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Miscellaneous

1942 - 1952

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AMERICAN CIVIL LIBERTIES UNION

NORTHERN CALIFORNIA BRANCH

216 PINE STREET -- SAN FRANCISCO, CALIFORNIA

EXbrook 1816

June 30, 1942.

FOR IMMEDIATE RELEASE

Urging the dismissal of the pending federal court suit seeking to deprive American-born Japanese of citizenship and the privilege of voting, attorney Wayne M. Collins today filed a brief as "friend of the court" on behalf of the American Civil Liberties Union.

"Those who instituted this action," complained the Union in its brief, "have chosen a strange time in which to launch an assault on cherished constitutional rights. The attack is the embodiment of intolerance toward minorities within our midst who are good and loyal citizens and an affront to our allies of other races and other creeds."

The Union argued that General Webb, in contending for a "white" America "is over a century and a half too late." The Fourteenth Amendment and the cases decided under it by the Supreme Court have consistently upheld the citizenship of persons of colored races born in the United States. And, even so far as naturalization is concerned, the United States Congress broke its policy of limiting naturalization only to "whites" by allowing foreign-born colored peoples, including Japanese, who served in our armed forces during the World War to be admitted to citizenship.

The Union maintained that the plaintiff's case was built on a fiction because "The 'white' race is a product of the imagination. What plaintiff's counsel has done is obvious. He has confused the word 'white' with the word 'Aryan' as understood in modern Germany under Nazi rule. ... It is known that no European blood has been entirely free of Mongol, Hindu, Egyptian, Arabic and Slav blood infiltration. Those who would claim purity of blood must trace their genealogy back to the Neanderthal man, thence to the suspected ape-like ancestor of man, and then bridge the enormous gap through aeons to a particular lowly amoeba to which the word 'white' would lack significance."

"It is only a voice alien to America that would deprive unfortunate citizens of Japanese extraction of their voting privilege," said the Union. "Those who are actually responsible for instigating this assault on human rights and constitutional privileges are true to their type. They fish in troubled waters. They exhibit the typical courage of the opportunists - they kick the weak, the helpless and the prostrate."

Answering the contention in the petition that "dual citizenship" is a waiver of citizenship in the United States, the Union pointed out that the Supreme Court has held otherwise. Moreover, "in 1924 the Diet of Japan adopted an Act releasing from Japanese citizenship any child born abroad subsequent to its passage and not registered within 14 days thereafter at a Japanese consulate."

The Fifteenth Amendment, prohibiting abridgment of the right to vote "on account of race, color or previous condition of servitude" was advanced by the Union as "a conclusive barrier set up against the precise thing the plaintiff attempts to do herein."

Finally, the suit was denounced "as an unwarranted and unjustified attack on constitutional rights. It is not based upon an appeal to reason but to prejudice. It springs from a hate that was the product of a past age which was nourished on inflammatory literature and yellow-journalism. We have no doubt that this Court will adhere with characteristic courage and fidelity to the Constitution and to the decisions of the U. S. Supreme Court which are applicable to the issues herein."

Ernest Besig

Ernest Besig, Director.

NO. 22177 R

No. 22178 S

FOR INJUNCTION

no. of def. dismissed June 17

James K. Fisk v. G. E. Wade as Co. Clerk & Registrar of Voters in etc.
(R. Robert Hunter represents Wade)--Extension granted until June 17th.

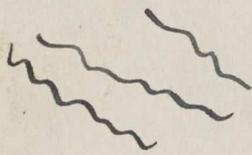
*as Registrar of Voters in the city of
San Francisco, Cal.*

John T. Regan v. Cameron King (Rep. by Walter A. Dold) Answer filed May 28,
June 8 placed on St. Sure's calendar to be set. Set for June 16.

Answer raises following defenses; 1. no juris over the subject matter;

2. No juris over person of defendant; 3. no claim or cause of action
against defendant upon which relief can be granted. 4. Specific de-
nials.--Affirmative Defense: That it has been the general practice to
permit native born citizens to vote irrespective of race, color, creed
or religion; def. has no means of knowing the race, color, creed or re-
ligion of native born registered voters.

