

21:4

Yoshiyama, Tom S.

1944

48/177
C

Interview with TOM YOSHIYAMA, Tule Lake Center Stockade, July 11, 1944

Mr. Besig: You are a citizen?

A. I was born in Salinas, the rodeo city.

Q. How old are you?

A. 26 right now.

Q. And you don't have parents in the Center?

A. No, they are dead.

Q. Do you have any brothers or sisters?

A. No relatives whatsoever. I do not know the reason why I am being confined here for eight months. Of course, I am a member of the negotiating committee, executive secretary, but what I did I acted in behalf of the people of the colony and because I was secretary I never said a word in a meeting anyway and of course, as you probably already know, the people of Block 6 elected me to represent their interests, and ~~some~~ block representatives got together in ^{after the} Mess No. 15, they also elected me a member of the negotiating committee and executive secretary because I was educated in Japan and I am educated here too.

Q. How long were you educated in Japan. A. About 4 years I think.

Q. You are what they call Kibei. A. Yes, Kibei.

A. Of course they try to pin something about the November 4th incident. As far as that is concerned, I took no part in it, although I went to the motor pool, but I am sure there are about four or five Japanese employees that will witness for me although I don't know their names and doubt if I can recollect their faces either but I told them if any young men come, tell them to go home, but as soon as I said that I returned to the meeting again. But it seems that the WRA thinks that I had a part in that riot.

Q. They apparently have the idea, as far as I can gather, that you fellows promoted and conspired to have a disturbance.

A. They think that the members of the negotiating committee was one that put out that riot. But I don't think they can prove it, as far as I am concerned I had no part, I never did try and urge anybody to commit violence.

Q. Where were you located before you were in this camp?

A. Before, I was in Utah, Topaz--

Q. With most of the S n Franciscans.

A. Of course, I was in San Francisco, and there I was evacuated to Santa Anita and from there to Topaz, then I came here. I ~~have~~ had been in the center about a month and a half, the 13th of this month will be exactly eight months for me.

Q. You came in here November 13th? A. Yes.

Q. And I suppose the military -

A. Picked me up? Oh, yes, about 40 of them all around the block and about four of them came in, searched me and searched the whole room and came in and picked me up ~~and~~ with flash lights and bayonets. It was a sight though. They put me in the little Stockade there for about 4 days. Oh, I had a ~~rough~~ ~~hello~~ time in there, jiminy, that place--

Q. In what sense?

A. Well, in the first place you can't wash your face or anything and of course if you want a toilet or something two police guards escorted us with the point of bayonet, even if we sat a couple of minutes on the toilet, urging us to hurry up. It was really a terrible time. And every time of eating they brought us to the mess hall up there and about 20 soldiers maybe more escorted us to that mess hall and we ate and came back again. I had that experience of one week or eight days altogether.

Q. Did they push you around at all?

A. They didn't ~~but~~ beat me up or anything like that, but of course we couldn't do very much against a bayonet anyway. So we just took the consequences as calm as we could, but it was very unpleasant the way we were treated. Of course, when we were transferred here the food situation was the worst. When we were first in here we only had rice and carrots I don't know how many weeks. The food now is a little better. Much better compared to the time we used to have. Of course we had some rice--so much--and one spoon and if lucky a carrot on top, and of course we have to eat because there is nothing else. But it was very unsanitary here. Incidentally, I was the first spokesman for the Stockade until December last and I negotiated with Lt. Shaner who was in charge of the Stockade quite often, trying to get a bucket and broom and some sanitary facilities, disinfectants, etc., but we didn't accomplish very much.

Q. There aren't very many of you in there?

A. 18 of us.

Q. Tell me, while you were at Topaz you asked for expatriation?

A. Yes, I did.

Q. Had you previously filled out the questionnaire?

A. What questionnaire?

A. That long one, with questions 27 and 28.

Q. Was it at that time you asked for expatriation? A. Yes, I did at that time too.

Q. Of course, most of the people in here have the intention of going back to Japan anyway. How about you?

A. Yes, I do too because of the fact that I have all my brothers and sisters in Japan and since my father died, only about 5 months ago I received a telegram from Japan stating that my father died, and because of his death I have to go back and take care of the property since they are all in my name now.

