



4. I asked the PTA's attorney to let me present my perspective as a parent in opposition to JEI's latest attempt to silence the PTA.<sup>1</sup>

#### Our Interest In The Decision

5. JEI's attorney has given the Court a false impression of the impact of JEI's selling plan on the parents and children who attend the school, and on the future of the school.

6. The attorney said that all of children presently enrolled in the school will be back in Japan within three years. This is not true. There are many Japanese families that are residing here indefinitely, or for a planned stay of more than 3 years. There are families (like mine) in which one or more of the parents are an American, and this is the family's permanent home. There are many current JSNY families who are looking farther ahead than three years for a quality Japanese school for their children in the Greenwich area.

7. Anyway, the bad effect of a sale starts immediately. Selling the Greenwich Campus without a plan for a new permanent home for our school undermines confidence in the school's future. Some parents may not re-enroll their children. Others may decide to start off younger siblings in a different school, rather than entering first grade at JSNY. It will be hard to recruit new students from the large pool of Japanese and Japanese-American families that reside in the area.

8. It is ironic that JEI's President tried to assure us that because the money from the sale will be "in the bank," we have nothing to worry about. JEI is selling the

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<sup>1</sup> I previously submitted an affidavit giving evidence supporting the PTA's objections. See Affidavit of Hamado King sworn to on March 27, 2006.

property for about \$7 million below its market value. It is throwing away the money that is needed to buy a new home for the school.

9. The PTA did research on potential properties and recent school closures and the results were discouraging. It will be very hard to find a good facility that JEI can afford, especially in the Greenwich vicinity. For all we know, JEI may give up its lease at the Greenwich Campus within the next few years and stick our school into a converted office building in a location far from Greenwich. It is hard to recruit Greenwich area families to enroll their children in JSNY when the future prospects for the school are so dim.

10. The arguments by JEI's attorney in Court show that JEI has given up on increasing enrollments at JSNY, citing supposed demographic trends. But our school is very much needed, particularly by Japanese expatriate families. JEI has really done nothing serious to tap into the large numbers of families with Japanese speaking children that are in this area.

11. If you look at how JEI is governed and operated, it is no surprise that it has mismanaged the enrollments at JSNY and tries to blame its failure on demographics. JEI is completely run by business executives, diplomats, and a lawyer. There is no representation of parents, principals, teachers, or other educators. There is not a single woman on the Board, let alone a mother of school age children. These people don't understand the perspective of the mothers and fathers of children who might consider enrolling in JSNY. When we the parents try to present our views and to point out the errors of the JEI officers the reaction is paternalism, anger, hostility, and implied threats of retaliation.

12. It is also contradictory that JEI's attorney is telling the judge that the sale will not affect the PTA families, but JEI's President is writing to the parents telling us how the sale will have a big effect on the operation of the school. President Sakamoto's latest letter to us along these lines was dated March 24, 2006. He expressed confidence that the court would approve the sale, and asked the parents to participate in meetings and briefings to implement the changes in operations.

13. The request by JEI's lawyer that the judge simply throw out our objections without considering them is an example of the insider-control mind set of JEI that has promoted this improper sale in the first place. These CEO's and high government officials insist that their decisions be accepted without scrutiny or challenge.

#### The Parents Are Presenting Accurate Facts

14. We parents have an interest in common with the Court that its decision be based on accurate information.

15. For the past three years JEI has engaged alternatively in nondisclosure, and dissemination of inaccurate information.

16. We were not aware of the secret plan to sell the school and were told only when the plan was in the advanced stages of negotiations.

17. We had no say in the decision to sell the school and were dismissed when we tried to present alternative ideas.

18. The trustees stonewalled us when we pleaded with them to discuss the sale with us.

19. The PTA's objections provide the Court with the benefits of our work to uncover the true facts.

20. We have in effect lost trust in JEI's trustees and feel that they do not truly represent the parents and children of the Japanese community that created the school in the first place.

21. At the hearing the lawyer for the JEI used the misinformed argument that the finances of the school were in decline due to declining enrollment. Our belief, as parents, is that the school has been mismanaged by the JEI and the finances can be calibrated to allow the school to flourish. We have presented plans to the JEI that supports our claims that with more diligent management and oversight the school would have a stable future and could continue to operate effectively in the long term.