Complaints claims jurisdiction under Art. II Secs. 1 & 2; 14th, 15th & 17th
Amendments. Sec. 1 Art. II of the Constit. State of Calif. & the Foll. ACTs
of Congress: May 31, 1870, c 111, sec. 1, 16 Stat. 140 (USC Title 8, Sec. 31; 43
Title 28, Sec. 41, subsec. 1 & 14.



8009-I

October 8, 1945

1. Mr. Besig expressed the belief to one of the resident that renunciants cannot be detained here. How can that be tested? Can a given test case be given here? By given instructions how to test the case?
2. What would habeas corpus proceedings be? How would they be here?
3. Don't they have to issue a Presidential warrant to be able to detain us?
4. For deportation, does there have to be special legislation or is it just because they have renounced?
5. Does the Attorney General have legal basis to do this on an individual basis? If so what would be the legal way to challenge the definition of Japanese hostile?
6. On what basis can the justice department legally assume the difference between the Issei category and the Nisei category?
7. Can a person refuse to register as alien and at the same time escape penalties if he so proposes to fight for restoration of citizenship or has the justice department the complete right to designate a person as alien following the registration without any possibilities of review of the cases?
8. Does not the Attorney General have to review or reject cases which did not confirm with the law in that it was not a person on free will and intention?
9. Even if renunciation is granted in the individual cases, does not any potential renunces have a right to have voluntary deportation?
10. If renunciation was not contrary to the national defense, how could it be regarded as a hostile act?
11. Is it possible to depart any person without a deportation trial?
12. Does this raise the question, the need for judicial review on any mass deportation procedure or on individual procedure?
13. The occurrence of this center in actual situation where no legal advice and counsel was provided?

14. Has a local board any right aside from physical condition to refuse to accept a renunciant who wishes to volunteer?
15. Why are the center renuncees held in a state of continual duress whereas the score or so of renunciants of other nationals were not interned?
16. How could individual hearings on which approval was supposedly based be approved by the Attorney General in large number, in some cases of a thousand. How can he approve a thousand at a time?
17. In evident that the justice department attempts to try deportation, what stand should family members take? From a point of view of fighting.
18. WRA responsible to advice families as to what stand to take in view of the fact that they will be left without support in many cases at a time when WRA program urges center closure?
19. Were there any copies of the law available in the center concerning renunciation?
20. Can people be held to penalties in consequence of the law of which no copies ever entered this center or, (is it possible although ignorance of the law is no defense)?
21. Wasn't Tule Lake segregee virtually in jail or in prison bound by an organization ~~in~~ not of his own choosing ~~or~~ making in terms of relation in daily life?
22. If detention of renuncee is based on the assumption of the affirmative act of disloyalty, was any attempt made to distinguish the protest answer from intentional renunciation, especially in view of the fact that people were totally confined.
23. Were verbal acts or signature acts of disloyalty grounds for detention?
24. Can this legislature be a challenge on the grounds in setting up the program in streamlines fashion in Tule Lake and not opening renunciation office in the other parts of the country; the whole program was aimed at the people of Tule Lake and was consequently separately a discriminatory act?
25. The question of due processing fault can a person of renunciation be set up under center conditions where people are not made justly aware of all consequence? and given the same protection of making mistakes as people in any outside community.

PORTLAND CITIZENS COMMITTEE TO AID RELOCATION

722 BEDELL BUILDING ☆ PORTLAND 4, OREGON

October 25, 1945

BLAIR STEWART, *Chairman*

MRS. GEORGE P. SALE, *Secretary*

Hon. Tom Clark
Attorney General
Department of Justice
Washington, D. C.

