to the United States, declared that Glendale’s action is “irreconcilable” with the position of the Government of Japan and is “highly regrettable.”

57. On July 31, 2013, Mr. Yoshihide Suga, Japan’s Chief Cabinet Secretary, described Glendale’s decision to install the Public Monument as “extremely regrettable.” He added that Glendale’s action “conflicts with the [Japanese] government’s view that the issue of the Comfort Women should not be part of any political or diplomatic agenda.”

58. On August 13, 2013, Japanese Prime Minister Shinzo Abe stated that he was “extremely dissatisfied” with the installation of the Public Monument.

59. On January 16, 2014, after being denied a request to meet with Glendale’s Mayor and City Council, an association of 321 local Japanese government legislators submitted an official letter to Glendale, protesting the Public Monument’s installation “in the strongest terms” and requesting “that the statue be removed immediately.” The letter advised Glendale that “the distorted view of history that the statue represents . . . will surely jeopardize world peace and the possibility of a bright future for our children.”

60. On information and belief, following the installation of the Public Monument, the city of Hiroshima, Japan informed Glendale that it had never formally

1 approved a sister city partnership with Glendale. Rather than seeking to formalize the
2 relationship, Glendale instead terminated Hiroshima as a sister city and omitted reference
3 to Hiroshima in its sister city materials.

4 61. Glendale has recently added a sister city in the city of Gimpo, South Korea.

5 62. Glendale’s population includes many different ethnic minorities, including
6 Mexican-American, Korean-American, Armenian-Americans, and Japanese-American
7 citizens and legal residents.

8 **The Public Monument Threatens Irreparable Injury to Plaintiffs**

9 63. Despite vocal domestic and international public protest, Glendale persisted in
10 installing the Public Monument, forcing Plaintiffs to bring an action in United States
11 District Court, case number 14-cv-1201-PA-AJW. The present action is a continuation of
12 the state law claims asserted in that action, because the federal court declined to exercise
13 supplemental jurisdiction.

14 64. Allowing the Public Monument to remain in place in Glendale’s Central
15 Park threatens irreparable injury to Gingery, Mera, Naoki, and GAHT-US, and its
16 members. As longtime residents of Glendale with active involvement in Glendale’s Sister
17 City Program, Gingery and Naoki have effectively been denied full enjoyment of
18 Glendale’s Central Park’s benefits as the City of Glendale has turned visiting the Park into
19 a highly offensive locale. In addition, Gingery and Naoki, as Glendale citizens and
20 taxpayers of Japanese origin and descent, are unwelcome at the Adult Recreation Center
21 and are therefore unfairly deprived of public benefits. As senior citizens, by being
22 unwelcome at the Adult Recreation Center they are also deprived of the benefits and
23 discounts provided to seniors there. Also, Glendale has singled out its Japanese-American
24 citizens and associated them with alleged war crimes, sexual slavery and “unconscionable
25 violations of human rights” by their ancestors and relatives, suggesting that the Japanese
26 are unrepentant criminals. In addition, there have been reports in recent years that school
27 children of Japanese families in Glendale and its vicinity have been alienated,
28

1 marginalized, and insulted as a result of Glendale’s treatment of its Japanese-American
2 citizens.

3 65. The presence of the Public Monument has had a similar impact on GAHT-
4 US’s members, including Mera, who avoids using and benefitting from Glendale’s Central
5 Park.

6 66. Plaintiffs have no adequate remedy at law to address the foregoing injuries.

7 67. If the Public Monument is removed, Plaintiffs will again make use of
8 Glendale’s Central Park and its Adult Recreation Center.

9 68. An actual controversy has arisen and now exists between Plaintiffs and
10 Defendants.

11 69. Plaintiffs contend that installation of the Public Monument violates
12 Glendale’s Municipal Code.

13 70. Plaintiffs are informed and believe that Defendants disagree with Plaintiffs’
14 contentions as set forth in the prior paragraph.

15 71. A justiciable controversy therefore exists between Plaintiffs and Defendants
16 and a judicial declaration is necessary and appropriate at this time in order to determine the
17 legality of Glendale’s installation of the Public Monument.

18 **FIRST CLAIM FOR RELIEF**

19 **(Against All Defendants)**

20 **(Declaratory Relief - Violation of the Glendale Municipal Code)**

21 72. Plaintiffs repeat and incorporate the allegations in Paragraphs 1 through 70,
22 as though fully set forth herein.

23 73. Glendale Municipal Code Section 2.04.140 provides: “In all matters and
24 things not otherwise provided for in this chapter, the proceedings of the council shall be
25 governed under Robert’s Rules of Order, revised copy, 1952 edition.” Pursuant to Robert’s
26 Rules of Order, to introduce a new piece of business or propose a decision or action, a
27 motion must be made by a group member. (Art. 1, Sec. 4.) A second motion must then
28

1 also be made. (Art. I, Sec. 5.) And after limited discussion, the group then votes on the
2 motion. (Art. I, Sec. 7 & 9.) A majority vote is required for the motion to pass. (*Id.*)

3 74. The Public Monument was not properly approved by the City Council
4 pursuant to Glendale Municipal Code Section 2.04.140. An integral part of the Public
5 Monument—the plaque that specifically attributes responsibility for, inter alia, “snatching
6 [women] from their homes” and “coerc[ing them] into sexual slavery” to Japan—was
7 neither proposed to the City Council nor made the subject of a motion to the City Council,
8 and was not approved by it, as required. In fact, the proposed language presented to the
9 Council never mentioned Japan at all, and the City Council was specifically advised that
10 the inscription on the plaque would be different than the inscription ultimately used.