22. The school is in place as a continuous facility for all Japanese who live in the area not just the transient group who are on assignment from Japan. The JEI lawyer was mistaken to state that "they would be gone in three years anyway so nobody will be affected." I feel that this shows a lack of understanding of the true mission of our school. It also diminishes the fact that there is no relocation plan in place and effectively eliminates the future for a Japanese School in the area.

23. A school is by its charter not the same as business entity. The JEI's lawyer's representation of a profit and loss assessment of the schools continued existence shows his lack of understanding of the issue at the heart of this dispute.

24. Finally, the Court should hear the substantial evidence presented by the parents showing that this deal originated out of business and personal relationships having nothing to do with the educational purposes and mission of JEI, and that the deal was closed as a result of extraneous political, legal, and business pressures.

25. As I said in my first affidavit, Mr. Hiroshi Sato, Deputy Consul-General of Japan, New York Office, who is a JEI Trustee, told me and three other parents that JEI was going to sign the contract and would not really consider the PTA's arguments and its alternative plans because a) Trustees were very angry that the parents dared to challenge their authority in the first place; and b) the Trustees did not want to be sued for alleged race discrimination even though they did not believe that there was any. He confirmed that Sen. Joseph Lieberman had contacted Ambassador Ando (then the Honorary President of JEI) about the sale and the allegation of anti-Semitism.

26. We have lost faith that the JEI has acted in good faith in their decision-making. Besides the external business and political pressures, we believe an indication of this is the fact that there is no parent representation on the board of trustees and no individual trustee was willing to sit with the parents even though we called all their offices pleading for such meetings. The parents conducted an extensive telephone campaign to try to speak with trustees directly and to arrange meetings with them. The response from the Trustees' offices was that they would not speak to the parents. Several conveyed messages that they had been instructed by the President of JEI not to have any dialogue with the parents or PTA representative.

27. Deputy Consul-General Sato admitted to us that the JEI Board was indeed dysfunctional and needs to include some parents and staff from the school. That was in October 2005. Just last month, however, JEI had an election of trustees. Once again, only senior executive of corporations were elected. JEI learned nothing from its bad governance of the past three years. No parent, principal or teacher was elected to the

Board. This puts the future of the school in the same hands as those that mismanaged it in the first place.

JSNY Is The Main JEI Program

28. At the hearing, JEI's attorney attempted to marginalize the JSNY parents like myself. He said that we are related to only a little over 200 students whereas JEI serves about 1300. This is a distortion. The all-day program on the Greenwich Campus is the essence of the mission of JEI. It gives the children a complete Japanese education. Only about 90 other children served by JEI are in such a program – in the New Jersey day school. The other 1,000 or so children are in supplemental after school and weekend programs.

29. The supplemental programs are valuable and important. But the all-day school on the Greenwich Campus is the center piece of JEI's work.

30. We are not trying to play off the interests of the JSNY children versus the interests of the supplemental program children. That is JEI's game. Its attorney tells the court that JSNY is just a small part of JEI's mission because the enrollment is around 210, by creating misleading financial categories to make it look like the Greenwich Campus must be sold in order to keep the other programs going; and by rejecting the excellent and feasible proposals of the PTA to raise significant revenues by renting unused space to the British Schools of America, WFHA, or to another suitable school.

31. We the parents of the students currently enrolled at JSNY also are interested in the future of the school. We should be allowed to present to the Court the interests of the ongoing parent/student community. Our PTA started in 1976. Hopefully, there will still be a JSNY years hence with a PTA and a community of parents and

students. A school and its community is like a living plant that must be nurtured, and given the conditions to grow and develop. The proposed sale of the Greenwich Campus will take away the material and motivational resources that the JSNY needs to grow. Not only our families, but many other families will suffer from this wasteful, unnecessary, and demoralizing transaction.

Conclusion

32. The PTA should not be excluded from this proceeding. Its invaluable perspective on the impact of the proposed sale and its critical evidence about the value of the property and the failure of the transaction to further the educational purposes of the organization must be considered by the Court.

33. I plead with you to halt the sale. I ask you to make clear in your decision that JEI's unrepresentative governance structure and practices are at the heart of its mismanagement of this proposed transaction. Hopefully such a decision will cause JEI finally to recognize that we the parents – JEI's beneficiaries -- must have a voice in determining the future of our school.

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HAMA KO KING

Sworn to before me this  
6 day of April, 2006

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Notary Public