Dear Mr. Clark:

The Portland Citizens Committee to Aid Relocation has learned that some 4,400 American-born citizens of Japanese ancestry face deportation proceedings. We understand this is due to the fact that, following hearings held by the Department of Justice for the purpose of ascertaining their loyalty to the United States, such Japanese-Americans executed statements declaring they desired to surrender their constitutional rights as citizens of the United States and to be classed as Japanese nationals. We are further advised that many of such Japanese-Americans do not wish to be deprived of their citizenship and to be deported to Japan. We urge that, to avoid a wholesale miscarriage of justice and to prevent innumerable personal and family tragedies, a rehearing be granted each of the persons involved who desires one.

In making this request the Committee wishes to emphasize that it is making no reflection whatsoever upon the hearings previously held by your Department which preceded in each instance the execution of such statements of renunciation. On the contrary, our Committee is aware that the hearings were open and fair and conducted in a manner which places them and the Department's personnel beyond reproach. Moreover, we also are aware that at such hearings some of the renunciants indicated very emphatically their willingness to return or migrate to Japan.

The Committee also recognizes that there undoubtedly are some renunciants who then desired and still desire to surrender their American citizenship. With reference to such renunciants our Committee makes no representations and completely accepts such determinations with reference to deportation proceedings as have been or will be made.

However, the Committee is quite firmly convinced that the overwhelming majority of the renunciants do not desire and, what is far more important, have at no time desired to give up their birthright and cease to be loyal and law abiding citizens of the United States. As to these renunciants, it is our contention that the action taken by them and purporting to represent a voluntary decision on their part was not so in fact. As a practical matter such renunciants had no real opportunity to make a free choice. In most instances their purported renunciation of their citizenship rights was dictated by parental order or by

October 25, 1945

abject fear of personal violence at the hands of other foreign-born Japanese residents at the Tule Lake Camp. The very real nature of such pressures and threats was well known to the Department and is attested by the necessity, from time to time, of removing agitators to internment camps operated by the Department. In other cases, the signing of renunciations was the result of misunderstandings and emotional disturbances of such degree as to preclude the possibility of detached and considered judgments by any of the Japanese-Americans affected.

Nor does our Committee believe that, except perhaps in a negligible number of cases, the attitude of such renunciants who do not desire to leave the United States was affected by VJ Day. VJ Day merely served to ease the tensions and pressures which existed and thereby enable such renunciants for the first time to make their real attitude known.

In view thereof, and because of the drastic and final nature of the action which would be taken in depriving such renunciants of their citizenship and in deporting them, we submit that each renunciant who expresses a desire therefore should be afforded a hearing conducted fairly and in an atmosphere not charged with hate, fear and other factors which would prevent him from exercising a free choice upon a matter of such vital importance.

In the foregoing our Committee has called attention solely to considerations which bear upon a rehearing for such renunciants as a matter of right. We feel that there are a number of other considerations which properly should be taken into account in analyzing and evaluating a problem of so involved a nature as this one and one the handling of which may have an important effect upon related post-war problems and upon the constitutional rights of citizens belonging to other racial minorities.

As you and the Department are well aware, the family and personal situations of the renunciants involved are highly complex and diverse. There are instances in which the husband or the wife, as the case may be, of the American-born renunciant is foreign born and therefore was not called upon to express his or her views with reference to the execution of a statement of renunciation. There are instances in which, although both husband and wife are American-born, only one or the other has executed a statement of renunciation. Again, there are instances in which one or both American-born parents have executed renunciations and in which their minor American-born children did not or were too young to be called upon to express their desires in the matter. There are also instances in which renunciations were executed by American-born children of foreign-born parents. Finally, there are variants of each of these types of cases.

The deportation of those Japanese-Americans who have executed statements of renunciation will cause numerous breakups in families because of the refusal or unwillingness of other members of their families to leave the United States. There will be numerous tragic situations resulting from the compulsory departure of renunciants and members of their families who do not desire to leave. Moreover, in some instances the results will be highly incongruous in that American-born Japanese who do not desire to leave the United States will be compelled to do so while their foreign-born parents who may have forced their American-born children to execute such renunciations will be permitted to remain.

