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MANZANAR WAR RELOCATION AREA
Manzanar, California

DEC 28 1942

M. W. Moore

OPA

December 22, 1942

Mr. Philip M. Glick
Solicitor
War Relocation Authority
Barr Building
Washington, D. C.

RG M

Index

Dear Philip:

I'm terribly sorry that I haven't been able to write you before this but I think you understand why it has been almost impossible to do this. As I told you on the phone December 21, the evacuees returned to work on Saturday, the 19th, so for the first time since I arrived here two weeks ago, I have sufficient secretarial help.

I just received your wire informing me that Tony would be here sooner than formerly expected. I should be glad to stay with him until he has had an opportunity to become thoroughly familiar with the situation here. Personally, I have a very high opinion of Mr. Merritt and I am sure Tony will enjoy working with him. Since Lewis left, Mr. Merritt has come increasingly to rely on the Project Attorney. He has called me in for meetings with the evacuee committee, he asked me to confer with the Spanish Consul and the Alien Enemy and Immigration representatives who were here, and he has requested that the Project Attorney's office be moved to the Administration Building. Until yesterday, we were housed in a separate building with the Community Services, but we now have a private room of our own that is just large enough to accommodate our staff of seven. We have enough typewriters and lack only one desk of fulfilling our complete needs. I have been promised this additional desk within the near future.

It is largely because I felt that Mr. Merritt was increasingly relying on the work of this office that I felt it was important that someone from our office be here continuously from now on and especially during these next few weeks. This is apart from the obvious need of an attorney to assist in the investigations that are now being conducted at this time as well as the many other legal problems that are arising. As you know, the staff here is being completely reorganized and I feel confident that the Project Attorney will be one of the key members of the staff, if Mr. Merritt has confidence in the person holding the position - as will unquestionably be the case with Tony.

December 22, 1942

Of course, I had strong personal reasons for wanting to be back at Tule Lake for Christmas. I discussed this matter with Lewis and he felt that I would be able to return before the holidays. Apart from this personal desire, however, I had promised Mr. Shirrell that I would be back and I know that there are several urgent problems there. In addition, as you know, Harvey Coverley is taking over and I felt that it was desirable to have an attorney present so that he can begin functioning from the start with the new Project Director. It makes it much easier for me to explain my absence to Mr. Shirrell as long as my instructions to stay at Manzanar have come from you. I phoned Fran yesterday and told her to tell Shirrell that I would be here until the first of the year. She is going to come down for the holidays if she can get transportation; however, as you know, trains and buses are pretty crowded these days. It's easy to be philosophical about such things, however, when so many thousands are away from home and a good many more miles than separate me from Tule Lake.

I don't blame you for your feeling that our reasons for detaining the jailed evacuees, as outlined in my report of December 15, 1942, are, in many cases, totally insufficient. I can only plead in defense of my report that you should have seen the original charges prepared by the Internal Security Division. Lewis saw these and it was because they were so inept that we felt the Project Attorney should "carry the ball" in making further investigations. My report of the 15th was written hurriedly so that it would be ready before Lewis and Fryer left for Washington. I necessarily had to rely on rumor and hearsay for most of the charges.

I am now attaching a copy of my memorandum to Mr. Merritt, dated December 19, 1942, discussing my personal interviews with the seven evacuees in the Independence Jail. Again, this report is not entirely complete or satisfactory. Further investigation will have to be made in some of these cases. We have not yet had time to talk with any of the evacuees now at Death Valley, some of whom preferred charges on which some arrests were made.

I have discussed this report with Mr. Merritt and I think his action against these seven men will be as follows:

Akashi will probably be placed in a mental institution or else segregated to a camp for trouble makers. He has been a constant trouble maker here and his parents do not seem to be able to control him. It is unfortunate that, because of his mental condition, he is not entirely responsible for his actions and yet must be held accountable for them.

Fujisawa will probably be released, although Mr. Merritt wanted me to check with those who made the original charges before final release was ordered.

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Kaku will probably be sent to the segregation camp. I know that, on the face of the present record, you will probably not agree. In other words, the mere fact that he has criticized and opposed the Administration at the Block Leaders' meetings is not sufficient to justify his removal from this Center. I agree that there should be a considerable liberty for freedom of speech. This man, however, has exceeded the bounds of free speech and has admitted spreading the false sugar rumor which was one of the main causes of the disturbance. (I do not have time to explain this now but you will see where it fits in from subsequent reports.)

Koga has already been released because, as you will see from the attachments, he was arrested as a result of mistaken identity. We have some new evidence against the man KUGA who should have been arrested and he will probably be apprehended soon.

Matsuda does not appear to have been mixed up with the incidents of December 5th and 6th. However, he has been one of the leading trouble makers in camp and Mr. Merritt feels that he should be segregated on this count.

Mr. Merritt is withholding judgment on Nakagawa until after further investigation has been made.

We have additional information regarding Bill Tanabe which indicates that he is one of the main ring-leaders. He will undoubtedly be sent to a segregation camp.

Mr. Merritt believes that the test we should apply in these cases is not that of loyalty or disloyalty but that of whether the person is a trouble maker in the sense of unduly creating disturbances and unrest in this Center. I agree with this point of view. Of course, the element of pro-Axis sympathy is to be considered where the evidence shows the person questioned has been a trouble maker but this alone is not sufficient to call for segregation at the present time. Incidentally, after discussing our contemplated procedures with the Enemy Alien and Immigration men who were here, we feel that our investigations, no matter how far they depart from the ideal, are more comprehensive than those generally given enemy aliens by the various federal agencies. (This opinion is not intended for general circulation.)

I have almost completed a report on my interviews with the fifteen men now detained in the Lone Pine Jail. I still have a few interviews to make before I will be able to complete this report. I will air mail it to you as soon as it is complete.

Mr. Philip M. Glick
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I hope you will realize that we have had to work under tremendous pressure and that it is difficult to investigate as large a number as 22 in such a short time and still do the sort of job that we would like to do. In the future or at other centers, I feel confident that the cases can be handled on more of an individual and isolated basis so that a more complete record and investigation can be made. Incidentally, it would help a great deal if we could have the benefit of the FBI files. So far, we have heard nothing from Lewis' request to you that we be given access to this information. As you know, we have had no intelligence service of our own here and have relied entirely upon the FBI so that this agency alone has the only information of the type required by our present situation.

As soon as possible, I shall try to report on my work for the last month. I also intend to send the separate reports on Cooperatives at Manzanar and Tule Lake in the near future. In general, our legal work for the Cooperatives is nearing completion and, at this time, there seems to be no difficult problems here.

For your information, I am including copies of my reports on the hospital phase of the December 6th incident and on the evacuees who were killed or wounded. I gave copies of these reports to Lewis and you, perhaps, have already seen them.