- Q. But you are prepared to expatriate yourself at any time? A. Yes.
- A. I understand Mr. Ennis was around here recently. Did he talk to you?
- A. From the emigration?
- Q. From the Department of Justice, about three or four days ago.
- A. Yes, he did but I don't know, I think I will still hang on to my citizenship yet. I understand I can drop it any time I like.
- Q. Two years from now, when you think conditions are right.
- A. You see, since we are elected members of the negotiation committee, we have to go back, otherwise the Center won't be normal. The people still support us. We have to go back and ~~not~~ resign. If we resign, then the Center will elect new representatives. So I can't go to Santa Fe or any place. Otherwise, I have to go back and put in my resignation. That is why the people are supporting us now.
- Q. Of course, the line that Best's office is taking is that they want you to request expatriation now and that will solve ~~your~~ this ~~diffi~~ problem by immediately sending you to Santa Fe.
- A. They want us to resign now. In other words, Mr. Best has made quite a lot of blunders. Committed himself too much. Like Block 9, that is where my fiancée is, they had mess trouble and Mr. Tordi and Ishimaru (?) when they left there for Santa Fe they told me everything and they put everything in my hands and in case they bring it out in the court they want this case cleared too. The dope is that first Ishimaru and Tonya? and Oka--?, three of these gentlemen, were interned here for about two months and the charges were that they were making liquor in their home. That was the first charge. But these three gentlemen they don't even drink liquor and they never make any liquor at all.
- Q. They were accused of selling it, I suppose, not drinking it?
- A. Accused of making it too. They were ~~not~~ released because they couldn't find anything against them. About a month later they picked them up again, this time five of them, these same three gentlemen and one my fiancée's father, this time they accused them of intimidating school teachers not to work.
- Q. Are the parents opposed to their children learning English?
- A. Oh, yes. They just had a meeting at Block 9 and they had a meeting in regard to the Japanese tea that was sent to this country through Red Cross. Of course the tea didn't amount to much, but because it came from a far-away country and because it was from Japan they wished to have it divided equally. And because some of the Japanese block residents hid it and just drinking it themselves they talked about it and naturally 5 of them they wanted some explanation.. and Mr. Tonee before he said anything at the meeting he showed what he was going to say to the block manager to get O.K. and the block manager gave him O.K., so he said what was there, and they apportioned it. So Mr. Tonee thought that was all right, he didn't think of anything else and about a day later he was picked up, accusing him of intimidating these Japanese school or American school teachers--something like that, some teacher anyway. Of course, what I think is the Japanese made a false report to the WRA which even then the WRA should have investigated more thoroughly before they put it out in a paper like that--WRA put it on a radio.

- Q. ~~There~~ There has been some difficulty in the Center subsequently?
- A. Yes, of course I never was in the Center, I don't know how it is. But I can sense some friction, yes.
- Q. And undoubtedly divergent groups in the Center. Have all the 18 fellows that are left asked for expatriation?
- A. I think so,
- Q. Did they do so originally, do you think? A. I think so.
- Q. In other words, most of these are Chibei? ^{Kibei} A. Yes.
- Q. How is it so ^{much} ~~many~~ of the leadership is Chibei? ^{Kibei}
- A. You think Chibei have a leadership? ^{Kibei}
- Q. I don't know myself.
- A. I don't think that is right, though. Of course, there is more nationalistic, brought up in Japanese fashion.
- Q. I mean here at this Center.
- A. At this Center, I don't know--I never had the chance to see anything.
- Q. This whole negotiation committee was essentially a Chibei and Isei group, I take it. ^{Kibei Isei} Now, did you have any hearing?
- A. From the WRA they don't give me much chance. Do you know what they said, they said you son-of-a-bitch.
- Q. Who said that?
- A. Mart here. Two other boys who were being investigated, the same thing. And quite a lot of others, I don't know their names. They didn't give me a chance to say anything. I talked about the food, how bad it was compared to Topaz Center where I came from, and they got perfectly nasty and almost pushed me down. And there were two police, a sentry and guard that brought me here and they just said you son of a bitch and pointed at me. I don't think they really investigated me, though.
- Q. Would you say that among the 250 picked up there might have been some bad boys among the group?
- A. Oh, probably there were. But I don't know for sure because I never was friendly out there. Since I came in here I have gotten friendly. You have to make friends and talk in here.
- Q. You didn't know any of these people at Topaz? None of them came from Topaz, did they?
- A. There are some from Topaz.
- Q. Any of them who were on this negotiating committee?
- A. No, I am the only one from Topaz.

A. (cont.) They even stopped some mail. Outside the Center they censor it and even take it, I think. I had some letter coming from the Spanish Consul, I think, because my girl friend wrote that she sent it, I never received it. Of course I even had a talk with the army once regarding that and the army said flatly that in time of war they could do anything they pleased.

Q. Have they continued to censor your mail since the Army? A. Yes.

Q. Who censors it?

A. The WRA, I imagine. That is why we can't get in contact with anyone.

Q. With whom did you try to get in touch? Not me.

A. No, I wrote to the Spanish Consul about the conditions in here.

Q. But you are a citizen, you have no standing with him.

A. No, but I thought there is no one else I could really write. But I doubt if it went out.

Q. You never got an answer? A. No.

Q. You folks haven't gotten any mail since the 1st of July?

A. No mail at all. And they put that beaverboard up so we cannot even wave hands any more.

Q. Do you think anybody was signalling from there?

A. I wasn't.

Q. You knew there was a murder in the Center recently, didn't you?

A. Yes, the Internal Securities men told me.

Q. Apparently there is some feeling that possibly the murder was engineered from ~~this~~ this Stockade.

A. After putting that thing up there, I thought I knew that feeling--

Q. When did they put it up?

A. On the third, I think, 3rd or 2nd of July.

Q. I assume the only reason they did is to prevent you from communicating.

Q. I don't know what they're doing. You would like to see your friends even from a distance. But if they think we are signalling, I don't care. I don't think anybody was signalling and besides a thing like that, nobody would work on our order anyway. I doubt it. If I told you to attack someone I don't think you would do it. The murder was a grudge, that person had it so long. Of course, that food investigation, Co-op, things they sell are too expensive. This is hearsay, I don't know anything definite.

*(This refers
to murder
of Atomi)*

Tom S. Yoshiyama
905-A
Tule Lake Center
Newell, Calif.

Handwritten signature/initials



Mr. Wayne Collins
American Civil Liberties Union
216 Pine Street
San Francisco 4, California

JUL 24 1944

The Stockade
July 21, 1944

Mr. Ernest Besig
Director, Northern Calif. Br.
216 Pine Street
San Francisco 4, Calif.

