

E2.41

67/14  
C



Q. P. 22-3  
re: E. G. P.

HISTORY

OF

LEAVE CLEARANCE OPERATIONS

By

Robert K. Thurber  
Head, Clearance Review Section



# HISTORY OF LEAVE CLEARANCE OPERATIONS

By Robert K. Thurber, Head, Clearance Review Section

The Evacuation. The underlying reasons resulting in the mass evacuation of persons of Japanese ancestry on the West Coast in the spring and summer of 1942 have been covered from many sources, both official and unofficial, and will not be repeated in this narrative history of leave clearance conducted by the War Relocation Authority. Needless to say, there will be many instances where an explanation giving somewhat more than the bare outline of leave clearance procedures will have to be given in order to tie in the history with the general policies and objectives of the War Relocation Authority. The establishment of the War Relocation Authority by Executive Order No. 9102 charged this agency with undertaking every feasible precaution to avoid relocating evacuees who might endanger the national security. Although many other reasons were given for the evacuation and doubtless other reasons existed, none, it seems, were of the same significance as that resting on the purported belief that there were disloyal elements among the Japanese population of the West Coast and that evacuation was necessary because time was of the essence. The mechanics, procedures and background information necessary could not be developed, coordinated, analyzed and evaluated in sufficient time to effect a screening of the loyal from the disloyal preceding the evacuation. At the time of the establishment of relocation centers there were few in responsible positions in the War Relocation Authority who recognized the difficulties, ramifications and implications that would result in developing the mechanics for loyalty screening. The history of leave clearance



is one of progressive experience upon which we had no precedent to base our procedure.

Early Leaves. The earliest releases from assembly centers and relocation centers were of two types, and releases pursuant to procedures then in effect were relatively few. Many of the evacuees were of school age and some were evacuated in the middle of college terms. The first procedures then were in connection with releasing students for the purpose of continuing their educational pursuits in schools and universities of the interior United States where they could gain acceptance. In this connection, the National Student Relocation Council, located initially at San Francisco, later moving to Philadelphia, was of invaluable assistance. This Council worked in close coordination with the War Relocation Authority and with the prospective students. They prepared dossiers on each student, assisted them in selecting a university or college, investigated the student's finances and advised as to the acceptability of students' credits. Upon the accomplishment of these requirements by the Student Council, the War Relocation Authority issued leave to the prospective student for school purposes. Initially, student leaves of this type were issued by the Community Management Division of WRA, but at a later date it was determined that leaves of every type, including student leaves, should be issued by the Leave Section of the Employment Division. This program has been highly successful and reflects a great deal of credit on the work of the Student Relocation Council and the individuals in WRA responsible for the student clearances. It was gratifying to note an early and abiding interest by the youthful evacuees in pursuing further their educational objectives. It might be said that the students really "spear-headed" relocation.



Another type of early leave was classified as "group work leave." As a matter of fact, leave for this purpose was issued, in some instances, directly from assembly centers. There were many reasons for issuing this early type leave, all primarily based on the existing labor shortage in certain critical areas. The evacuees were released in groups to work on railroads, on farms and to assist in seasonal harvesting of crops such as sugar beets. These leaves were issued for a fixed period of time. However, many evacuees released on seasonal or group work labor contracts had never actually resided in a relocation center. This does not mean that their cases have not received careful study and investigation. Each case was studied individually and the seasonal leave was converted into indefinite leave on all cases passing the screening test. That is, the records of the intelligence agencies were obtained and hearings were conducted on those against whom derogatory information was found. Although many persons released on early group work leave were never registered on the registration forms (DSS-304A and WRA-126-Revised) used during the mass registration conducted in the centers during February and March 1943, they did have to apply for leave clearance on the forms in effect at the time they were issued leave. These forms were WRA-71 and WRA-126. Those who returned from group work leave or seasonal leave after registration and were re-admitted to centers were required to register on the current registration forms, which will be discussed later.

Although there have been, from the beginning, differences of opinion existing in WRA regarding the propriety of these administrative investigations and inquiries regarding United States citizens of Japanese ancestry, the practical aspect of the relocation program indicates beyond a reasonable



doubt that without such procedures the relocation program would not have been effective. As a result of the procedures developed by WRA and the assurances that we could give prospective employers of the basic loyalty of the evacuees released for employment or other purposes, we have been able to prosecute a vigorous and successful program of relocation. The results of the work of leave clearance have shown also that there was foundation in fact for the belief that there were disloyal elements among the persons evacuated from the West Coast area. Whether such disloyalty was the result of evacuation or a state of mind pre-existing evacuation, is a matter for conjecture. The fact remains, however, that there were individuals who preferred the Japanese way of life to the American way of life and expressed these preferences in varying degrees of emphasis; some passively, others vigorously. Our procedures have failed to disclose that any substantial number of individuals classed as disloyal would prove to be a threat to the security of the United States.