Wishing you and Rose D. and all the members of the staff the very best for the New Year, I am,

Very truly yours,

Robert B. Throckmorton,
Project Attorney

rbt/hi
Attachments - 5

WAR RELOCATION AUTHORITY

Office of the Solicitor

WASHINGTON

JAN 18 1943

January 9, 1943

RJM

AIR MAIL

Mr. Robert B. Throckmorton
Project Attorney
Manzanar Relocation Center
Manzanar, California

Indy

Dear Bob:

On January 6, 1943, I sent you the following telegram in reply to your letter dated December 31, 1942:

"Dividends declared in accordance with plan outlined in full paragraph on page 4 of your letter dated December 31 will be deductible for tax purposes as patronage refunds only if cooperative imposes no condition on right of patrons to receive full amount of their respective refunds should they not wish to participate in plan. Assignments or other transfers by patrons to block managers must be entirely voluntary so far as cooperative and War Relocation Authority are concerned. Care should be taken to see that records reflect true situation. Province is writing Project Director. Letter follows."

Your letter stated that the cooperative at Manzanar has adopted a resolution declaring patronage refunds for the period of its existence prior to December 31, 1942. Representatives of the cooperative wish to make some arrangement whereby the refunds for the period prior to October 1 may be redistributed to the patrons on a per capita basis. Your letter indicated that the cooperative people preferred the redistribution plan which was outlined in the full paragraph on page 4.

It is the intention of the cooperative to credit the membership account of each patron eligible for membership with the proportion of the rebates to which he is entitled. Rebates in excess of \$5.00 will be paid to the patrons in cash. All persons receiving cash payments will be encouraged to participate in a plan under

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which all cash rebates upon patronage prior to October 1 would be turned over to the block managers. The block managers would use the money turned over to them to pay the membership fees of all patrons eligible for membership. Any surplus would be divided on a per capita basis.

If this redistribution plan is carried out on an entirely voluntary basis, the cooperative, in computing its net income for tax purposes, will probably be entitled to deduct the refunds. The cooperative will have declared the patronage refunds upon the basis of the amount of business transacted with it. It will have paid the full amount of these refunds to the patrons on that basis. The disposition of the refunds after they have been paid to the patrons is of no direct concern to the cooperative.

It is essential that the redistribution plan be carried out on an entirely voluntary basis. It would be unlawful for the cooperative to make representations to the Bureau of Internal Revenue that the rebates were paid on a patronage basis when they were in fact distributed by the cooperative partly on a per capita basis. The cooperative people should, therefore, explain to the patrons that they are not required to participate in the redistribution plan and that they are entitled to receive their proportionate share of the refunds, if they wish to do so, without participating in the plan. Care should be taken to see that the records of the cooperative accurately and completely show the action that was taken by its officers and director. The Authority should do nothing which could be interpreted as coercion of the evacuees to participate in the redistribution plan.

I assume that the cooperative people understand that the cooperative could have waited until the end of the fiscal year to declare patronage refunds and that it could have declared refunds only for the period after October 1, if it had wished to do so. The cooperative probably could have distributed its earnings prior to October 1 on a per capita basis if all of the members on the date of the distribution had consented. The principal disadvantage of doing so would have been its income tax liability on earnings distributed in this manner.

If any receipts for purchases made by the patrons of the cooperative after August 15 are not presented, the cooperative will probably be liable for income taxes on its earnings from sales after that date for which no patronage receipts are presented. If receipts are not presented and if the cooperative has no other patronage records, it will not be able to refund the income derived from such

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sales on a patronage basis. Moreover, if any of the receipts are not presented, the cooperative will probably be liable for taxes on a part of its income prior to August 15. If there are no patronage records upon the basis of which to distribute refunds on a part of the business transacted after August 15, there would be no basis for making estimates of patronage with respect to an equal part of the business transacted before that date.

I believe that you should point out to the cooperative people that in Solicitor's Opinion No. 37 we indicated that the right of the cooperative to deduct sums credited to the capital reserve fund required by statute was not free from doubt. The Bureau of Internal Revenue might rule that the cooperative could not create a bona fide obligation to pay to the patrons the sums credited to the reserve fund. I mention this because the cooperative might later be called upon to pay taxes on the sums credited to this reserve fund and your letter does not indicate clearly that this possibility was taken into account.

Mr. Provinse is writing to the Project Director with respect to some policy questions presented by the proposed redistribution plan. I am sure that his letter will be helpful to the administrative people.

Sincerely,

Philip M. Glick
Solicitor

Moore
CFA

#19.800

APR 3 RECD

MANZANAR RELOCATION CENTER
Manzanar, California

March 2, 1943

Bring to my father attention
agm
Griff

MEMORANDUM TO: Ralph P. Herritt
Project Director

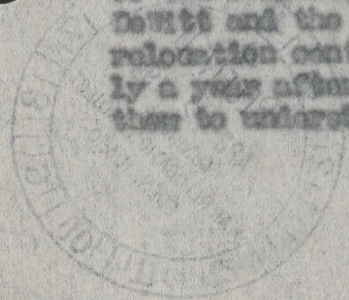
SUBJECT: Observations and Conclusions with Respect to Registration

As a result of my experience with the Manzanar registration, I have made certain observations and reached conclusions that may be of interest to you. These views are intended to supplement the "Summary of Observations by Army Men" and the "Summary of Reasons given by a Representative Group of Project Residents for Answers to Loyalty Question", both dated February 26, 1943. I am in complete agreement with the views expressed in these summaries but, for my own purposes, I have analyzed and rearranged them somewhat.

In considering the reactions to the registration program, it is important that we judge these reactions in the light of the evacuees' understanding rather than our understanding of it. If we could be sure that each evacuee understood all the aspects of the program in the same way in which we understand them, I am sure the results would have been more favorable and it would be much easier to analyze the reasons for the answers given. I have no way of gauging how well the program was grasped by the evacuees, but I doubt if half the information we gave out was generally understood. Although it is difficult to determine how well the registration program was understood, some indication of the way in which it was comprehended is to be found by considering the obstacles which impeded its clear presentation.

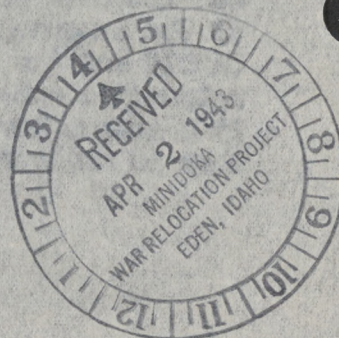
I. REASONS WHY EVACUEES DID NOT HAVE A COMPLETE UNDERSTANDING OF THE REGISTRATION PROGRAM.