Dear Sir:

I'm in receipt of your letter of July 17, 1944, and am very grateful for your suggestion.

Kindly proceed with your step if you fail to receive further letter from the eight of us you had interviewed during your recent visit with us. Let us set our mailing date to be July 25th so that you will know definitely by not later than July 29th.

Of course as we had it prearranged, if you should not hear from us it will signify your immediate action.

I'm mailing this letter "air mail - special delivery - registered." To avoid any unnecessary delay I am forwarding one copy of this letter to the W. R. A. and sending this one

sealed. Incidentally your letter was opened
for censorship.

Very truly yours,
Tom S. Yoshizama

P.S.

I am addressing the envelope with
my hand-writing.

Tom S. Yoshizama

Raymond R. Best, Project Director,
War Relocation Authority,
Tule Lake Segregation Center,
Newell, Modoc County, Calif.

I hereby demand that you immediately release
from confinement and detention in The Stockade TOM S.

YOSHIYAMA and GEORGE T. KURATOMI, my clients, who are
native-born American citizens wrongfully imprisoned by you
in said The Stockade ~~by you~~ without ~~any authority~~

the kind and type of ~~judicial~~ trials guaranteed to
them by the Constitution and laws of the United States.

stop. How dare you ~~deny~~ ^{deprive} these citizens of their
constitutional rights and liberties?

Stop for you fool?
A federal official shall know better.

Wayne M. Collins,
Attorney-at-law,
Mills Tower,
San Francisco, Calif.
Garfield 1218.

Attorney for Tom S. Yoshiyama and
George T. Kuratomi.

1st Lillian Rogers

1st Harold L. Lohr

Tom S. Yoshiyama
905-A
Tule Lake Center
Newell, Calif.
Aug. 24, 1944

Mr. Wayne Collins
Mill Tower
San Francisco, Calif.

Dear Sir:

On August 23, 1944 at about 2:00 P.M., Messrs. Toshio Shimonishi, George Kuratomi, and I were released from the Stockade. I have clearly stated that I do not wish to be released from the Stockade unless everybody is released with me but Mr. Schmidt, head of the Internal Security, has put a pressure on me that I had to leave the Stockade back to the colony. There are still seven people left in the Stockade. Their names are: Messrs. Andrew Sugimoto, Isamu Uchida, Fred T. Hamamoto, Yukio Kobayashi, Yoshio Kobayashi, Tetsuo Abe, and Tomio Kazama.

If it is legally possible, Mr. George Kuratomi and I still wish to make a test case whether the project director is authorized to confine any people in the Stockade for almost ten months without proper hearing and sentence. The inhuman treatment received during our confinement is disgusting and disgraceful.

Mr. George Kuratomi and I wish to take action at your earliest convenience possible. We wish you to represent us in handling the case for us. We will put everything in your hand.

Your kind attention to the above will be greatly appreciated.

Very sincerely yours,

Tom S. Yoshiyama
Tom S. Yoshiyama

1 WAYNE M. COLLINS,
2 Mills Tower,
3 San Francisco, 4, Calif.
4 Garfield 1218.
5 Attorney for Applicant.

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9 IN THE SOUTHERN DIVISION OF THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 In the Matter of the Application of

12 TOM S. YOSHIYAMA

13 For a Writ of Habeas Corpus,

14 Applicant,

15 -vs-

16 RAYMOND R. BEST, Project Director,
17 Tule Lake Segregation Center,

18 Respondent.

No. _____

19 ORDER TO SHOW CAUSE

20
21 GOOD CAUSE APPEARING upon the reading and filing herein of
22 the Application for Writ of Habeas Corpus of TOM S. YOSHIYAMA:

23 IT IS ORDERED that RAYMOND R. BEST, Project Director, Tule
24 Lake Segregation Center, respondent herein, appear before this
25 Court, Room _____, Post Office Building, 7th and Mission Streets,
26 San Francisco, California, on _____, the _____ day of
27 _____, 1944, at the hour of _____ o'clock _____ M. of
28 said day, then and there to show cause, if any he has, why a writ
29 of habeas corpus as prayed for in said Application For Writ of
30 Habeas Corpus should not issue herein and the applicant be dis-
31 charged from detention by the respondent, and that a copy of said

1 Application For Writ of Habeas Corpus and this Order To Show Cause
2 be served upon said Raymond R. Best, the said respondent.
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4 Dated: August _____, 1944.
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6 _____
7 UNITED STATES DISTRICT JUDGE.
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Wayne M. Collins,
Mills Tower,
San Francisco, Calif.
Garfield 1218.
Attorney for Applicant.

IN THE SOUTHERN DIVISION OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In the Matter of the Application of

TOM S. YOSHIYAMA

For a Writ of Habeas Corpus,

Applicant,

No. _____

-vs-

RAYMOND R. BEST, Project Director,
Tule Lake Segregation Center,

Respondent.

APPLICATION FOR WRIT OF HABEAS CORPUS

TO THE HONORABLE THE SOUTHERN DIVISION OF THE UNITED STATES
DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA:

The Application of TOM S. YOSHIYAMA for a writ of habeas
corpus respectfully shows:

I

The applicant is now and at all times herein mentioned has
been an adult male civilian and a native born citizen of the
United States of America and of the State of California and here-
tofore resided in Salinas, Monterey County, California, his domi-
cile.