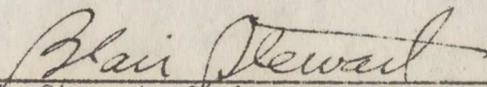
October 25, 1945

Now that the emotional tensions of war have been dissipated and the nation is again in a position to give its attention to the activities of a peacetime world, many wartime actions taken with reference to numerous matters of every conceivable type and character will be reevaluated and reconsidered in the light of the circumstances now obtaining. It is our feeling that no less consideration should be extended to the renunciants, particularly since they were subject not merely to the disturbances flowing from the war itself, but in addition their actions were influenced, controlled or dictated by emotional and other maladjustments and pressures produced by the evacuation program itself.

In view of the considerations set forth and the definitive nature of the action proposed to be taken, our Committee firmly believes that the Department of Justice should in every instance exhaust every possibility of ascertaining the actual facts and that no native-born citizen, constitutionally entitled to all of the rights of citizenship, should be deprived thereof, except as a matter of free choice pursuant to a hearing which provides a real opportunity for the exercise of such free choice. Accordingly, we, the members of the Portland Citizens Committee to Aid Relocation, respectfully request that the Department of Justice grant a rehearing to each renunciant who indicates his desire therefore.

Copies of this communication are being sent to members of the Congress from the State of Oregon; Harold L. Ickes, Secretary of the Interior; Dillon S. Myer, Director, War Relocation Authority, Washington, D. C.; and Congressman Samuel Dickstein, Chairman of the House Immigration Sub-Committee.

Respectfully submitted,


Blair Stewart, Chairman
Portland Citizens Committee to
Aid Relocation

SPECIAL NOTICE

SPECIAL NOTICE

SPECIAL NOTICE

TO THE RESIDENTS OF TULE LAKE CENTER
FROM R. R. BEST, PROJECT DIRECTOR

Tule Lake Center
Newell, California
December 3, 1945

-----SCHEDULING OF TERMINAL DEPARTURES-----

To all residents of Tule Lake Center who are not included in the Department of Justice Detention Lists:

You have been notified previously that every person in this center who is eligible to relocate must visit the Relocation Headquarters and make a relocation plan not later than December 15, 1945. The advance planning has been necessary to enable WRA best to assist each resident to relocate when and where he wishes.

Now, in order to be certain that we can provide all relocating persons with transportation in an orderly manner, I am notifying each of you that on and after December 17, 1945, as need for regulating transportation facilities becomes apparent, I shall schedule departures for any and all residents who are not on the Department of Justice detention lists. In the event it becomes necessary for me to schedule the departure of any resident, this Special Notice shall constitute the two weeks advance notice for planning provided for in Administrative Notice No. 289, and each and every person on this project hereby is notified that not later than December 17, 1945, he must have selected a date of departure, and a point of destination (provided he is not involved in the Department of Justice detention lists) and that if he has not done so I may, at any time on or after December 17, 1945, select a date of departure for him, and arrange transportation for him to his place of legal residence.

In accordance with Administrative Notice No. 289, every person selected for departure by me shall receive not less than three days notice of the time of his scheduled departure.

R. R. Best
R. R. Best
Project Director



THE NEWELL STAR

SPECIAL EDITION

NEWELL, CALIFORNIA

NOVEMBER 26, 1945

SECOND JAPAN SAILING

DEPARTURE OF FAMILY GROUPS SET BY JUSTICE DEPARTMENT

The Department of Justice has notified R. R. Best, project director, that a second ship will sail from Seattle for Japan on or about Dec. 7, on which space will be available for approximately 2800 persons, the sailing list to be made up of voluntary repatriates in internment camps which are administered by the Department of Justice; voluntary repatriates in Tule Lake Center, which is administered by WRA, who are under jurisdiction of the Department of Justice, and other persons in Tule Lake Center who voluntarily place themselves under jurisdiction of the Department of Justice for the purpose of going to Japan.