Registration. During February and March of 1943, a mass registration of all adult evacuees seventeen years of age or over was conducted at all ten relocation centers. The basic plan was proposed by the War Department for the purpose of securing volunteers for an all-Nisei combat team. The background information required by the War Department was similar to the background information required by WRA for leave clearance, and, therefore, it was decided to combine army enlistment and leave clearance registration in one massive operation to be carried out jointly by the Army and WRA. Two basic questionnaires were developed for this purpose - DSS-304A for male citizens of draft age and WRA-126 Revised for female citizens and aliens seventeen years of age, or over. The information carried on both forms was similar in context. The questions



covered such points as relatives in Japan, education in Japan, trips to Japan, affiliations with organizations, dual citizenship, etc. The two basic questions on both forms, however, were Question 27 in connection with the applicant's willingness to serve actively in the war effort, and question 28 which was designed specifically to obtain an appraisal of the registrant's loyalty to the United States of America. Question 28 on the WRA questionnaire reads as follows: "Will you swear unqualified allegiance to the United States of America and forswear any form of allegiance or obedience to the Japanese emperor, or any other foreign government, power or organization?" For aliens, this question was revised to read "Will you swear to abide by the laws of the United States and to take no action which would in any way interfere with the war effort of the United States?" This general registration resulted in 74,466 evacuees completing the forms. The forms were transmitted from the centers in triplicate, and, at the same time, the centers forwarded Form WRA-26 (Individual Record). When the forms were received in the Leave Section, case folders were prepared. Two copies of WRA-26 (Individual Record) were then forwarded to the Federal Bureau of Investigation for completion of a record check, or name check as it is sometimes called. This was not an investigation by the FBI of the individual whose name was shown on the Form 26. It consisted merely of a check of the FBI files for information relative to the subject. The FBI would return a copy of the 26 with a notation showing either "No Record," "Not Identifiable" or "Not Derogatory." Where information existed, it was placed by the FBI on a dictaphone record. The records were forwarded to the Leave Section and transcribed. As soon as the information was transcribed, the transcription was reviewed by the head of the Leave Section and if of suf-



ficient derogatory significance, the project was notified not to issue leave of any kind to the subject.

Japanese-American Joint Board. In the meantime, the Japanese-American Joint Board had been established by a War Department directive of January 20, 1943. This board, as initially established, was represented by one member each from the following agencies: Office of Assistant Secretary of War, Military Intelligence Service, Office of Naval Intelligence, the Provost Marshal General's Office, the Federal Bureau of Investigation and the War Relocation Authority. The subject of the directive was "Loyalty Investigations of American Citizens of Japanese Ancestry in War Relocation Centers." The purpose of the plan, as stated in the directive, was "A plan has been formulated whereby the War Department will, upon request of the War Relocation Authority, assist in determining the loyalty of American citizens of Japanese ancestry under its jurisdiction. The purpose of the plan is to determine - (a) loyalty of American citizens of Japanese ancestry, to permit of their release by War Relocation Authority from War Relocation Centers, and (b) whether those so released may be inducted into the military service or may be available for employment in plants and facilities important to the war effort."

It must be admitted that the War Relocation Authority was a party to this plan from the beginning and had at all times a representative on the Joint Board. WRA concurred in this plan for three primary reasons - 1). We felt the need of the assistance which a board of this nature would give us in our Leave Clearance program, because we had never been constituted as an intelligence or investigative agency and the board had representation from



three such agencies, namely FBI, ONI and G-2; in addition, the board had such assistance and information as was available from the Western Defense Command, through the Provost Marshal General's Office. 2). At that time the policies of WRA were under heavy fire from several directions. The prestige that the Joint Board could give to our work was badly needed. We also were new in the business, without an adequate staff of experienced personnel, and felt the necessity of relying on agencies which had been long established and whose reputations in the investigative field were well known. 3). It was felt that the processing of citizens' cases through the Joint Board would greatly speed up the work of leave clearance with reference to some 39,000 citizen cases. Therefore, after the basic registration forms were forwarded to Washington, they were assembled and processed to the Provost Marshal General's Office, which was the operating arm of the Japanese-American Joint Board on this program. The Joint Board established policies, developed criteria and coordinated action between the various agencies represented thereon or interested in the problem. They also passed individually on certain types of cases, such as cases in which this Authority was interested, all war plant work and applicants for prospective employment at army posts, camps and stations. Later on, the Japanese American Joint Board acted upon the applications for the restoration of Airmen Identification Cards.