II

The respondent, Raymond R. Best, is the Project Director of

1 the Tule Lake Segregation Center, a concentration camp situated
2 and maintained, under color of authority of the United States, in
3 the immediate vicinity of Newell, Modoc County, California: as
4 such project director he has the custody of all prisoners detained
5 in said concentration camp and of all prisoners detained in "The
6 Stockade", a prison set up and maintained within the confines of
7 said concentration camp by the respondent wherein the respondent
8 now unlawfully detains and ever since on or about November 13,
9 1943, unlawfully has detained the applicant: said respondent is
10 not a judicial officer of the United States of America or of the
11 State of California and there is not and never has been any power
12 lawfully conferred upon him to arrest, try, imprison and detain
13 the applicant or to do any of said things.

14 III

15 On or about November 13, 1943, respondent, professing to act
16 under color of authority of the United States, caused the appli-
17 cant to be arrested within the boundaries of the aforesaid con-
18 centration camp and to be incarcerated in "The Stockade" afore-
19 said: at no time during or since said summary arrest and imprison-
20 ment has the respondent or anyone for or on his behalf or other-
21 wise informed the applicant of the nature and cause of any accusa-
22 tion against him, confronted him with any witnesses against him,
23 given him the benefit of compulsory process for obtaining witness-
24 es in his favor, informed him of his right to counsel or offered
25 him the assistance of counsel for his defense, granted or provided
26 him with or offered him the right to a fair public trial by an
27 impartial jury or by a lawfully constituted court of competent
28 jurisdiction, none of which said rights and privileges of national
29 and state citizenship were waived by the applicant, but deprived
30 and continues to deprive the applicant of each and all of said
31 rights and privileges guaranteed by the Constitution and laws of

1 the United States and, in particular, by the provisions of the
2 6th Amendment and the due process clause of the 5th Amendment of
3 the Constitution: ever since said date the applicant has been and
4 now is unlawfully confined and detained in the said "The Stockade"
5 by the respondent against the applicant's will and desire.

6 IV

7 The aforesaid unlawful arrest and detention of the applicant
8 by the respondent were not and are not in accordance with the Con-
9 stitution and laws of the United States and the same are and each
10 of them is null and void but, notwithstanding the same, the appli-
11 cant unlawfully was and is imprisoned, restrained and deprived of
12 his liberty against his desire and will by said respondent who
13 professed and professes to act and to detain the applicant in the
14 aforesaid "The Stockade" under color of authority of the United
15 States.

16 V

17 The applicant is now unlawfully imprisoned, restrained and
18 deprived of his liberty by the respondent, under color of authori-
19 ty of the United States in violation of the Constitution and laws
20 of the United States, in the aforesaid "The Stockade" which is
21 situated within the jurisdiction of this Court and within the geo-
22 graphical confines of the aforesaid concentration camp.

23 VI

24 The Congress of the United States has not proclaimed martial
25 law applicable to any portion of the continental United States or
26 authorized martial rule to be enforced over the applicant or any
27 civilian citizen therein and has not suspended the writ of habeas
28 corpus: the President has not authorized or attempted to authorize
29 the institution of martial rule within the confines of the contin-
30 ental United States and has not authorized or attempted to author-
31 ize the suspension of the writ of habeas corpus therein: the Con-

1 gress and the President have not, and neither of them has, es-
2 tablished or authorized the establishment of a military or provi-
3 sional government over the applicant or over any American citizen
4 engaged in civilian activities within the boundaries of the con-
5 tinental United States: continuously and without interruption all
6 our federal and state civil authorities, including the federal
7 and state courts, long prior to, on and ever since December 7,
8 1941, have been and now are open and functioning normally and in
9 accordance with the duties entrusted to them by law: no real or
10 apparent threat or danger of invasion to the continental United
11 States exists.

12 VII

13 There does not exist and there never has existed any lawful
14 reason or justification whatsoever for the arrest, imprisonment
15 and detention of the applicant in the said "The Stockade" by the
16 respondent or for the respondent depriving and having deprived
17 the applicant of the kind and type of fair public trial guaranteed
18 by the Constitution and laws of the United States and, in particu-
19 lar, that safeguarded by the provisions of the 6th and 5th Amend-
20 ments of the Constitution, or for the respondent having unlawfully
21 seized the person of the applicant in violation of the provisions
22 of the 4th Amendment of the Constitution and there does not now
23 exist any lawful reason or justification for the said detention
24 of the applicant in the aforesaid "The Stockade" by the respondent.

25 VIII

26 No other application for a writ of habeas corpus in this mat-
27 ter, upon the grounds and facts hereinabove alleged, has been made
28 to this or any other court by the applicant or by anyone for or on
29 his behalf.

30 WHEREFORE, the applicant demands that a writ of habeas corpus
31 or an order to show cause issue herein directing and commanding

1 the respondent to produce the body of applicant before this Court
2 at a time to be specified therein and to show cause, if any he
3 has, why he arrested, imprisoned and detains the applicant and
4 then and there to do what this Court shall order concerning the
5 detention of applicant, and that the applicant be ordered dis-
6 charged from imprisonment and detention in the aforesaid "The
7 Stockade".

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9
10 _____
11 Applicant.
12
13
14

15 _____
16 Wayne M. Collins,
17 Mills Tower,
18 San Francisco, 4, Calif.
19 Garfield 1218.

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21 Attorney for Applicant.
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1 STATE OF CALIFORNIA,)
2 COUNTY OF MODOC.) SS.