I honestly feel that at Manzanar we did as good a job of presentation as was possible under the circumstances (of course, I would), but I am quite willing to admit that the presentation was not as effective as any of us would have liked. In the first place, the program was launched without sufficient preliminary education. To virtually all of the evacuees, the Army was a tough agency, personified by General Dewitt and the Military Police, which had herded them into assembly and relocation centers. Secretary Stinson's announcement, made approximately a year after evacuation, was too much of a complete about-face for them to understand. It is unfortunate that the evacuees could not have



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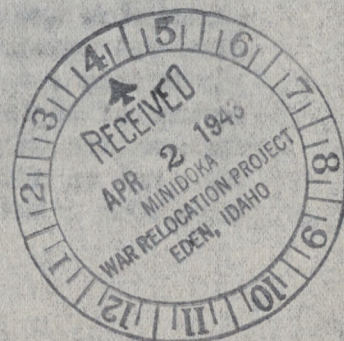
March 2, 1943

known that the Army has been trying for many months to work out a satisfactory solution to the evacuation problem.

In addition to the unexpectedness with which the War Department's announcement was made, there is also the factor that we were not allowed sufficient time to make an adequate presentation of the plan. We were instructed to start registration between February 5 to 10, inclusive. Inasmuch as I did not return to Manzanar until February 5 and the Army team did not arrive until February 6, we were given only a few days to carry out a difficult educational program. We were, accordingly, forced to decide how we could best use our facilities within the short time allotted. As a matter of fact, we, on our own responsibility, decided to postpone registration until February 12, even though we were supposed to have started by the tenth. We concluded, upon advice of evacuee leaders, that in the short space of time available, the most effective way to present the program was to talk directly to the issei. Our time was completely filled in holding meetings for issei citizens, block leaders, staff members and those who were to assist in the registration. Had additional time been available, it probably would have been well to have held meetings for the issei. However, we did not have time to give the issei direct information about the registration, other than that conveyed by the newspaper and printed bulletins, and this was a serious handicap to a full understanding of the registration plan.

A third obstacle to a complete presentation of the program was the lack of evacuee leadership and the unwillingness of evacuees to speak favorably on behalf of the program either publicly or privately. To some extent, there is a lack of evacuee leadership at Manzanar because many of the issei leaders have been relocated and many of the issei leaders have been interned. However, new leaders always arise and this lack was not nearly as important as was the unwillingness of those evacuees who favored the registration program publicly to endorse it. This unwillingness was caused by the fear that the action of endorsement would be misunderstood. As a result, the Army team and the WRA representatives who presented the program at Manzanar were denied the benefit of evacuee assistance in explaining the program in a favorable light and the job of presenting the program favorably was borne by only a few people.

Connected with the difficulty of having enough people to present the program favorably is the fact that a large number of evacuees were presenting the program unfavorably and on a personal and individual basis. In short, the foes outnumbered the proponents of the program and the advantage held by the former became much more noticeable after registration was under way, as the educational program of the administration was necessarily curtailed at that time. In other words, once registration was started we had to devote most of our energies to the procedure of registration and we were able to deny rumors and get out further information only by means of printed bulletins. They were helpful but were not as effective against personal argument and persuasion as would have been a verbal explanation.



March 2, 1943

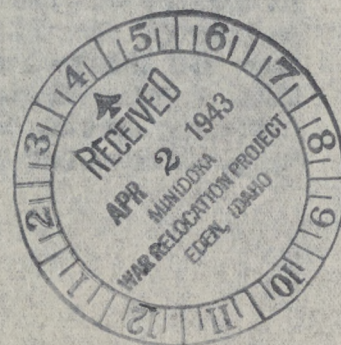
Incidentally, because of the fact that the opponents of the program considerably outnumbered the proponents, it was desirable to make the process of registration as brief as possible. Had it been dragged out over a period of weeks, I am convinced that the results would have been correspondingly poor.

The Army team was handicapped in discussing questions 27 and 28 with the male citizens because, by the time the men came in for their interviews, they had already made up their minds to the questions largely on the basis of adverse influences in the community. Inasmuch as it would have been a sign of weakness for an evacuee to change his mind in front of the Army officers, this, as a matter of pride, was seldom done. As a result, the individual interview with the Army officers was not as effective a means of education and explanation as had been hoped.

The above-mentioned obstacles to a proper presentation of the registration program are the main ones. In addition, however, there are certain other factors that are worthy of mention. One of these is a general skepticism and lack of confidence toward the Army and the WRA on the part of the evacuees. This, in itself, made it impossible for us to get a complete understanding of the program across to the evacuees, as they automatically discounted our statements. Broken promises and mis-statements made in the past have, of course, taught them to do this. Another factor is the emotional confusion that necessarily exists because of conditions in the relocation centers. The evacuees live too closely together here and are too immediately affected by the evacuation to be able to make a completely clear judgment about problems of this sort. A third factor is the difficulty of presenting a complicated program to the uneducated and unintelligent people who exist in any large group. We found that the educated evacuees generally made far more intelligent answers to the registration questions than did the uneducated evacuees from whom the greatest resistance was encountered.

II. REASONS FOR ANSWERS TO THE LOYALTY QUESTIONS.

With these considerations in mind, bearing upon the evacuees' understanding of the registration program, I should like to list some of the reasons I see for the negative response to the loyalty questions. In the first place, certain groups of evacuees, as would be expected, almost uniformly answered the loyalty question in the negative. Thus, the strongly pro-Japanese aliens and the pro-Japanese hibei answered "no" without hesitation. The Terminal Island and San Pedro groups also answered "no" because they came from communities that were highly Japanese in culture and because they were embittered by reason of the fact that so many of the aliens from these communities were interned and those who were not interned were evacuated on such short notice. In addition to these groups, there were certain blocks in which anti-Administration and anti-Army feeling had been particularly engendered by the Lancaster incident. I have not analyzed the returns from these blocks but I imagine



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a higher percentage of negative answers came from them than elsewhere.

Aside from these groups, which could not be expected to reply affirmatively to the loyalty question, there was the large majority of evacuees who might be expected to answer the loyalty question "yes". In order to understand the reasons which caused many of these evacuees to answer the loyalty question "no", it is desirable to consider the issei and the nisei separately.

A. Isei. Some of the issei, because of their feeling for this country, unhesitatingly answered the loyalty question "yes" and they encouraged their children to do likewise. Others, even though they had a stronger feeling of loyalty for Japan than this country, nevertheless answered the loyalty question "yes" as they felt that their children's future was in this country and they wanted to stay here to be with them.

There are two fundamental reasons, however, why many of the issei answered the loyalty question "no". In the first place, most of the issei do not now plan to relocate and start to rebuild a future in this country. On the contrary, most of them are at present planning to return to Japan when the war is over. This attitude is caused by the fact that the issei feel that they are too old to start over again in this country (their average age being about 60) and most of them have no capital because of the losses incurred as a result of the evacuation. They are also discouraged because of the discrimination that has been practiced against them over a long period of years and that has been accentuated particularly by the evacuation and by recent movements to disenfranchise and to deny property rights to Japanese-American citizens. They are thus understandably discouraged about their future prospects in this country on the one hand; while, on the other, most of them believe that Japan will win the war or at least remain a powerful nation in the Orient. They see a future either in Japan or in some of the territories now occupied by Japan. Moreover, they are told that, if Japan wins the war, that country will force the United States to pay indemnity for the losses the evacuees have incurred. Consequently, they see their only hope of indemnity as coming from a victorious Japan. Thus, most of the issei, primarily from economic motives, answered the loyalty question "no". (It was generally believed that all who answered the loyalty question "yes" would not be welcome in Japan.)