Here follows a statement covering cases processed through the Japanese-American Joint Board from its beginning to May 25, 1944, at which time the Japanese American Joint Board was disestablished. All remaining operational functions of the board were transferred to the Provost Marshal General:

Total cases received from WRA through 1 April.....	38,867
(38,686 prior to 1 April, plus 181 cases received during April)	
Total cases processed and closed.....	<u>38,405</u>
Balance remaining.....	462



Breakdown of cases pending processing by the Joint Board

Awaiting FBI Report.....	42
Awaiting ONI Report.....	158
Married women (awaiting determination of Joint Board Policy)	175
In process.....	<u>87</u>
Total.....	462

The following is a summary of the action taken by the Joint Board on the 38,405 cases:

Approved for employment in plants and facilities important to the war effort (This was by pre-clearance. Many more have been approved by action of the Provost Marshal General's Office).....	486
Recommendations for granting indefinite leave.....	24,719
Recommendations against the granting of indefinite leave....	12,514
No recommendations (mental disability).....	18
No recommendations (aliens).....	<u>668</u>
Total.....	38,405

It is emphatically pointed out that the action of the Joint Board with respect to the issuance of indefinite leave by WRA was never considered binding on this Authority. Of course, the Joint Board had exclusive jurisdiction in connection with such matters as war plant employment, employment at army posts and stations, and the restoration of Airmen Identification Cards, and by agreement we did not issue indefinite leave for direct relocation within the Eastern Command until the case had been favorably considered by the Joint Board. This agreement was entered into upon the persuasive insistence of the War Department, but most of the officials in WRA are now in agreement that this concession by WRA was ill advised. The principal objections rested on the fact that delays by the Joint Board in acting on certain cases resulted in the losses of job opportunities by evacuees. Also, in some instances, certain family members were approved by the Joint Board for Eastern Defense Command and other family members were denied such clearance. This resulted in families being split up



and in most cases relocation was not completed because of the disruption of family plans.

The WRA, as stated before, while not bound by the decision reached by the Joint Board on any case, nevertheless agreed informally not to issue leave to any individual not favorably recommended after consideration by the Joint Board. As a result, we rapidly accumulated a number of files for individuals whose leave status was frozen at the centers. In order to clarify the positions of those who had not been favorably recommended by the Joint Board and to render justice in worthy cases, it was agreed that a further investigation would be conducted at the centers by WRA. The Joint Board concurred in this course of action, realizing that their determinations were advisory only. Upon the disapproval of any individual by the Joint Board, the center was notified not to issue leave, and in due course a hearing docket was forwarded for the purpose of initiating whatever type of loyalty investigation would be most fitting. The matter of project investigations for leave clearance will be discussed at a later point.

The arrangement whereby the Joint Board would act on all citizens' cases necessarily called a halt to the steps taken by the Leave Section for reviewing and passing on leave clearance. We did, however, continue to process for leave clearance certain cases involving aliens who desired leave clearance before relocating.

Issuance of Indefinite Leave by project without prior reference to Director.

With the issuance of Administrative Instructions, No. 22 Revised, Supplement 9, dated April 2, 1943, indefinite leave could be issued by the project in cases where the applicant had not received leave clearance, if



- (1) He registered for leave clearance either on DSS Form 304A and WRA Form 126a, or on Form WRA-126 (Rev.), during the special military registration in February and March;
- (2) His answer to Question 28 (with respect to allegiance) on DSS Form 304A or Form WRA-126 (Rev.) was an unqualified affirmative;
- (3) He has not applied for repatriation or expatriation;
- (4) He is not a paroled alien;
- (5) He is not a Shinto priest;
- (6) His application for leave clearance has neither been denied nor suspended by the Director;
- (7) The Project Director believes, upon the basis of his investigation at the Project, the application for leave clearance, and all other pertinent information, that there is no reasonable ground to believe the issuance of indefinite leave would interfere with the war program or otherwise endanger the public peace and security;
- (8) His proposed place of employment or residence is not within the Eastern Defense Command.

It is obvious that in some instances leave would be issued under this supplement to individuals who at a later date would not be recommended by the Joint Board because of information subsequently developed by the Intelligence Agencies. The information most commonly developed by the Intelligence Agencies was of the following nature: 1). Organizational affiliations and contributions to such associations as Heimush Kai (society of men eligible for military service) or Hokubei Butoku Kai (North American Military Virtue Society). 2). Undisclosed investments in Japanese banks, principally fixed deposits payable in Japan and through Sumitomo and Yokohama Specie Banks which had branches on the West Coast. 3). Employment with Japanese Consulates, Embassies or firms controlled and directed by Japan or engaged in certain businesses with Japan, such as Nisui or Mitsubishi and the Three Star Produce Company, which



was rather a large business operation, the owner of which was pro-Japanese and was repatriated on the first sailing of the Gripsholm.