3 Tom S. Yoshiyama being first duly sworn, deposes and says:
4 that he is the applicant in the foregoing Application For Writ
5 Of Habeas Corpus named; that he has read the foregoing Applica-
6 tion and knows the contents thereof and that the same is true of
7 his own knowledge except as to the matters therein stated upon
8 information and belief and as to such that he believes it to be
9 true.

10 _____
11 Tom S. Yoshiyama.

12 Subscribed and sworn to before me
13 this ____ day of August, 1944,
14 _____

In the Matter of the Application of)
TOM S. YOSHIYAMA,)
For a Writ of Habeas Corpus,)
Applicant, (No. _____)
-vs-)
RAYMOND S. BEST, Project Director,)
Tule Lake Segregation Center, DILLON)
S. MEYER, Director, War Relocation)
Authority, and HAROLD L. ICKES,)
Secretary of the Interior,)
Respondent.)

APPLICATION FOR WRIT OF HABEAS CORPUS

TO THE HONORABLE, THE DISTRICT COURT OF THE UNITED STATES
FOR THE NORTHERN DISTRICT OF CALIFORNIA, SOUTHERN DIVISION;

The application of Tom S. Yoshiyama respectfully shows:

I

an adult male
Petition is now and at all times herein mentioned has been
a civilian and
a native born citizen of the United States and of the State of
domiciled
California, heretofore residing in the *San Jose, Santa Clara*, State of
California. *San Jose*

II

~~Respondent, Raymond~~

Respondent is the ~~the~~ Project Director of the Tule Lake
Segregation Center, a concentration ~~camp~~ *detention* camp maintained
under color of authority of the United States; and as such
Project Director *he* has the custody of all prisoners detained *therein*
~~in the said concentration camp~~ and of all prisoners detained
in "The Stockade", a prison within said concentration camp
set up and maintained *by respondent* ~~therein~~ within the confines thereof,
wherein respondent now unlawfully detains the applicant. *not imprisoned nor held*

and respondent is not a judicial officer of the U.S. in 4th Dist. Calif.

Tom S. Yoshiyama,

III

On or about , 1942, applicant was seized by respondent, ~~was subjected to an arbitrary, unreasonable and oppressive examination by the respondent without being informed of the nature, ^{and} of the cause ^{of any} accusation against him and without being advised of his ^{himself of any interests} constitutional right to have counsel of his own choosing ^{against him and without the benefit of compulsory process for obtaining witnesses and his power} to assist him in ~~defend~~ his defense and without the privilege of subpoenaing and having witnesses appear and testify on his behalf~~ was subjected to an arbitrary, unreasonable and oppressive examination ~~and~~ was ordered ^{immediately} and forthwith incarcerated by said respondent in "The Stockade" aforesaid, and ever since then has been and

IV

~~Said examination and detention~~

now is confined and detained in the said "The Stockade".

IV

Said examination and detention was not in accordance with the Constitution and laws of the United States and is null and void but, notwithstanding said unlawful examination, ~~conviction and~~ and conviction the applicant is imprisoned and restrained of his liberty by said respondent acting under color of authority of the United States of America.

Handwritten notes in left margin:
 By and without
 having and
 without having
 informed of his
 right to have
 assistance
 of counsel for
 his defense,
 and, being
 deprived of
 each of said rights
 and being
 subjected to
 unlawful
 restraint
 and
 place

Applicant is now unlawfully imprisoned under color of authority of the United States of America in violation of the Constitution and laws of the United States; that said ~~prison~~ prison, "The Stockade", is situated within the confines of the aforesaid concentration camp, the Tule Lake Segregation Center, which is approximately miles from the courtroom of this Court and within the jurisdiction of this court.

V

That neither the said ~~concentration~~ prison nor the said concentration camp nor any portion of ~~the same~~ ~~the Pacific Coast~~ of the State of California nor any portion of the Pacific Coast is within an area where martial rule prevails or where

V

That Congress has not proclaimed martial law ~~and has~~ ~~not~~ ~~instituted~~ ~~martial~~ ~~rule~~ affecting

V

~~That neither Congress nor the Chief Executive~~

~~has~~ ~~instituted~~ ~~martial~~ ~~rule~~

That Congress has not proclaimed martial law applicable to ~~any portion~~ of the State of California or to any portion thereof and has not ~~instituted~~ ~~martial~~ ~~rule~~ authorized martial rule to be applied to any portion thereof or to affect any citizen or civilian therein; that the President has not and has not attempted to apply or authorize the institution or martial law or martial rule to any portion of California or martial rule over any citizen or civilian therein; that

~~no military or provisional government has been set up over~~
no authorized military or provisional government has been
authorized by Congress or by the Executive to be set up over *(man)*
civilian *within* within said state of California; that said state
of California is not in imminent danger of invasion from
the enemy; that all federal and state civil authorities,
including the federal and state courts, are now and ever
since December 7, ~~1941~~ 1941, and ~~annex~~ prior thereto
have been and now are open and functioning normally and in
accordance with law; that no real or apparent threat of
danger to the United States exists and no martial law
exists and the writ of habeas corpus has not been suspended
by Congress.

VI

That there did not and there does not exist any justifi-
cation whatsoever for respondent having denied applicant
the kind of trial guaranteed by the Constitution and laws
of the United States and, in particular, the kind of trial
safeguarded by the provisions of the 6th Amendment and the
due process clause of the 5th Amendment of the Constitution.

