

Glendale Lawsuit to remove the Peace Monument (2014-2017), the Overview

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Link to the copy of the complaint:

<https://drive.google.com/file/d/0B479p8CkVIBIeVlxbUhGdmd3Vmc/view?usp=sharing>

After the successful installation of the Peace Monument honoring the victims of the Japanese military sexual slavery in Glendale, CA in July 2013, the Japanese history deniers did not give up their hope to eliminate the Peace Monument from Glendale Central Park. In a widely reported lawsuit against the City of Glendale in February 2014, two Japanese American activists alleged that Glendale's approval for the Peace Monument was a violation of the Supremacy Clause and infringement of their freedom to use the Park, in a rather far-fetched effort to remove the Peace Monument. (Gingery, et al. v. City of Glendale. Case No. 2:14-cv-1291)

Upon being served the complaint, the concern of the Glendale city officials concern was not the lawsuit itself—most lawyers viewed it as an absurd and frivolous action, filed only to intimidate other cities and government entities from erecting a “comfort women” statue, out of fear of a potential lawsuit. However, the fact that the plaintiffs retained a top 20 law firm in the US was worrisome, knowing that the size and reputation of the law firm representing the parties do have an impact on the outcome of the case. KAFC (predecessor of CARE) contacted a few reputable law firms and successfully secured a pro bono representation from Sidley Austin, LLP, a top 7 law firm in the US (2014 ranking) for the City of Glendale.

The City Council members of Glendale vowed to fight to protect the Peace Monument. Diverse community groups came together in support of the City of Glendale. These groups, including the Japanese American community and the local Armenian and women's groups, conducted a joint press conference on International Women's Day in 2014 to express their support for Glendale Peace Monument. (See NCCR's support of “comfort women”)

Online community for legal professionals became clamorous when a castigating article appeared in Forbes magazine denouncing the history deniers and the law firm representing them. (<https://www.forbes.com/sites/eamonnfingleton/2014/04/13/disgusting-cry-some-legal-experts-is-this-the-lowest-a-prominent-u-s-law-firm-has-ever-stooped/?sh=22cd5b2968b3>)

Two weeks later, the law firm for the plaintiffs suddenly withdrew from the lawsuit, going so far as to offer to refund the retainer fee and to provide free services until the plaintiffs found a suitable replacement, in order to soothe the unhappy client and get out of the case.

Major media outlets around the globe including BBC, Associated Press, CNN, New York Times, Kyodo News, Arirang News, and Al Jazeera flocked to Glendale to interview the city officials and KAFC, the leading organization that brought the Peace Monument in Glendale. In the summer of 2014, KAFC invited two survivors from Korea—Grandma Ok-sun Lee and Il-chul Kang from the House of Sharing—to help the City of Glendale in the lawsuit. With these two Grandmas' declaration of their life stories, KAFC submitted an amicus curiae brief to the court.

As expected, the District Court Judge dismissed the case in the summer of 2014, but the plaintiffs appealed. When the case was dismissed again by the 9th Circuit Court in August of 2016, it was obvious that Glendale won this lawsuit unless the plaintiffs were nutty enough to

pursue the bleak chance at the US Supreme Court. Well, they were.

The plaintiffs took the case to the US Supreme Court for its review and the Japanese government interfered by submitting its amicus curiae brief on behalf of the plaintiffs, stating that the removal of the Glendale Peace Monument was Japan's "national core interest."

In March of 2017, the US Supreme Court rejected their request for review and the District Court's decision became final.

The same plaintiffs including Koichi Mera also filed a separate lawsuit in the State Court in 2014 when the District Court dismissed the case. This case was dismissed at the State Court and they appealed. It was dismissed at the Appellate Court as well, and the City of Glendale won an anti-SLAPP (i. e., strategic lawsuit against public participation) decision against the plaintiffs, resulting in a U.S. \$300,000 award for Glendale's legal fees.