We found that the evacuees, almost without exception, were straightforward and honest in the disclosure of trips to Japan, employment background and other like information. On the other hand, very few of the citizen evacuees who were proven to have fixed deposits with Sumitomo or Yokohama Specie Banks disclosed this information on the registration forms. Their failure to make these disclosures, after almost two years of study of specific cases, has not been cleared up satisfactorily. The fact that deposits in the banks mentioned were widespread is conceded by any one familiar with the subject, and several reasons are put forth for these widespread investments, totaling approximately \$24,000,000, on the part of the resident Japanese population on the West Coast. Detailed explanations are not given here, but the following reasons appear to have existed: The exchange rates were favorable. A yen, equaling about 25¢, would, in 1941, purchase approximately one dollar's worth of consumer goods in Japan. On the part of the alien Japanese, the Sumitomo and Yokohama Banks had this selling point - they conducted business with the aliens in the Japanese language, in which they felt more at home in discussing their financial affairs. These banks furnished assistance and advice which was not available at other banks to non-English speaking Japanese. The agents for the Sumitomo and Yokohama Banks recommended investments in yen fixed deposits, putting forth such arguments as safety of funds (it is noted that there was a substantial increase in fixed deposits after the bank holiday of 1933). It was argued by the agents of the banks that another closing of the United States Banks would not freeze the yen deposits. Another



appealing factor to the alien, was having on deposit a safety fund to take care of any expenses should a trip be made to Japan. Investments by the evacuees in utilities, such as Tokyo Electric Bond and Share, were relatively light, only a few cases coming to our attention.

Of course, with the Joint Board handling the burden of the work on reviewing cases and making recommendations, the work of the Leave Section was reduced to essential processing functions; nevertheless, a staff of approximately fifty persons was necessary at one time in order to keep the work current. The section handled the following functions: 1). The clearance by reviewers of alien cases and other special cases, and the processing of case files to the Provost Marshal General's Office; 2). Notification to the projects of actions taken by this office on leave clearance. These actions were either pursuant to Joint Board recommendations or independent of such recommendations. A tremendous amount of clerical work was involved by this process. For instance, it was of the utmost importance to notify projects promptly of leave clearance. This initial notification was by teletype. Subsequently, a written confirmation of the action on leave clearance was forwarded to the field office. Forms WRA-258, 258a and 258b were devised for this purpose. In addition, posting to the individual case folders of the action taken was necessary and at the same time the posting to the master index card was made. Simultaneously "stop" files were established on all cases not favorably recommended by the Joint Board and dockets were prepared requesting further investigation by the projects on these cases.

It is felt advisable at this point to explain in some detail the leave clearances and to define more broadly these operations.

In order to set up a procedure for screening evacuees in relocation



centers on the basis of their potential danger or non-danger to the national security, the War Relocation Authority had to decide whether it should become a separate investigative agency, duplicating in large measure the work of existing intelligence agencies, or whether it should utilize the records of those agencies. The latter course was chosen. For intelligence information relative to the evacuees the Authority has collated the reports of intelligence agencies. The matter of analysis and evaluation of intelligence information, however, has been the full responsibility of WRA. An evaluated intelligence report is something the intelligence agencies have studiously avoided submitting. However, record checks have been completed at the FBI for all adults evacuated to relocation centers (over 80,000) and information extracted for the individual leave clearance files. In addition, all of the citizen cases (some 38,000) have been referred to the Japanese-American Joint Board in the Provost Marshal General's Office, for war plant employment clearance and recommendation concerning granting of indefinite leave. As previously stated, the Joint Board had access to the records of Military Intelligence and the Office of Naval Intelligence, as well as to the facilities of the special investigative unit of the Western Defense Command. These additional record checks, and in some cases, special investigations, were completed on the citizen cases. Relevant information from these sources was abstracted and sent to us by the Joint Board.

This accumulation of intelligence information has been supplemented by the information furnished by the evacuees themselves on our individual record form (WRA-26) and application for leave clearance (WRA-126, Revised) or Selective Service form (DS3-304A). Each application for leave clearance con-



tains detailed specific information concerning the evacuee - his citizenship, family background, trips to Japan, education in this country and Japan, relatives in both countries, relatives in the armed forces of either country, religion, foreign investments, membership in or contributions to organizations, knowledge of foreign languages, recent employment, criminal record, hobbies and reading habits. In addition, a great number of reference letters regarding individual evacuees have been received and filed. Each application propounds the loyalty question - whether the applicant is willing to swear allegiance to this country and forswear allegiance to any foreign power, or, if the applicant is an alien, whether he will swear to remain law-abiding while in this country.

On the basis of the collated intelligence records, the individual record form, the application for leave clearance and any other information referred from the relocation centers to the Washington Office, a determination was made whether or not leave clearance would be granted without further investigation.