WHEREFORE, applicant prays that a writ ~~issued~~ ~~directing~~
or an order to show cause issue herein directing the
respondent to produce the body of applicant before this Court
at a time and place ~~to be specified~~ ~~therein~~
therein to be specified and then and there to receive and do
what this Court shall order concerning the detention and
restraint of applicant; that said ~~respondent~~ *Applicant* thereupon be

ordered discharged from the detention and imprisonment in
the aforesaid "The Stockade" .

1 In the Matter of the Application of

2 TOM S. YOSHIYAMA

3 For a Writ of Habeas corpus,

4 Applicant,

5 -vs-

6 RAYMOND S. BEST, Project Director, Tule
7 Lake Segregation Center, *William J. Meyer,*
8 *Director, War Relocation Authority, and Harold*
9 *L. Lohr, Secretary of the Island* Respondent.

10 APPLICATION FOR WRIT OF HABEAS CORPUS

11 TO THE HONORABLE THE SOUTHERN DIVISION OF THE UNITED STATES

12 DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA:

13 The application of TOM S. YOSHIYAMA for a writ of habeas
14 corpus respectfully shows:

15 I

16 *Applicant*
~~petitioner~~ is now and at all times herein mentioned has been
17 an adult male civilian and a native born citizen of the United
18 States of America and of the State of California, heretofore
19 ~~domiciled in and a resident of~~ *resided in* Salinas, County,
20 California, *his domicile.*

21 II

22 Respondent *is* the Project Director of the Tule Lake Segre-
23 gation Center, a concentration camp situated and maintained,
24 under color of authority of the United States, in the immediate
25 vicinity of Newell, Modoc County, California: as such project
26 director he has the custody of all prisoners detained in said
27 concentration camp and of all prisoners detained in "The Stockade",
28 a prison *set up and maintained* within the confines of said concentration camp ~~set up~~
29 ~~and maintained~~ by the respondent ~~and~~ wherein the respondent now ~~detains~~
30 *unlawfully detains* and ever since on or about ,194__, has unlawfully
31 detained ~~petitioner~~ *applicant*: said respondent is not a judicial officer
of the United States of America or of the State of California.

*This is not all now has been any person lawfully captured against
the law, and imprisoned applicant, not do any of
said things*

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III

On or about ,194__, petitioner was seized by

the respondent within the aforesaid concentration camp and without being informed of the nature and cause of any accusation against him and without being confronted with any witnesses against him and without having the benefit of compulsory process for obtaining witnesses in his favor and without having and without being informed of his right to have counsel the assistance of counsel for his defense and, being deprived of each of said rights, and being by said respondent, deprived of each of said rights and privileges guaranteed by the Constitution and laws of the United States and in particular by the provisions of the 6th Amendment and the due process clause of the 5th Amendment of the Constitution, was subjected to an arbitrary, unreasonable and oppressive examination and was ordered incarcerated and forthwith was incarcerated by the respondent in "The Stockade" aforesaid, and ever since then has been and now is confined and detained in the said "The Stockade".

IV

Said examination and said detention were not in accordance with the Constitution and laws of the United States and the same are, and each of them is, null and void, but notwithstanding said unlawful examination and conviction the applicant is imprisoned and restrained of his liberty by said respondent who professed to act and to detain petitioner under color of authority of the United States.

*purpose had knowledge of
with HNS caused
applicant arrested
seized*

Handwritten notes in left margin, including "Applicant", "HNS", and "arrested".

Handwritten notes in right margin, including "confined", "detained", "imprisoned", and "restrained".

Handwritten note: "No right of appeal"

Handwritten note: "And he was not"

Handwritten note: "applicant"

Handwritten note: "and purpose"

Applicant
 Petitioner is now unlawfully imprisoned and restrained of his liberty by respondent under color of authority of the United States in violation of the Constitution and laws of the United States: said prison wherein *applicant* is ~~retained in~~ the afore-said "The Stockade" ~~within the aforesaid concentration camp~~ which is situated within the jurisdiction of this Court, *and within the geographical confines of all aforesaid concentration camps.*

VI

The Congress of the United States, *has not regulated the writ of habeas corpus and* has not proclaimed martial law applicable to any portion of the geographical United States or authorized its rule to be enforced over *the applicant or* any civilian citizen therein: ~~Congress has not suspended the writ of habeas corpus :~~

~~The President has not authorized or attempted to authorize the institution of martial rule within the confines of the~~ ~~continental United States and has not authorized or attempted to authorize the suspension of the writ of habeas corpus;~~ *Neither*

VII

~~Congress nor the President~~ ~~Congress and the President, and neither of them,~~ Congress and the President have not, and neither of them has, established or authorized the establishment of a military or provisional government over *the petitioner or any* American citizens engaged in civilian pursuits within the confines of the United States, ~~or over the~~

(50) ~~petitioner: that the State of California is not in imminent danger of invasion from the enemy; that all our federal and state civil authorities, including the federal and state courts, are now and ever since December 7, 1941, have been open and now are open and functioning normally and in accordance with the duties lawfully entrusted to them; that no real or apparent threat of danger to the United States exists~~ *without interruption* *by law* *has prior to, on and* *with interruption* *and* of danger of invasion to the continental United States exists. *and*

VII

There

~~At the time petitioner was first was asked~~

Neither

at the time of the examination of petitioner by respondent,
nor nor
as aforesaid, ~~and even~~ since then and now there has not existed