In the second place, popular pressure within the center was a powerful influence in the direction of a negative, loyalty answer. The evacuees are, of course, a racial minority and because of this they usually react as a group to questions affecting their status as a group. Moreover, this feeling has been intensified by the evacuation so that they consider themselves an "in group" with the government and the rest of the people being an "out group". This feeling is, of course, merely a natural reaction to the treatment they have received; however, at a time like the present, it tends to take on a political significance. Politically-minded agitators strive to identify each person's loyalty



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to the group with his loyalty to the Japanese race and to the Japanese government. This position is popular because it capitalizes on the wrongs that have been done. On the other hand, any evanee who speaks against the Japanese government, who seeks to explain or minimize the wrongs or imagined wrongs that have been done, or who speaks in support of the United States government or any of its agencies is apt to be accused of being disloyal to the group. He is thereby rendered highly unpopular and infelicitous. As a result, the opponents of a measure such as registration can be vociferous and popular whereas the proponents of such a measure have to remain silent for fear of being misunderstood. Because of this prevailing attitude within the Center, those who were in doubt as to how to answer the loyalty question were influenced to follow the line of least resistance and to answer "no".

This situation was aggravated as far as the aliens and ^{Japanese} citizens were concerned by the fact that their answers to the loyalty question were not treated confidentially but were given to evanee and administrative staff interviewers and were readily available to the Block Manager in each Block. An attempt was made to remedy this situation by giving people an opportunity to come to me or Mrs. Mann in confidence and change their answers, but less than 150 people took advantage of this opportunity.

As far as is known, there was no open coercion except within family units. However, there can be no question but that all of the evanees were aware of the fact that the popular thing was to answer "no" to the loyalty question. This is shown in a somewhat different connection by the fact that those who have volunteered for service in the Army have requested that their families be relocated as soon as possible and that they themselves not be returned to Honanagar if they are not accepted for Army service.

A third reason for some of the negative answers that were received was the misunderstanding and antagonism caused by the wording of the loyalty question asked of the aliens. The original question, which none of the aliens were required to answer, antagonized many of them because of its reference to the emperor of Japan. I am told that the Japanese have a feeling for the emperor that we cannot comprehend and the reference made to him, in the original question, was a source of irritation. Then, the fact that the question was revised proved to be a disturbing element and this was intensified by the fact that there were conflicting interpretations of the revised question. (The question used at Honanagar was as follows: "Are you sympathetic to the United States of America and do you agree faithfully to defend the United States from any or all attack by foreign or domestic forces?")

3. Nisei. The nisei are, of course, generally influenced by the same considerations as their parents. They, too, are discouraged about their future in this country. They have repeatedly been told by other evanees that their citizenship is not worth anything because they

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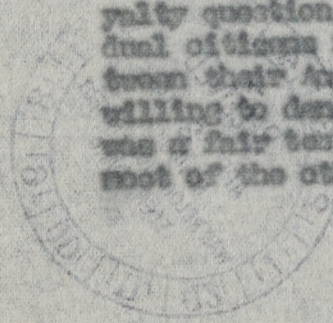
are now in a concentration camp. They feel that they have been treated differently from the Germans and Italians and they are disturbed by the activities of groups like the Native Sons and the American Legion. Many of them feel that they would prefer equality and the low standard of living of Japan to discrimination and a higher standard of living in this country. However, this discouragement with the future is not, of itself, decisive; it merely softens the morale and determination of the nisei so as to make their decision as to the loyalty question more difficult.

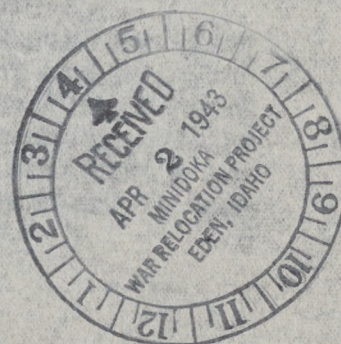
Many of the nisei, although discouraged, feel that their only future is in this country and they accordingly answered the loyalty question in the affirmative. These nisei, unlike their parents, are still young, with their future before them, and they, generally speaking, have not had as much property to lose as their parents. They are not familiar with Japan and know that they would not be well received there. However, many of the nisei, who, on the basis of these considerations alone, would choose to remain in this country, are forced by an additional consideration to plan their future in Japan. This additional consideration is, of course, the family tie. Most of the nisei are, at this time, planning to return to Japan after the duration and, generally speaking, they insist that the children go with them. The children accept the obligation to support the parents in their declining years and, for this reason, they are forced to plan for a future in Japan. The nisei are told that they will not be welcome in Japan if they answer the loyalty question "yes". Most of us, who have worked with the registration at Manzanar, are of the opinion that this is the main reason why many of the nisei have answered the loyalty question negatively.

In addition to the foregoing reasons, the nisei are, of course, subject to the same popular pressure as was mentioned with respect to the issei.

Many of the nisei are also impelled by a desire to avoid service in the United States Army. They felt that a negative answer to the loyalty question would exempt them from military service, whereas an affirmative answer would indicate a willingness to serve in the Army. (Many of the nisei believed that that part of the loyalty question which read "Do you agree faithfully to defend the United States from any or all attack by foreign or domestic forces" pertained to their willingness to serve in the Army.)

A fourth reason prompting the nisei to answer "no" to the loyalty question was the existence of dual citizenship. Those who were dual citizens felt that the loyalty question caused them to choose between their American and Japanese citizenship and some of them were unwilling to denounce their Japanese citizenship. This, in my opinion, was a fair test and has probably prompted more accurate answers than most of the other reasons that have been discussed previously.





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III. CONCLUSIONS.

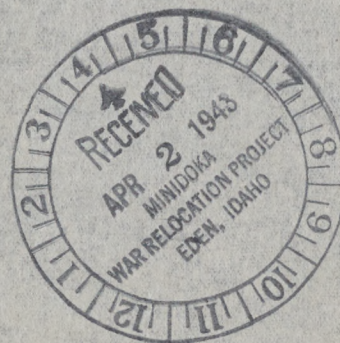
The results of the registration are completely accurate only as to those who were extremely loyal or extremely disloyal. The great majority of registrants only partially understood the purpose and significance of the program, were subject to popular and emotional pressures urging them to reply negatively, and were all motivated more by economic than by political considerations. In addition, the nisei were not free to answer the loyalty question according to their own minds because of family ties and obligations. However, it is generally conceded that the registration was not lightly considered by the evacuees and their decisions were made with the realization that they would have to bear whatever consequences might follow. Because of this, I do not believe leave clearance should, at this time, be granted to any evacuee who replied "no" to the loyalty question. However, the loyalty question should not, of itself, control our conclusion as to an evacuee's loyalty. We should formulate our opinion upon the basis of the questionnaire as a whole, along with such other evidence as we may have, rather than upon the loyalty question alone.