When further investigation was deemed necessary, form WRA-261, which constitutes the letter of transmittal initiating the investigation, was then forwarded to the project with the docket. With the accumulation of a substantial number of persons in the "stop" file, a change of emphasis was made in the program of work in the Leave Section. By the middle of August 1943, substantial progress had been made by the Joint Board and the number of cases on which further investigation was required had reached an impressive total. During the summer of 1943, the Director appointed a Leave Clearance Committee composed of the Solicitor, Assistant Director and the



Assistant Chief of the Employment Division to work out instructions for the projects' use in conducting project hearings. In the early part of September 1943, the Clearance Review Committee was established by the Director for the purpose of reviewing project hearings and making recommendations to the Director for or against leave clearance. The Leave Section developed the mechanics for handling the dockets and for preparing the dockets for review by the Review Committee. The Review Committee held weekly meetings for the purpose of discussing cases, developing new criteria, exchanging ideas and developing standards of review. The original committee consisted of a chairman and three other members of the Washington staff. As the work progressed, it was found that the volume of cases far exceeded the early estimates. This committee was therefore supplemented by additional key staff members until a substantial portion of the Washington staff were serving on the committee, but were not able to keep current with the work. Therefore, early in January 1944, six relocation officers were called in for a six weeks' assignment. After they had completed their detail, the relocation centers were called upon to furnish ten additional reviewers for a six weeks' period each. Since then, as the work justified, additional field personnel have been brought in from time to time. The individual reviewer, while acting in the name of the Review Committee, actually was responsible for his recommendation to the Director on any specific case. It was the reviewer's privilege, however, to present a doubtful case at the weekly meetings and the committee, as a whole, would then make the recommendation. Other doubtful cases were referred to the Solicitor's Office, as well as all cases on which the reviewer had recommended a denial of leave clearance. These cases were then carefully reviewed and



analyzed by the Solicitor and forwarded to the Director for his action. The use of field men for this purpose was extremely wise. It permitted an exchange of viewpoint between the field and the Washington Office on this problem and resulted in a better coordinated program. Exchange of information and ideas had a balancing effect on the leave clearance process. The only other alternative would have been to have formed traveling hearing boards to go from project to project. While this matter was discussed at various times, the expense involved and the difficulty in recruiting satisfactory boards would have been so great that it would not have been justified and was therefore dismissed.

Indoctrination of Reviewers. The problem of employing reviewers, recruited on a part-time basis usually, necessarily required a course for their instruction in leave clearance work. This was true even though many of the reviewers were selected because they had been associated in one way or another with the WRA leave program. Most of the field employees had served at some time on the project leave clearance hearing boards. However, the completely objective and analytical approach required of the Review Committee in disposing of difficult cases called for a thorough grounding in criteria and a comprehensive understanding of the significance of certain factors. The indoctrination courses were therefore divided into two principal headings:

(1). The methodology of leave clearance, which dealt with the application of certain pre-established theories to the specific cases to be handled. Under this heading also was included the mechanical steps necessary to collate basic information and data required in each case, such as age, sex, citizenship, education and residence in Japan, answer to the so-called loyalty question, etc. As an example of a pre-established theory, it was assumed that an



evacuee who had spent ten or more years in Japan after the age of six, returning to the United States after 1935, had been exposed to Japanese ideologies, and he was held in a doubtful category even though he had answered the loyalty question affirmatively. The instruction in methods, criteria, procedure and related operations was therefore given by the head of the Leave Section, because of his extensive experience in this specialized field.

(2). The philosophy of leave clearance dealt with basic principles involved in the rather delicate constitutional problem of resolving, by administrative edict, questions which in normal times and under normal conditions would be resolved by courts of law. Instruction on this phase of leave clearance review was given by the Solicitor of WRA. The process of determining loyalties by administrative procedures has been unique in American history; no other agency of the United States Government has ever been confronted with a problem of this nature. Thus the Solicitor's Office has rendered services in connection with the leave clearance program far in excess of the services rendered ordinarily to the standard operating functions found in most administrative agencies. Either the Solicitor or an alternate from his office attended every meeting of the Review Committee. Because of the constitutional questions involved, the Solicitor's Office not only participated in the formulation of policies in connection with granting of leave from relocation centers but participated actively in the indoctrination, instruction and orientation of new members of the Review Committee.

Further Investigation. Leave clearance was not granted after review of the case, without further investigation, if any one of the following factors



was present in the individual's file:

- (1). He answered the loyalty question negatively or with a qualification raising a doubt as to loyalty, or he failed or refused to answer the question.
- (2). He had at any time requested repatriation or expatriation to Japan.
- (3). There was an adverse intelligence report concerning him, and evaluated as derogatory by WRA.
- (4). He has spent such a period of his life in Japan that his loyalty, culture and affiliations were probably Japanese rather than American.
- (5). His relocation center record cast doubt upon his loyalty.
- (6). The Japanese-American Joint Board had recommended against granting indefinite leave. (In most cases an adverse recommendation of the Joint Board was based upon one or more of the first five factors.)

If none of these factors was present, leave clearance was granted without further investigation. The majority of cases fell into this "clear" category.

Where the case was a doubtful one under the criteria set forth above, it was referred to the field for further investigation. Investigations in the centers were conducted by a special panel of persons in responsible staff positions. The panel functioned as a leave clearance hearing board, and pursued such other courses of investigation as were necessary. Generally, the investigation included an interview or interviews with the evacuee at which all possible information about the doubtful factors was elicited. Interpreters were used if needed. The project records were checked. Upon completion of the investigation the individual members of the panel reviewed the evidence and prepared their recommendations, which were submitted to the Project Director, together with the transcript of interview and other



evidence. The Project Director would then review the complete file, make his recommendation for or against the granting of leave clearance, and forward the docket to the Washington Office.