Neither at the time of the ^{aforesaid} examination of ^{applicant} petitioner by

respondent nor since then has there been ~~nor does there now~~
lawful

~~exist~~ any/reason or justification whatsoever, ^{for arrest, arrest and full details of applicant's case} for respondent

having ~~denied~~ deprived applicant of the kind and type of trial

guaranteed by the Constitution and laws of the United States

and, in particular, the kind and type of fair trial safeguarded

by the provisions of the 6th Amendment and the due process clause

of the 5th Amendment of the Constitution. ^{no does then now exist}

^{my brief reason is just for and separation, delinquent and delinquent}

VIII

No other application for a writ of habeas corpus in this
matter, upon the grounds and facts hereinabove asserted, has been
made to this or any other court by ^{applicant} petitioner or by anyone for
or on his behalf.

WHEREFORE, applicant demands that a writ of habeas corpus
(or an order to show cause issue herein) directing and commanding
the respondent to produce the body of applicant before this
Court at a time and therein to be specified and to show cause,
if any he has, why he arrested and detains ^{applicant} petitioner and then
and there to do what this court shall order concerning the said
detention and restraint of ^{applicant} petitioner, and that ^{applicant} ~~petitioner~~ be
be ordered discharged from ~~detention~~ imprisonment and
^{detention} ~~detention~~ in the aforesaid "The Stockade".

Petitioner.

1 In the Matter of the Application of
2 TOM S. YOSHIYAMA
3 For a Writ of Habeas Corpus,
4 Applicant,

5 -vs-

6 RAYMOND R. BEST, Project Director,
7 Tule Lake Segregation Center,
8 DILLON S. MEYER, Director, War
9 Relocation Authority, HAROLD H.
10 ICKES, Secretary of the Interior,
11 Respondents.

12 APPLICATION FOR WRIT OF HABEAS CORPUS

13 TO THE HONORABLE THE SOUTHERN DIVISION OF THE UNITED STATES DISTRICT
14 COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA:

15 The application of TOM S. YOSHIYAMA for a writ of habeas
16 corpus respectfully shows:

17 I

18 Applicant is now and at all times herein mentioned has been
19 an adult male ~~civilian~~ and a native born citizen of the United
20 States of America and of the State of California and heretofore
21 resided in Salinas, *Monterey* County, California, his domicile.

22 II

23 Respondent Raymond R. Best is the Project Director of the
24 Tule Lake Segregation Center, a concentration camp situated and
25 maintained, under color of authority of the United States, in the
26 immediate vicinity of Newell, Modoc County, California; as such
27 project director he has the custody of all prisoners detained in
28 said concentration camp and of all prisoners detained in "The
29 Stockade", a prison set up and maintained within the confines of
30 said concentration camp by the respondent wherein the respondent
31 now unlawfully detains and ever since on or about *June 13*, 1943,
~~has~~ unlawfully ^{has} detained the applicant; said respondent is not

1 a judicial officer of the United States of America or of the State
2 of California and there is not and never has been any power law-
3 fully conferred upon him to arrest, try, imprison and detain the
4 applicant or to do any of said things.

5 III

6 On or about March 13, 1943, respondent, professing
7 to act under color of authority of the United States, caused the
8 applicant to be arrested within the boundaries of the aforesaid
9 concentration camp ~~and to be held before him therein and then~~
10 ~~and there subjected him to a summary examination at the conclusion~~
11 ~~of which he ordered the applicant incarcerated in "The Stockade"~~
12 ~~aforesaid, and had him incarcerated therein: neither prior to,~~
13 ~~during nor after said summary arrest and examination did the~~
14 ~~respondent, or anyone for on his behalf,~~ ^{and imprisoned him} inform the applicant of
15 the nature and cause of any accusation against him, confront him
16 with any witnesses against him, give him the benefit of compulsory
17 process for obtaining witnesses in his favor, inform him of his
18 right to counsel or offer him the assistance of counsel for his
19 defense, ^{granted a period of time with a few public} offer him the right to trial by an impartial jury or
20 by a lawfully constituted court of competent jurisdiction, none
21 of which said rights and privileges of national and state citizen-
22 ship were waived by the applicant, but deprived ^{and contrary to law} the applicant of
23 each and all of said rights and privileges guaranteed by the
24 Constitution and laws of the United States and, in particular, by
25 the provisions of the 6th Amendment and the due process clause of
26 the 5th Amendment of the Constitution; ever since said ~~incarceration~~
27 ~~incarceration in said "The Stockade"~~ date the applicant has been and
28 now is ~~detained~~ ^{retained} confined and detained in the said "The Stockade"
29 by respondent. ~~each~~ ^{against the applicant's will and desire.}

IV

Said unlawful arrest, ~~examination~~ and detention of the applicant by the respondent were not and are not in accordance with the Constitution and laws of the United States and the same are, and each of them is, null and void but, notwithstanding the same, the applicant ^{unlawfully} was and is ~~unlawfully~~ imprisoned, ~~and~~ restrained and deprived of his liberty against his desire and will by said respondent who professed ~~and professed to act~~ ^{and} ~~and who professed~~ ^{in the said "The Stockade"} professes to act and to detain the applicant, under color of authority of the United States.

V

Applicant is now unlawfully imprisoned, ~~and~~ restrained and deprived of his liberty by the respondent, under color of authority of the United States in violation of the Constitution and laws of the United States, in the aforesaid "The Stockade" which is situated within the jurisdiction of this Court and within the geographical confines of the aforesaid concentration camp.

