

# Currents

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## Inside Currents

Asian Pacific State Employees Assn/  
APSEA Foundation 8-11  
Friends of Korea/KAAN 2-3  
Pacific Rim Street Fest 7

## Watada Court Martial The Significance of the Mistrial

The first military trial for 1st Lt. Ehren Watada who is charged for refusing his deployment to Iraq ended in a mistrial on February 7, 2007. Watada, a Japanese American from Hawaii, is the first commissioned officer to publicly refuse deployment to the Iraq War. On the third day of trial in Ft. Lewis, Washington, Judge Lt. Col. John Head repeatedly stated that he didn't believe that Watada or the prosecutors fully appreciated that the Stipulation of Fact ("Stipulation") offered all the elements required to convict Watada of the charge of refusing to deploy which carries a 2 years prison sentence. Judge Head indicated that he was going to declare the Stipulation inadmissible. Since the Stipulation was a cornerstone of the prosecution's case, Judge Head seriously undermined their case. Judge Head urge the prosecutor to request a mistrial and then granted the mistrial.

Watada and his attorneys characterized the Stipulation as a statement of fact which Watada had signed in a negotiated agreement with the prosecutors that two charges of conduct unbecoming an officer would be dismissed. The Stipulation had been reviewed and agreed upon one week before the trial by the prosecution, Lt. Gen Dubik (Ft. Lewis base commander and convening authority) and his Staff Judge Advocate, Watada and his attorneys, and Judge Head. With the stipulation, the prosecution avoided subpoenaing reporters, videographers and peace activists to authenticate Watada's statements.

The Stipulation included transcripts of selected Watada's public statements:

### •June 7, 2006 public statement in Tacoma Washington:

"... It is my duty as a commissioned offer of the United States Army to speak out against grave injustices. My moral and legal obligation is to the Constitution and not to those would issue unlawful orders. I stand before you today because it is my job to serve and protect America's Soldiers, its people and innocent Iraqis who have no voice.

Continued on Page 15

## Historic Sacramento Chinatown Lies Beneath Railyard

By Steve Yee

As development begins at the downtown railyard and Sacramento opens what one city official calls a "new chapter in our history," city leaders and developers should be sensitive to the historical ties the Chinese community has with the area.

Much has been written about the 240-acre railyard: In its heyday it was the largest industrial center west of the Mississippi, a railcar production center that dumped chemicals and toxic metals into the ground, later creating a Superfund site. Rumors abound that locomotives there were buried whole.

Little has been mentioned about the Chinese community, which has a stake in the area before the railyard dominated the Sacramento landscape. The Chinese community provided workers who built the Transcontinental Railroad over the Sierra Nevada to link the United States.

In the early 1860s, thousands of Chinese workers labored to construct the western half of the Transcontinental Railroad out of Sacramento heading east toward the imposing Sierra Nevada mountain range. Some of the workers, known as "coolies," were imported; others came from California's gold fields and Sacramento, where Chinese immigrants had developed a thriving community known as "Chinadom" along I Street near what is today the railyard.

Before the Central Pacific Railroad hired Chinese workers in 1865, the western half of the Transcontinental Railroad showed little progress. In 1868, when tracks had been laid across the Sierra

and into Reno, Charles Crocker, one of the "Big Four" who formed the railroad company, employed "12,000 Chinese working on a forty-mile stretch of mountain grades," according to the 1939 "Sacramento Guide Book." Chinese workers composed about 90 percent of the work force as the railroad pushed on across Nevada and into Utah.

Even though the contribution by Chinese laborers was crucial to the completion of the Transcontinental Railroad, officials did not invite any Chinese to the ceremony when workers from the west met those from the east on May 10, 1869. When photographs captured the ceremony in which the golden spike was driven at Promontory Point, Utah, they showed not a single Chinese face.

Hundreds of Chinese workers lost their lives in accidents during construction of the railroad. Trains carried their bodies back to Sacramento for burial, or the bodies were returned to China. Some may have been buried in a cemetery north of Sacramento's Chinatown, on the edge of an area called China Slough. No memorial was created to honor their sacrifice. A display at California State Railroad Museum in Sacramento acknowledges the Chinese contribution to the successful completion of the railroad, but the workers remain nameless.

After the final railroad spike was driven in Utah, many Chinese workers returned to Sacramento's Chinatown, a community born out of the Gold Rush. From the late 1840s to 1852, about

Continued on Page 2

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