The dockets so returned were then reviewed by examiners for the Review Committee, who prepared recommendations for the granting or denial of leave clearance in each case. The examiners also included a brief summary of factors present in each case. This summary, in effect, served as a justification of recommended action, and also served to highlight or point out factors of unusual implication. This summary served a very useful purpose in the final review of the case by the Director, or some other person to whom the Director has delegated authority to grant leave clearance. The Director has never delegated authority to deny leave clearance, so a great deal of his time has been saved by having the cases carefully briefed before reaching him.

Criteria for Denial of Leave Clearance. Following many policy discussions and with an accumulation of experience in dealing with evacuees, there was developed but one basic standard to determine when an application for leave clearance should be denied. Although the basic standard is simply stated, the judgment, experience and objectivity necessary to arrive at a determination in specific cases called for the best thinking in WRA. The standard applied to determine when an application for leave clearance be denied was that there is a reasonable ground for believing that issuance of indefinite leave in a particular case would interfere with the war program or otherwise endanger the public peace and security. There were five general types of situations from which an inference could be drawn that issuance of indefinite



leave would interfere with the war program, or otherwise endanger the public peace and security. Where the individual's file taken as a whole supported such inference, persons in one or more of the following categories were denied leave clearance:

- (1) Persons who had requested repatriation or expatriation and had not withdrawn their request, or whose request for withdrawal was adjudged, after interview and investigation, to be insincere.
- (2) Persons who had answered the loyalty question negatively or with a qualification casting doubt upon their loyalty, or who failed or refused to answer the question, and who indicated that they understood the question and that their action was the one they intended, or whose request to change their answer was adjudged, after interview and further investigation, to be insincere.
- (3) American citizens who had spent such a predominant part of their lives in Japan and who had received such a predominant part of their education in Japan that they were Japanese rather than American in language, affiliations, sympathies and loyalty. (A catch phrase used to identify an individual fitting into this pattern was "typical kibel.")
- (4) Persons upon whom Federal intelligence agencies had reports which were deemed by WRA to be such as to warrant the conclusion that the person's release might interfere with the war program or otherwise endanger the public peace and security.
- (5) Persons upon whom WRA had other information, from relocation center records and investigations or otherwise, deemed sufficient to warrant a conclusion that the person's release might interfere with the war program or otherwise endanger the public peace and security.

Notice of Granting or Denial of Leave Clearance. Upon the granting or denial of leave clearance the appropriate Project Director was notified by teletype. Confirmation of the action taken was later sent on special forms developed for the purpose. The Project Director in turn notified the applicant. Any conditions or restrictions that were attached to the issuance of leave were stated in the notices. As a general rule the only condition attached was one prohibiting the issuance of indefinite leave to a destination within the



the Eastern Defense Command. This condition was imposed pursuant to an understanding with the War Department, where the Joint Board had previously recommended against granting indefinite leave to the individual. The forms used for granting leave clearance were WRA-258, WRA-258a, WRA-258b and WRA-258, Revised. Notification of denial of leave clearance was on form WRA-131 and WRA-131, Revised. A further explanation of the use of these forms is covered later in this report.

With the establishment of Tule Lake as a segregation center in the fall of 1943, all persons to whom leave clearance was denied were transferred to that center. The great majority of persons transferred to Tule Lake at that time, however, were determined by segregation hearings, as distinguished from leave clearance hearings. By and large, persons transferred to Tule Lake fell in one or more of the following three categories: (1) Persons who had requested repatriation or expatriation without retraction; (2) persons who answered the loyalty question negatively and who were, in the Project Director's opinion, disloyal; and (3) persons denied leave clearance. The reason for nearly all of the segregants falling into groups (1) and (2) was because further investigation of doubtful cases under the leave clearance process was not far along at the time of segregation. They were segregated for two reasons: Their records were such that the relocation program would have been severely hampered if they had not been separated from the clearly loyal persons. The removal of the disloyal prevented their further corrupting the loyal evacuees in the centers. WRA felt safe in assuming that in those two groups lie the great majority of those to whom leave clearance would be denied.

Policies were established authorizing consideration of applications



for leave clearance filed by Tule Lake segregants. However, consideration of application in groups (1) and (2) was suspended until they applied for further investigation and leave clearance. When they applied, the investigation required in doubtful cases was made, and the findings and recommendations were transmitted to the Director in Washington. The leave clearance hearing board at Tule Lake operated in the same manner as leave clearance hearing boards at the open center. An additional procedural step requiring legal review by the Solicitor's Office was required, however, after these cases had been reviewed by the Review Committee. Those granted leave clearance were transferred to other centers and were eligible for leave and relocation from their new centers. (No indefinite leaves were issued from Tule Lake after it became a segregation center.) Those denied leave clearance automatically fell into the third group of segregants and their detention at Tule Lake was continued. Upon request, they were entitled to a reconsideration of their cases by the Board of Appeals for Leave Clearance.