VI

The Congress of the United States has not proclaimed martial law applicable to any portion of the geographical United States or authorized its rule to be enforced over the applicant or any civilian citizen therein and has not suspended the writ of habeas corpus: the President has not authorized or attempted to authorize the institution of martial rule within the confines of the continental United States and has not authorized or attempted to authorize the suspension of the writ of habeas corpus therein: Congress and the President have not, and neither of them has, established or authorized the establishment of a military or provisional government over the applicant or any American citizen engaged in civilian activities within the confines of the continental United States: ^{continuously and} without interruption all our federal and state civil authorities, including the federal and state courts, long prior to,

1 on and ever since December 7, 1941, have been and now are open
2 and functioning normally and in accordance with the duties
3 entrusted to them by law: no real or apparent threat or danger of
4 invasion to the continental United States exists.

5 *Then does not exist and there now has expired*
6 ~~Neither at the time of the aforesaid arrest, examination~~
7 ~~and imprisonment of the applicant nor since then has there been~~
8 ~~any lawful reason or justification whatsoever for the arrest,~~
9 ~~imprisonment and detention of the applicant by the respondent~~
10 ~~or for the respondent having deprived applicant of the kind and~~
11 ~~type of *fair trial* guaranteed by the Constitution and laws of the~~
12 ~~United States, and, in particular, the kind and type of *fair trial*~~
13 ~~safeguarded by the provisions of the 6th Amendment and the due~~
14 ~~process clause of the 5th Amendment of the Constitution nor does~~
15 ~~there now exist any lawful reason or justification for the said~~
16 ~~deprivation of rights and detention of the *applicant* applicant.~~
17 *in the said "The Stockade"*

VIII

18 No other application for a writ of habeas corpus in this
19 matter, upon the ~~ss~~ grounds and facts hereinabove asserted, has
20 been made to this or any other court by the applicant or by anyone
21 for or on his behalf.

22 WHEREFORE, applicant demands that a writ of habeas corpus
23 (or an order to show cause) issue ~~herein~~ herein directing and
24 commanding the respondent to produce the body of applicant before
25 this Court at a time therein to be specified and to show cause,
26 if any he has, why he arrested, ~~summarily tried, and~~ imprisoned
27 and detains the applicant and then and there to do what this Court
28 shall order concerning the said ~~detention and~~ restraint and
29 detention of applicant, and that the applicant be ordered discharged
30 from imprisonment and detention in the aforesaid "The Stockade".
31

Petitioner.

COPY:

Camp Tulelake

4 December 1943

NOTICE

TO ALL RESIDENTS OF TULELAKE CENTER

1. You are notified that the members of the negotiating committee now in military custody are not and will not at any time negotiate with the Army, the WRA., or anyone else and they will not return to the colony.
2. The Army will not recognize any member of that committee as representative of the colony.
3. Inasmuch as the Army does not recognize that committee it is suggested that the people of the Center designate by a new election a new representative committee.
4. My representative will meet with any new representative group to receive Center problems.
5. These problems will be considered by me personally and the interested parties will be advised accordingly.
6. An office for this purpose will be established in the Wardens office.

Signed: VERNE AUSTIN

Lt. Col., CMP
Commanding

Name: ✓

Where born: ✓

Date of birth: ✓

Age:

Have you ever voted for public officers?

Residence address before evacuation: ✓

Employer before evacuation:

Address of employer:

Schools attended:

Married? ✓

Name of wife: ✓

Number of children, if any: ✓

Parents (name and address):

Brothers and sisters (names and addresses): ✓

Did you register for the draft?
(Under the Selective Training and Service Act of 1940?)

When were you evacuated?

From where?

To what Assembly Center?

When were you first removed to a Relocation Center?

To which one?

When were you taken to Tule Lake?

From where?

What is your draft classification?

Were you ever called for induction?

When?

Why weren't you inducted?

Have you ever refused to bear arms for the United States?

When were you first put in the Stockade?

For what reasons, if you know?

Did anyone inform you why? _____ Who? _____

When?

What was said?

Were you ever given any hearing by the W.R.A. or any person or board on the cause of your confinement to the Stockade?

Before or after your confinement to the Stockade?

By whom was hearing conducted? ✓

Did anyone represent you at the hearing? ✓

Did I - 25x

1 - 43 1 2. 2510x ✓

Were you informed you had a right to have counsel represent you?

Did you represent yourself?

Were you advised that under the Constitution you did not have to testify against yourself?

Did you testify voluntarily?

Has the W.R.A. provided for any hearing or appeal whereby you can seek release from the Stockade?

What charges, if any, were brought against you that caused you to be put in the Stockade?

Were you ever informed of any charge or accusation against you? ✓

By whom?

When?

What were the charges or accusations? ✓

Was your birth ever registered with a Japanese consular office?

Have you agreed to be expatriated to Japan? ✓ In writing? ✓

Have you ever renounced allegiance to the United States? ✓

Do you consider yourself to be a loyal citizen of the United States? ✓

Have you been allowed to see visitors during the time you have been in the Stockade?

Has your mail been censored while you have been confined?

Have members of your family been allowed to visit you?

Have friends been allowed to visit you?

Have you been kept incommunicado as long as you were in the Stockade?

Are any members of your family serving in the Army? ✓

Signature:

Tom S. Yoshiyama