I believe the nisei, in particular, should be given another opportunity to express their loyalty under more favorable conditions. I agree with you that the soldier's oath offers an excellent opportunity for this and that they should be drafted and dealt with like all other citizens who take or refuse to take the soldier's oath. I feel that the other evacuees should be segregated in accordance with criteria to be determined after the results of the registration have been thoroughly considered.

Robert B. Brodman,
Project Attorney

rbt/1





March 24, 1943

Mr. Robert B. Throckmorton
Project Attorney
Manzanar Relocation Center
Manzanar, California

Dear Bob:

In your March 17 letter you sent on to us some questions that Mrs. D'Ille had raised about the family internment camp in Texas.

1. Family members seeking to join their husbands or fathers in the internment camp will be required to sign a statement to the effect that they understand they enter the camp with the expectation and agreement of staying for the duration. As to family members who are citizens, of course, it might be impossible legally to enforce such a provision but in the event they should leave the camp the Department of Justice will probably not permit them to return. Alien family members will be required to stay in the camp.
2. It is expected that the activities and movements of the family members while in the camp will be just as restricted as those of the internees.
3. There is a possibility that certain types of employment for wages may be available in the camp. If so, the wages to be paid, we understand, will be determined on the basis of international agreement at the rate of 3 Swiss gold francs (about 75¢ at the current rate of exchange) per day. Wages would not, however, be paid for work in connection with the direct operation or maintenance of the camp such as, for example, working in a mess hall, waiting on tables, employment in trucking, or other work directly related to the operation of the camp. In other words, the opportunity for compensable work will be much more restricted at the internment camp.

Enclosed are the two memoranda to Project Directors that have thus far been issued answering questions about the family internment camp. Miss Gifford is at present on a trip during which she will visit the family internment camp. If there are any further developments in the Justice Department's policies with respect to the camp it is expected that another memorandum will be issued to the Project Directors discussing these developments.

Sincerely,

/s/ Philip M. Glick

Philip M. Glick
Solicitor

Enclosures

cc: All Project Attorneys
Maurice Walk
Edgar Bernhard

March 24, 1943

Mr. Robert B. Throckmorton
Project Attorney
Manzanar Relocation Center
Manzanar, California

Dear Bob:

Thank you for your letter of March 12 and enclosures about contracts for sugar beet employment. We have discussed with the Employment Division your letter, Henry Tsurutani's memorandum, and the report of the committee on outside agricultural work. Some of the suggestions made have been taken care of in a revision to Administrative Instruction No. 22 (Revised) that was approved by the Director a few days ago - a revision of the procedures governing group work leave (now called seasonal work leave). Under the revision the employer must agree in writing with the Project Director to pay the applicants' transportation costs (including meals) to and from the relocation center, use common carrier transportation where available and otherwise passenger carrying vehicles, the occupants of which are fully covered by insurance, and furnish return transportation immediately on WRA request and within 10 days on the evacuee's request. The appropriate relocation supervisor must determine that local community sentiment is satisfactory. The offer of employment must provide for the payment of not less than prevailing wages and must be approved by the USES or whatever other Federal agency may be responsible for labor recruitment.

It is proposed to supplement the administrative instruction by two additional documents - one would be a broadside to the evacuees discussing generally the seasonal work program, the other would be a memorandum to Project Attorneys and project employment officers discussing angles that the evacuees may wish to consider or investigate before accepting seasonal employment offers. Many of Henry Tsurutani's suggestions will be valuable here. There will also be other suggestions - for example, yesterday we discussed the Fullmer contract, among other things, with the Sugar Division at the Department of Agriculture. It appears that since this contract is an outright lease of the land and the owner receives a share of the crop as rental the evacuees become

the producers and are not entitled to a guaranteed minimum wage. If it were not a lease but a share labor contract in which the owner retained legal possession of the land and paid the evacuees a share of the crop as wages the minimum wage rates would be applicable. Whether the evacuees in this case will benefit or stand to lose by a lease depends largely on the tonnage yield of the acreage leased. We shall discuss this more in detail in the proposed memorandum. I hope that these documents can be issued shortly.

In the meantime, I wish you would send a copy of Henry's memorandum to all the other Project Attorneys and continue to advise the evacuees as you have been doing.

Sincerely,

/s/ Philip M. Glick

Philip M. Glick
Solicitor

cc: All Project Attorneys
Maurice Walk
Edgar Bernhard

Manzanar Relocation Center
Manzanar, California

OPA:RBT

April 9, 1943

Mr. Philip M. Glick
Solicitor
War Relocation Authority
910 - 17th Street
Washington, D.C.

Subject: Law Libraries at the Projects

Dear Philip:

In Solicitor's Memorandum No. 4 (1943), you asked for reactions and suggestions on the problem of law libraries at the projects.

My own attitude has been conservative with respect to the acquisition of law books, because I agree that the projects are too temporary in nature to justify more than a minimum expenditure for law books. Furthermore, most of us can use nearby libraries or can obtain the use of law books owned by evacuee attorneys. Tony O'Brien, for instance, is luxuriating in the shelter of a large bookcase filled with all sorts of valuable tomes loaned by Henry Taketa.

Tony and I have mutually discussed the Lake Codes and we definitely feel that Reg Watt "done us wrong" in recommending the acquisition of this inexpensive and inept set, as compared with the Deering's Codes.

Our library at Manzanar consists of the U.S. Codes, Lake's California Codes and Cowdery's Forms. Last summer, I made arrangements with Henry Tsurutani to bring some of his books here but, as you may recall, his request for a travel permit was declined by the wary WCCA and so the books are "a moldering" in Henry's attic.

The District Attorney in Independence has a good library, which I am free to use and this is a saving factor. However, the problem has to be pretty important before you can take the time and trouble to drive six miles for legal lore. As a result I have used the library only three or four times.

If it were possible to have additional books, I should like very much to have a set of California Jurisprudence. From this set,

Mr. Philip M. Glick

4/9/43

Page 2

one can get quick background information as to the California aspects of almost any legal problem. As you have suggested by your "shoot from the hip" figure of speech, the superficial information contained in an encyclopedia of this sort is usually sufficient for our purposes. In addition, we would have more to offer apprentice evacuees in the way of legal training if we had these books in our libraries. I do not feel that we would be justified in a new set, which would cost from three to four hundred dollars. However, if we could get a used set I think it would be worth the cost, particularly as the books could be resold when legal advice at Manzanar is discontinued. I intend to ask our Procurement Officer to inquire into the cost of new and used sets so I will have more accurate information to submit to you on this score.