Board of Appeals for Leave Clearance. This Board was established at Tule Lake during October 1943 to provide an administrative method of correcting possible errors in the record, or developing new facts, or placing into the record newly discovered evidence, or developing facts not adequately understood. Every person resident at the Tule Lake Center whose leave clearance had been disapproved by the Director, as a matter of right, was entitled to a reconsideration of his case upon written request. The Board was to consist of three members to be designated by the Director from a panel of persons, none of whom were employed by WRA. The Board was empowered to consider requests received from residents of the Tule Lake Center for reconsideration of their



disapproved application for leave clearance, and to hold hearings, conduct investigations and make findings of fact and recommendations to the Director.

Although the Board provided for three members, actually only two members were available at the time the Board convened in July 1944. The members were Justice James H. Wolfe, Salt Lake City, Utah and Mr. Bruce Bartley, an unusually able attorney from Seattle, Washington.

It should be stressed that the Board, while judicial in its operation and approach to the problem, was advisory only. The Director, while guided by the findings and recommendations of the Board, was in no way bound to follow its recommendations. When the Board convened there were nineteen cases on the calendar. The recommendations of the Appeals Board with reference to these cases were as follows:

Approval of leave clearance recommended.....	12
Denial of leave clearance recommended.....	4
Split decisions (no concurrence).....	<u>3</u>
Total	19

Actually, the results reached by the Board were not surprising to those in WRA who had been most closely associated with leave clearance. Neither were we surprised that the opinions rendered by the Board closely paralleled the thinking expressed by the WRA leave clearance boards on similar cases. The fact that persons originally denied leave clearance were recommended for leave clearance by the Board of Appeals in twelve cases out of nineteen considered did not indicate that WRA had been in error at the time leave was denied. It merely confirmed our firm conviction that conditions, circumstances and attitudes change, and that where a bona fide change in circumstances or attitude exists, a remedy should be available. As an illustration, a woman who had been segregated with her husband and family of adolescent children because of re-



requesting repatriation to Japan appeared before the Appeals Board, and, after a hearing, leave clearance was recommended. Her husband had died in Tule Lake. She had thereafter canceled her request for repatriation, stating that she had no friends or relatives in Japan and had only requested repatriation to follow her husband. Upon the death of her husband, there no longer existed a reason for returning to Japan. Furthermore, she felt that the economic opportunities were better in the United States than in Japan, and the children also desired to continue living in the United States. As no derogatory factor existed anywhere in her record, other than the repatriation request, it is obvious that any reasonable board would recommend leave clearance after considering the change in her circumstances.

Parolees and Reportees: The problem of developing procedures for granting leave from relocation centers to persons who had been released by the Department of Justice or other authority under parolee agreement or under bond or on their own recognizance was a matter of continuing discussion for a number of months after the establishment of relocation centers. Authority to issue indefinite leave to parolees, without prior referral of the cases to Washington was not delegated to the project directors until the spring of 1944. There was one class of parolees called "segregated parolees" who never were and are not now eligible for release from a center. However, the vast majority of parolees, accepted from the Department of Justice by WRA, under the terms of their parole orders were eligible to relocate as soon as a suitable sponsor could be located. The orders usually required the parolee to report to his sponsor once each week, and the sponsor reported to the



appropriate representative of the Immigration and Naturalization Service of the Department of Justice once each month.

In discussions regarding the imposition of leave clearance procedures on parolees, there always existed a divergence of opinion on the part of WRA officials responsible for formulation of policy. Some argued that the fact the parolees had at one time been apprehended as "dangerous suspects" was in itself sufficient to make them subject to a careful screening before being granted indefinite leave. Others argued that WRA's jurisdiction over parolees extended no further than furnishing center housing facilities and other accommodations necessary for their day-to-day existence -- and that we were in no manner responsible for security measures, investigations or other like actions for which we had assumed responsibility in connection with aliens who were not parolees, and for citizens. This last argument prevailed and policy established for parolees, deportees and individuals released under bond, exempted them from the usual leave clearance routine, on the theory that they had had their day in court and had been determined as individuals who could safely be released. Further, the imposition of leave clearance, or project investigations upon individuals who had already been declared eligible to resettle by the Department of Justice would prove a rather senseless duplication of effort. Also, WRA was reluctant to pursue a course of action resulting in the crossing of jurisdictional lines into activities that have always been recognized as proper functions of the Department of Justice. WRA extended to paroled aliens all the facilities available to any other evacuee, such as relocation guidance and assistance. We furnished the District Inspector of Immigration and Naturalization Service with center records of the parolee at



the time leave was requested. Upon the approval of the sponsorship arrangement by Immigration and Naturalization Service, indefinite leave was issued as a matter of right to the parolees.