The following announcement, instructions and explanations of the Department of Justice are presented for the information of those residents of Tule Lake Center who are or who may be affected:

DEPARTMENT OF JUSTICE ANNOUNCEMENT

A ship will sail on or about Dec. 7, 1945, on which space will be available for approximately 2800 persons. All persons desiring to depart for Japan on this date must make application to the Immigration and Naturalization Service at the Processing Building commencing at 12 noon Monday, Nov. 26. No application for departure will be accepted after 12 noon Wednesday, Nov. 28.

PERSONS WHO WILL BE ACCEPTED

All persons accepted for sailing on this date must fall into one of the following classifications:

1. Single or unattached males who are aliens or renunciants desiring voluntary departure to Japan.
2. Single or unattached females who are aliens or renunciants desiring voluntary departure to Japan.
3. Family groups, including men, women and children. In this group the head of the family must be either an alien or a renunciant desiring voluntary departure to Japan. Children in this group may include U. S. citizens.
4. Wives and children of aliens or renunciants residing at other camps who desire voluntary departure to Japan, provided the family member residing at the other camp has requested that he be permitted to depart on this sailing.

All persons accepted must be in good health, with the exception that ill persons who are ambulatory cases will be accepted, and a small number of diabetics will be accepted. No ill persons who are litter cases will be accepted, nor will women pregnant over seven months or babies under three months of age be allowed to accompany the party.

SPECIAL NOTICE

NO PERSON IS TO BE PLACED ABOARD THIS VESSEL IF HE DOES NOT NOW ASK TO GO. EVEN IF A PERSON HAS ASKED TO GO BEFORE, HE DOES NOT NOW HAVE TO GO UNLESS HE WANTS TO GO. NO PERSON WHO DOES NOT DESIRE TO DEPART ON THIS VOYAGE SHOULD APPEAR AT THE PROCESSING BUILDING TO MAKE APPLICATION. PERSONS WHO DO NOT WANT TO GO WILL NOT BE PUNISHED IN ANY WAY NOR WILL THERE BE ANY CHANGE MADE IN THE WAY THEY NOW LIVE OR ARE KEPT BECAUSE OF THIS FACT.

BAGGAGE

Each person departing to Japan will be allowed to take with him baggage in the total amount of 175 pounds, which will be divided into two parts. The stateroom baggage, or that part of the baggage which may be carried with the repatriate, must not exceed 60 pounds. The cargo-hold baggage must not exceed in weight the difference

(continued on page 2)

(continued from page 1)

between the weight of the stateroom baggage and the total of 175 pounds. Power of attorney contracts, instruments of ownership or of a transactional nature, immigration documents, currency, travelers checks, etc., must not be packed in cargo-hold baggage but must be kept on the person to facilitate inspection. No arms, ammunition or inflammables such as matches, lighter fluid, etc., may be packed in cargo-hold baggage. Stateroom baggage, or that part of the baggage which may be carried, must consist of one piece only for each person. Such baggage must weigh not more than 60 pounds. Children under 14 years of age will not be allowed to ship cargo-hold baggage, but will be allowed up to 60 pounds of stateroom baggage. All baggage must be packed in trunks, suitcases, barrack bags or in wooden boxes equipped with rope handles, hinged lids, hasp and padlock. No other type of baggage will be accepted.

BAGGAGE COLLECTION DEADLINE

All cargo-hold baggage must be taken by its owners to the auditorium building commencing at noon Wednesday, Nov. 28, where it will be weighed and inspected by officers of the U. S. Customs Service and retained in the custody of that service until shipped. No baggage will be accepted after 5 p.m. Dec. 1, 1945.

All cargo-hold baggage must be marked with the person's name (printed in English letters) and addressed to "PORT TRANSPORTATION OFFICER, SEATTLE PORT OF EMBARKATION" and must also be marked "RLPATRIATE TO JAPAN."