I enthusiastically agree with your "shoot from the hip" observation, except I would add that experience has shown that a project attorney must be mighty quick on the draw. However, I think the other attorneys will agree with me that it's lots of fun blazing away with our six-shooters for whatever they are worth, and that we all take comfort in the fact that the Washington heavy artillery can be called into play if you have time to wait for it. The situation being what it is, the main ammunition dump should be in Washington and a mere powder keg will suffice for the projects.

Very truly yours,

Robert B. Throckmorton
Project Attorney

RBT/yk

30,100

WAR RELOCATION AUTHORITY
Office of the Solicitor
WASHINGTON

APR 10 1943

AIR MAIL

Robert B. Throckmorton
Project Attorney
Manzanar Relocation Center
Manzanar, California

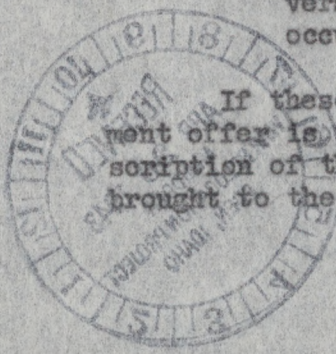
Dear Bob:

When Philip left yesterday on his trip to the centers on the west coast, he asked me to reply to your letter of April 5 dealing with the form of sugar beet contracts. This letter will also attempt to answer certain questions raised by you and other project attorneys during recent weeks on the extent to which you should check on the legal aspects of contracts for employment of evacuees, particularly in reference to clauses therein or conditions of work which might be unfavorable to the evacuees.

The policy of WRA in reference to matters of this character is indicated by a new administrative instruction signed by the Director Friday. This instruction is entitled "Functions of Relocation Supervisors and Relocation Officers", and it undertakes to set out the procedure under which job offers are to be encouraged and secured, then transmitted to evacuees. In Part IV of this instruction, it is provided that when a Relocation Supervisor or Relocation Officer receives an offer of employment, he shall determine:

- a. Whether the attitude in the community or locality is such that an evacuee relocating there could probably maintain employment or residence without causing a disturbance that might jeopardize the relocation program;
- b. Whether the offer of employment provides for the payment of not less than prevailing wages in the community for similar work; and
- c. Whether the offer of employment will provoke any controversy with other employees in the establishment or occupation.

If these three determinations are in the affirmative, the employment offer is to be forwarded to a relocation center with as full a description of the terms and conditions as possible where it is to be brought to the attention of evacuees qualified to accept. The project



To ~~Babson~~
~~Stafford~~
~~Schaper~~ TS
Please submit to
B. Moore
Jude JTB
File

12547

WAR RELOCATION AUTHORITY

Office of the Director

WASHINGTON

APR 18 1943

RECEIVED

REPORT OF THE DIRECTOR

TO THE BOARD OF RELOCATION

RE: [illegible]

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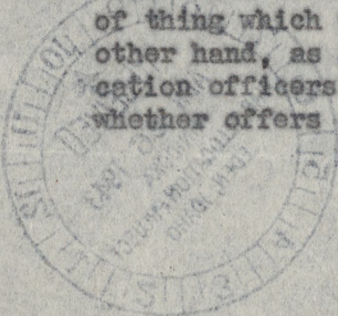


employment officer is to assist evacuees who wish to accept the offer and a reply is to be sent to the Relocation Supervisor or Relocation Officer who referred the offer of employment to the relocation center.

The main object of this procedure is to facilitate and speed up the relocation process. The major policy underlying the procedure is that the best interests of the evacuees are to be served by giving them the opportunity to get out of the centers as easily and as quickly as possible when a chance for reasonable self-support is available on the outside. The idea is to set up as few barriers as possible to their going out once employment which offers the minimum standards just indicated is available.

It is realized of course that a program such as this designed to encourage the evacuees to accept any reasonable offer of employment which is available may in some instances result in unfortunate employment relationships. Evacuees may enter into some contracts which are unfair to them and may in some instances suffer improper treatment which WRA could prevent if it had time to investigate very thoroughly in advance every employment offer which was made. Actually, however, a substantial amount of protection will be derived from the fact that in America today there is a "laborer's market" in the sense that a man having labor to offer is in a better bargaining position than in many years. Were it not for the prime importance of enabling the evacuees to get out of the centers into private employment as rapidly as possible, it might be deemed unwise to take this attitude. The facts being as they are, however, it seems reasonable and not unfair to say that, subject to minimum standards, the evacuees will be encouraged to go out on jobs whenever jobs are available, then make their own way as individuals the same as anybody else.

This does not mean that we will refuse to give advice concerning the fairness or desirability of particular offered contracts or clauses therein. That service has been available to the evacuees who ask for it ever since the project attorneys' offices were set up and should continue to be available to them. Your good work in pointing out the defects in the Utah and Idaho Sugar Company contract and making arrangements with representatives of the Company for modifications of the contract which will eliminate these defects is an excellent example of the sort of thing which the project attorney's office can and should do. On the other hand, as a matter of policy the relocation supervisors and relocation officers have been given primary responsibility for determining whether offers of employment meet the minimum standards of the WRA, and





the project staff is expected to concern itself principally with making sure that the evacuees understand the provisions (or absence of certain provisions) of the offers. The evacuees will have the final decision with respect to accepting offers as presented or requiring changes before the offers are accepted.

Our letter to you dated March 24, 1943, indicated that a memorandum would be sent to all project attorneys and project employment officers discussing a series of problems the evacuees may wish to consider or investigate before accepting seasonal employment offers. With this thought in mind, you were asked to pass on ^{to} the other project attorneys Henry Tsuritani's suggestions about sugar beet contracts. In view of the policy described above, however, this memorandum will not be issued. The project attorneys should continue to advise the evacuees when asked to do so, and should help prepare modifications of contract provisions to meet the desires of the evacuees. The emphasis should always be on encouraging relocation, however, and the improvement of labor contracts should not be allowed to interfere unduly with that goal.

A copy of this letter is being sent to the other project attorneys for their information.

Sincerely,

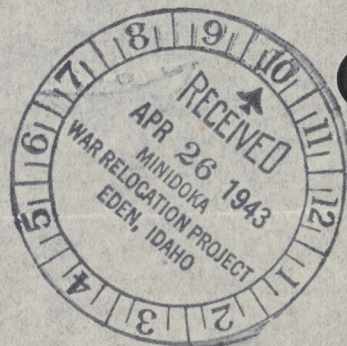
Lewis A. Sigler

Lewis A. Sigler
Acting Solicitor

cc - all project attorneys
Mr. Bernhard
Mr. Walk



WIDE AREA



COPY

WAR RELOCATION AUTHORITY
Office of the Solicitor
WASHINGTON

Index

AIR MAIL

Mr. Robert Throckmorton
Project Attorney
Manzanar Relocation Center
Manzanar, California

Dear Bob:

In our reply to your April 14 report we told you that the Immigration and Naturalization Service representatives in Washington were being informally consulted about the need for deportee bonds while the deportees were in relocation centers. They have now informed us that the Immigration and Naturalization Service will adhere to its requirement of bonds for deportees, whether the deportees are in or out of relocation centers.