11 75. As a result, the installation of the monument violated the Glendale Municipal
12 Code.

13 **SECOND CLAIM FOR RELIEF**

14 **(Against All Defendants)**

15 **(Declaratory and Injunctive Relief)**

16 **Violation of the Equal Protection Clause of the California Constitution)**

17 76. Plaintiffs repeat and incorporate the allegations in Paragraphs 1 through 70,
18 and 72 through 74, as though fully set forth herein.

19 77. Article 1, Section 7(a) of the California Constitution (“Equal Protection
20 Clause”) states, in pertinent part: “A person may not be...denied equal protection of the
21 laws...”

22 78. Plaintiffs seek a judicial declaration that the Public Monument’s placement
23 in the so-called Sister City area of Glendale’s Central Park, adjacent to the Adult
24 Recreation Center, denies them equal protection of the laws, and thus violates the Equal
25 Protection Clause, because: (a) the Public Monument expressly and impliedly disapproves
26 of individuals of Japanese origin and descent by wrongly accusing the Japanese nation of
27 “coercing” women into sexual slavery (a matter of international debate), and publically
28 “celebrating” a bill that demands that the Japanese nation “take historical responsibility”

1 for actions which the Japanese, including Plaintiffs, believe the government is falsely
2 accused of, thereby adopting an anti-Japanese stance, while ignoring the wartime suffering
3 and patriotism of Japanese-Americans, resulting in alienation of Glendale’s Japanese-
4 American population; (b) to the extent the Public Monument honors Glendale’s Korean
5 sister city, no public monument exists in the Sister City area of Central Park that honors
6 any of Glendale’s sister cities in Japan, Mexico, and Armenia and none of the other sister
7 cities were consulted by Glendale prior to its decision to erect the Public Monument; and
8 (c) the Public Monument interferes with the Plaintiffs’ use and enjoyment of Glendale’s
9 Central Park and Glendale’s Adult Recreation Center, and (d) the Public Monument
10 discourages Plaintiffs Gingery, Mera and Naoki from equal and unfettered access to public
11 services and benefits that are offered only at the Adult Recreation Center.

12 **THIRD CLAIM FOR RELIEF**

13 **(Against All Defendants)**

14 **(Declaratory and Injunctive Relief**

15 **Violation of the Privileges and Immunities Clause of the California Constitution)**

16 79. Plaintiffs repeat and incorporate the allegations in Paragraphs 1 through 70,
17 72 through 74, and 76 through 77, as though fully set forth herein.

18 80. Article 1, Section 7(b) of the California Constitution (“Privileges and
19 Immunities Clause”), states: “A citizen or class of citizens may not be granted privileges or
20 immunities not granted on the same terms to all citizens.” Plaintiffs seek a judicial
21 declaration that the Public Monument’s placement in the so-called Sister City area of
22 Glendale’s Central Park, adjacent to the Adult Recreation Center, denies them, as
23 Japanese-American citizens, privileges and immunities on the same terms as non-Japanese
24 citizens, and violates the Privileges and Immunities Clause, because: (a) the Public
25 Monument expressly and impliedly expresses disapproval of individuals of Japanese origin
26 and descent by publically demanding that the Japanese nation “take historical
27 responsibility...for unconscionable violations of human rights...”, thereby adopting an
28 anti-Japanese stance, while ignoring the wartime suffering and patriotism of Japanese-

1 Americans, resulting in alienation of Glendale’s Japanese-American population; (b) to the
2 extent the Public Monument honors Glendale’s Korean sister city, no public monument
3 exists in the Sister City area of Central Park that honors any of Glendale’s sister cities in
4 Japan, Mexico, and Armenia and none of the other sister cities were consulted by Glendale
5 prior to its decision to erect the Public Monument; (c) the Public Monument interferes
6 with the Plaintiffs’ use and enjoyment of Glendale’s Central Park and Glendale’s Adult
7 Recreation Center, and (d) the Public Monument discourages Plaintiffs Gingery, Mera and
8 Naoki from equal and unfettered access to public services and benefits that are offered
9 only at the Adult Recreation Center.

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiffs pray for the following relief:

- 12 1. That the Court declare Glendale’s installation of the public monument
13 unconstitutional and null and void;
- 14 2. That the Court preliminarily and permanently enjoin and compel Defendants,
15 and each of them, to remove the Public Monument from public property in Glendale,
16 including but not limited to, any area in or adjacent to Central Park;
- 17 3. That the Court award Plaintiffs their costs and attorneys’ fees pursuant to
18 California Code of Civil Procedure § 1021.5; and
- 19 4. For such other and further relief as the Court deems just and proper.

20 DATED: September 18, 2014

DECLERCQ LAW GROUP

21
22 By: 

23 **WILLIAM B. DECLERCQ**
24 Attorney for Plaintiffs
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