REGULATION ON FUNDS, PERSONAL EFFECTS

Each person may take with him \$60 in currency or in travelers checks, and in addition may take with him the total amount earned while in the center in currency, travelers checks or non-negotiable and non-transferrable securities. The amount earned while in the center must be substantiated by a certificate from the Project Director of Tule Lake Center. All U. S. currency must be in denomination of \$20 or less. Each person may take personal effects such as tools of trade, electric irons, radios, electric razors, etc., which are his personal property and which were not purchased as gifts for export. Each person may take with him foreign currency in any amount.

VACCINATION AND IMMUNIZATION

Prior to departure from Tule Lake Center, each person must be vaccinated against smallpox and immunized against typhoid para-typhoid or have been so vaccinated or immunized within one year of the date of sailing and carry a medical certificate to this effect. The date and place of the vaccination and immunization will be announced later.

All questions which may arise regarding regulations, facilities or arrangements for this movement should be directed not to WRA but to representatives of the Department of Justice in the Processing Building.

Deportation---Death?

South Korean Must Leave U. S. ---And He Says Rhee Will Kill Him

A 42-year-old Korean journalist may soon be deported to his homeland (after 15 years in the United States) to face possible execution.

Sang Ryup Park and four former American officials insist the execution is not just possible, but certain.

For Park has made no bones about his opposition to Korea's President, Syngman Rhee, according to the American Civil Liberties Union, which is fighting to keep him here.

The union has entered the case on the basis of the McCarran Act which provides that no alien be deported if that means "physical persecution."

Immigration officials say Communism is not an issue in the de-

portation. It is simply a matter of Park's having entered the U. S. as a student in 1937 with the intention of not going back home.

HIS DILEMMA

In essence, Park's case presents this dilemma:

Do opponents of our Korean ally's government remain unmolested, or are they summarily disposed of as some observers insist?

Young Han Choo, Korean consul here, refers to the Los Angeles Korean paper Park edited as a "mouthpiece for North Korea Communists and an advocate of the line of Moscow.

"Any idea Park has that he will be shot is imaginary fiction," Choo said.

"Our government was formed by the United Nations; we have courts, legislative departments, due process of law.

"So-called liberals, left-wingers and Communists condemn our government as reactionary. Park need not fear so long as he behaves himself."

THE OTHER SIDE

Ernest Besig, director of the union here, replied:

"Anybody who criticizes the Rhee regime is automatically classed as a Communist.

"Park insists Rhee's government is made up of former collaborators with the Japanese; that it's corrupt and that there's little to choose between the terrorism of South Korea and the barbarism of North Korea."

Besig describes Park, who is awaiting his fate at the immigration detention facilities on Sansome street, as an "idealist, sitting on a cloud.

"He's a man who is vitally concerned over what he regards as grave questions of principle," Besig said.

Park, whose wife and child are in Seoul, came to the United States in 1937. He graduated from Ohio Wesleyan University in 1941 with a B.A., translated for the government for a while, then joined a Los Angeles paper, New Korea.

Later he sponsored a weekly, Korean Independence, edited it until June 1947, then served as its English editor.

STAY OF DEPORTATION

The Civil Liberties Union entered the case a few months ago. They got a stay of deportation for Park—on condition the union pays \$3 a day for his detention costs.

At an immigration hearing here last week the union produced affidavits from four Americans formerly stationed in Korea.

All four agreed Park probably would be executed if sent home.

Stanley W. Earl, who served from August, 1947, until June, 1950, as special assistant to the chief of the American Legion in Korea, wrote:

"It is my belief that if this man is deported to South Korea he will be summarily executed by the Rhee government as a traitor and Communist."

Stewart Meacham, who served as labor adviser to Lieutenant General John R. Hodge, former commander of U. S. armed forces in Korea, said:

"I would expect him to be quickly disposed of by torture murder at hands of Rhee's police."

"Nonsense," said Korean Consul Choo. "President Rhee has no more power than President Truman."