They say that the Service has substantially lowered the amount of bond required, that the premium is not high, and that there could be no undue burden. (They state that the premium charged is \$20 per thousand, not \$200 as you were informed.) They make the additional point that in view of our emphasis on relocation, paper work would be increased for both WRA and their agency in order to be sure that deportees leaving the centers get their bonds prior to departure.

I am sending a copy of this letter to all Project Attorneys.

Sincerely,

stamped /s/ Lewis A. Sigler

Lewis A. Sigler
Acting Solicitor

cc - All Project Attorneys
Mr. Walk
Mr. Bernhard

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and

WAR RELOCATION AUTHORITY
Office of the Solicitor
WASHINGTON

Helen Ely
✓
return

MAY 15 1943

MEMORANDUM FOR ALL PROJECT ATTORNEYS

You will be interested in the attached copy of a letter sent by Mr. McIntyre, Secretary to the President, to Governor Osborn of Arizona. The letter is now somewhat old, but since it is a good statement of policy from the President's office, I thought you might be able to use the letter in one or another way to good effect.

Philip M. Glick

Solicitor

C
O
P
Y

March 8, 1943

My dear Governor:

This is to acknowledge your communication of February third, transmitting to the President a certified copy of House Joint Memorial No. 2, "protesting favoritism for youth of Japanese extraction in the advantages of higher education".

The memorial was referred to the Director of the War Relocation Authority where responsibility for the administration of the relocation centers is assigned, and he informs me that the student relocation program for Japanese-Americans, which has resulted so far in placing about four hundred and seventy-five students in inland institutions, has been handled by a non-governmental committee sponsored by the American Friends Service Committee. The names of all students are sent to the F.B.I. for a check of this agency's records before departure from the center is authorized, and travel and maintenance are at no expense to the government.

Since adoption of the memorial by the Arizona Legislature, the restriction upon enlistment of Japanese-Americans in the armed forces has been removed by the War Department, and the President has announced this as a step in the direction of reinstituting Selective Service for the citizen evacuees. Already, since the announcement of the new policy, several of the students who were permitted leave have volunteered for the combat unit which is being organized and trained for overseas duty.

It should be pointed out that these citizens of Japanese ancestry are no more enemy aliens than are the citizens of German and Italian parentage, and that already they have borne with considerable sacrifice the demands put upon them by their removal from the West Coast of the United States.

Sincerely yours,

(Signed) M. H. McIntyre
Secretary to the President

Honorable Sidney P. Osborn
Governor of Arizona,
Phoenix, Arizona

Copy for: War Relocation Authority

Barrett

Sew
JBB

March 31, 1945

M E M O R A N D U M

In February I made specific inquiry from Charles H. Carr, United States Attorney for the southern district of California, about the interpretation that his office places upon the matter of travel by enemy aliens without permits issued by his office. In reply Mr. Carr said:

"Answering your inquiry of February 14, you are advised that the limits within which enemy aliens can travel without a travel permit are established by the United States Attorney in the particular district in which the alien resides, having in mind, of course, the regulations imposed by the Attorney General. The United States Attorney, in Los Angeles, established that for all aliens of enemy nationality residing in the City of Los Angeles no travel permit is necessary for travel throughout metropolitan Los Angeles, which is defined as that portion known and mapped as Greater Los Angeles, including Long Beach to the south, San Fernando Valley to the north.

In similar communities within the Southern District of California, enemy aliens are permitted to travel to the immediate adjacent towns or communities which are considered the natural and logical place where residents of small towns go to in the ordinary course of business."

I wrote Mr. Carr again to inquire more specifically about the boundaries of the Los Angeles metropolitan area. In reply he said:

"This has reference to your inquiry of February 27th. In determining the travel by aliens of enemy nationality without the necessity of a travel permit, this



office has established Metropolitan Los Angeles as the area within which such travel can be accomplished.

Roughly, the confines of Metropolitan Los Angeles are San Fernando Valley to the north; the Coast to the west, including all coastal towns down to Long Beach to the south, and, as for the east it includes beginning from the northern line of Sunland, Tujunga, Altadena, Sierra Madre, Arcadia, El Monte, Whittier Artesia, joining the coast again at Long Beach."

Ed has suggested that I send this information to all of the Project Attorneys. If you have maps of California, you can readily see that the area included in the Los Angeles metropolitan area is very large, and that a person living in that area would be subject to little inconvenience so far as travel regulations are concerned. The area included must measure nearly sixty miles from north to south and close to thirty miles from east to west.

Alan G. Campbell
Alan G. Campbell

AGC/no

Dec. 3/30/45



UNITED STATES
DEPARTMENT OF THE INTERIOR

MANZANAR RELOCATION CENTER
MANZANAR, CALIFORNIA

OPA:LA:AGC

January 18, 1945

Mr. Edwin E. Ferguson
Solicitor
War Relocation Authority
722 Barr Building
Washington 25, D. C.

*Seen
78B*

Dear Ed:

Today I received Frank Barrett's very fine report of January 12th. It is a cinch to be a lazy project attorney. One can always plead the lack of a library in order to get out of any research work and get the Solicitor or the Assistant Solicitor to do most of his work for him. To make it still better, if one can get another project attorney indignant enough, one can get the other to work for him even on Christmas Eve.

Seriously, I think that Frank's discussion is a very good one, and I am much impressed by the amount of research work that he was able to do in such a short period of time. Naturally, I am gratified that there seems to be substantial authority for my curbstome opinions and pleased to think that perhaps the final answer for the Terminal Island people will be more fair than might first have been supposed.

The other day I received a letter from Mr. Rosensweig in which he listed the appraisals for the improvements on 29 Terminal Island parcels. The appraisal on 9 of them is "none", 4 are for \$50, one is for \$75, 6 are for \$100, 3 are for \$150, 2 are for \$200, 2 are for \$300, one is for \$350, and one is for \$1,000.

The \$1,000 appraisal is for the improvements on Parcel 282, which were owned by Taro Eto. Eto had a five-year lease which began on March 17, 1940. The lease provided for revocation on 60-days notice, and notice of revocation was given by the city of Los Angeles about fifteen days before the Navy served its removal notice. The improvements consisted of a restaurant and apartment house. The apartment house was a one-story wooden frame building, plastered inside, which was purchased in 1940 for \$1,000. Improvements were made in 1940 at a cost of about \$5,000. The restaurant was a one-story frame building which was bought for \$1200 in 1940. The apartment

house was completely reconstructed in 1940 and was completely furnished. The restaurant was completely outfitted with counters, stoves, boiler, refrigerators, display cases, fans, sinks and so forth, and contained also all types of utensils and equipment as well as some stock of foods. Eto paid a ground rent of \$164.63 per quarter. He must conservatively have had an investment of several thousand dollars after allowing for depreciation, without including the personal property which, of course, is not included in the Government's appraisal. Assuming the accuracy of his recital and description it would appear that if this parcel was appraised according to Frank's rule of appraising land and improvements together and then determining the value of the improvements as a part of that total appraisal, Eto's appraisal would surely be three or four or five times as large as the one that was made.

Mr. Rosenweig sent me a transcript of a portion of the proceeding before Judge Hollzer and I am enclosing a copy of it. Of course if any of us were to express a really sound opinion about this particular case we would have to make a careful examination of the records in the proceeding so far, make a factual investigation and then engage in quite extended research, but it certainly seems that Judge Hollzer's ruling is apparently vulnerable to attack and that the interests of the Terminal Island people would indicate that they should associate themselves for their own protection and secure the best legal representation that they can secure. Offhand it would strike me as reasonable that they could interest a good condemnation specialist on a contingency basis, and if I were they that is what I should try to do.

It seems to me that a situation like this places me and other project attorneys who may be consulted by Terminal Island residents in rather an anomalous position. If I were to advise them freely I should tell them that they ought to accept no offer based on salvage value and that they ought to associate themselves and secure counsel for the purpose of making a real fight out of it. That advice would tend to encourage litigation against the Government and possibly would result in the Government having to pay substantially more than it may otherwise have to pay. I could not sincerely advise anyone to do less than that or to accept a salvage value offer, and therefore, of course, I will not do so. If I ought not to do the first and will not do the second, I am apparently left in a position of doing nothing, and if that is to be so it would have been better if I had consistently refused to discuss the Terminal

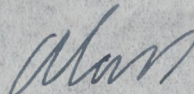
Island suit with anyone.

Neither my conscience nor my conception of Government morality would be offended by giving the first mentioned type of advice. As I see it the Government ought not to try to secure what it wants at the least possible price. It should not be Santa Claus, but it should be fair. By the same token, it seems to me that an attorney for the Government should not be expected to do anything for his client which would result in injustice to the other litigant. After all, most such litigants are citizens of the nation and a part of it, and if they be not citizens they are mostly permanent residents and entitled to just as much consideration in a civil matter as is a citizen.

I have not as yet asked these people to come in and learn what price has been placed on their property, because I don't know what to say to them. I shall appreciate your advice and suggestions.

I suppose that it is obvious, as I have said before, that this situation is of interest to WRA in connection with relocation. A lot of these people would be able to leave and establish themselves if they were paid what their property was worth when it was taken. Many of them will constitute problems for WRA if they are not paid anything but salvage value.

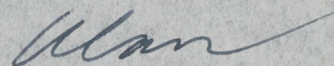
Yours very truly,



Alan G. Campbell,
Project Attorney

Enclosure
cc: Frank Barrett
AGC/ah

Dear Frank: Congratulations for your analysis, industry, and skillful research, and many thanks for your interest and helpfulness.



Barrett

34,100

UNITED STATES
DEPARTMENT OF THE INTERIOR
WAR RELOCATION AUTHORITY
MANZANAR RELOCATION CENTER
MANZANAR, CALIFORNIA

In reply, please refer to:
OPA:LA:AGC

February 26, 1945

Frank S. Barrett
Minidoka Relocation Center
Hunt, Idaho

Dear Frank:

Apparently I do not have a copy of your report of January 6th for the period of December 31st to January 6th. Ed's answer to that report indicates that there are items in it which will be useful to me. If you have an extra copy, I shall appreciate it if you will send it to me.

I very much appreciate having the results of your research on the questions involved in the Terminal Island condemnation suit. I am quite convinced, at this time, that judge Hollzur's ruling is vulnerable. So far, however, there has been no indication that anyone here will do anything to protect his interest in that case.

Yours very truly,

Alan G. Campbell

Alan G. Campbell
Project Attorney



72532

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL RELOCATION CENTER
MUNDT, IDAHO

February 28, 1945

CR-15-60

Frank S. Barrett
Minidoka Relocation Center
Munt, Idaho

Dear Frank:

Unfortunately I do not have a copy of your report of January 6th for the period of December 31st to January 6th. I'll answer to that report indicating that there are items in it which will be useful to me. If you have an extra copy, I shall appreciate it if you will send it to me.

I very much appreciate having the results of your research on the questions involved in the Federal Island condemnation suit. I am quite convinced, at this time, that Judge Hallman's ruling is unwarranted. So far, however, there has been no indication that anyone here will do anything to protect his interest in that case.

Yours very truly,

Alan G. Campbell
Project Attorney



This question seems to boil down to what has the defendant here lost? Has it lost anything more than the right to have removed these improvements and the value that they would have had when removed?

MR. ROSENSWEIG: That is right.

THE COURT: These cases seem to be in accord on the proposition that the measure of damage, firstly, is to be determined by the rule or decisions announced by the federal courts, and, secondly, that rule is to the effect that the federal government is required to pay not on the basis of the value of what it itself has acquired, but the value of what the owner whose property has been taken has lost.

And here we are concerned with the question, what has this defendant lost? Has it lost anything more than the right to have removed these improvements within the limited time provided by the notice and the permit and the value of these improvements once they had been removed?

I am inclined to think that these decisions lead us to the conclusion that the defendant here is not entitled to the value of these improvements on the assumption that they are fixtures attached to the land, because that is not which this defendant has lost; that we are limited to awarding damages which shall compensate the defendant for the value of the unexpired period in which it was entitled to remove

the improvements, plus the value which these improvements would have had, once the defendant had availed itself of that right, namely, the value of the improvements removed.

MR. MILLER: That might be true if the defendant had had an opportunity of removing those fixtures, but when they moved in and took possession we could not get on the island.

THE COURT: That is true. It all comes down to what has this defendant lost? Had it not been deprived of what had been lost it would have had some 13 or 17 days' time within which to remove these improvements and would have had its improvements in their removed state. That is all the defendant would have had, and that is what it has lost.

MR. MILLER: We would have removed them within 15 or 17 days if we had been given the opportunity.

THE COURT: Yes, what would they have been worth removed?

MR. MILLER: I could not answer that question.

THE COURT: I appreciate at this time we have no evidence upon which to make that determination, but it seems to me that the rule that must apply in governing the measure of the award to be made is, what was the value of this right which had some 13 or 17 days remaining to remove these improvements, plus the value of the improvements removed? We shall have to take evidence on that.