Discussion of Mechanics and Methods employed by File Unit. The Clearance Review Files contain approximately 85,000 individual case folders, all of which have had some degree of processing by the Leave Clearance (ultimately Clearance Review) Section. With but few exceptions, citizen cases have been processed for leave clearance, either by the Joint Board or the Washington WRA Office, or both.

Each case folder has a face sheet on which are a number of entries showing information pertinent to the case involved. Generally speaking, the entries which have been completed will show the following items:

Project

Destination (location for which indefinite leave is authorized)

Date of receipt of leave clearance application

Date Form 26 sent to the Federal Bureau of Investigation

Date one Form 26 returned from FBI (showing report: "NR" - No Record; "ND" - Not Derogatory; "NI" - Not Identifiable)

Status of leave clearance

Date of issuance of indefinite leave and by whom issued  
(Project or Washington Office)

A case folder contains, or rather should contain, Form WRA-26, Individual Record, plus one or all of the following standard forms:

WRA-71      Application for Permit to Leave a Relocation  
                 Center for Private Employment

WRA-126     Application for Leave Clearance



WRA-126, Revised	Application for Leave Clearance (completed by all aliens and female citizens seventeen years of age, or over)
DSS Form 304A	Statement of United States Citizen of Japanese Ancestry (completed by male citizens seventeen years of age, or over)
WRA-261	Request for further investigation
WRA-130	Application for Indefinite Leave
WRA-131	Notice of Action on Application for Leave Clearance

Files for individuals released prior to registration to attend educational institutions will, as a rule, contain only the student dossier, Form WRA-26, and/or Form WRA-71 or WRA-126. Student leave could only be authorized by the Washington Office and many of these cases have information on the face sheets indicating that student leave was issued on a certain date, and the date appears on the master card; however, in many instances, the telegram or letter from the Washington Office authorizing the issuance of such leave is not in the individual folders. The originals should be in General Files.

A number of evacuees received seasonal leave from assembly centers or relocation centers for work in beet fields, on railroads, etc., prior to registration and never returned to the centers. Such cases are on file and usually contain Form 26 and WRA-71, or WRA-126. Projects were not to issue indefinite leave to these individuals unless they first obtained registration forms WRA-126, Rev. or DSS Form 304A, or received clearance from Washington. Cases of this type were reviewed in the Washington Office and the project authorized to issue indefinite leave, or further investigation was requested to one of the relocation field offices, at which time regis-



tration forms were to be obtained.

Early in 1943 it was planned to review all applications for leave clearance applications on the basis of a set of criteria prepared in the Washington Office. Cases so reviewed were marked Group I, Group II, and/or Group III. Those in Group I met all the basic requirements and were automatically given leave clearance. Projects were notified on Form WRA-258. Those in Group II answered "No" or gave a qualified answer to Question 25, or indicated in answer to Question 26 that they had requested repatriation. Those in this group were laid aside and were processed under the hearing procedure instituted at a later date. Cases falling in Group III were laid aside for more complete review because of some derogatory item, such as parents or brothers or sisters in Japan, residence in Japan, etc.

Except by special request from a project, none of the cases in Group II or III received further attention until about May of 1943, at which time a procedure was instituted to send to the Japanese-American Joint Board all cases of citizens and special alien cases requested by the projects. As a result, some individuals who previously received leave clearance under the WRA criteria received unfavorable recommendations from the Joint Board, were suspended, and given hearings under the hearing procedure developed in June or July of 1943. Cases placed in Group III either received leave clearance on the basis of favorable recommendations by the Joint Board or required hearings.

When the hearing procedure was initiated, an effort was made to pull the case files of all individuals falling in Group II, the individuals were suspended and Form WRA-261, Request for Further Investigation, was sent to the project concerned. In addition, further investigations were requested on all individuals not favorably recommended for indefinite leave by the Joint Board.



At the time the individuals were suspended, a "Suspension" card was prepared, giving the following information: Project, Name, Age, Family Number, Date of Suspension, Action by Project, Action by W. O., Date Suspension was Raised, and Remarks. These cards were filed alphabetically by projects. If, on the basis of a hearing, leave clearance was approved, the card was moved to a "Suspension Raised" file, where all cards are filed alphabetically. If leave clearance was denied, the card remained in the "Suspension" file. If the individual was found to be segregated to Tule Lake, the card was removed to a "Segregated" file, where the cards are filed alphabetically. At the present time, the "Suspension" file contains only cards for individuals denied leave clearance and not shown on leave clearance records as having been transferred to Tule Lake, on whom final leave clearance action was deferred, or cards for outstanding Forms WRA-261. (Projects and relocation offices have all been requested to return these outstanding forms without delay.) Cards for cases marked "No Action," because hearings had not been completed by December 17, 1944, have been transferred to the "Suspension Raised" file.

There is in the Clearance Review Section a file unit of 3x5" cards referred to as "Master" cards. This unit should contain a card for every individual seventeen years of age, or over, and reflect the current status of the individual's application for leave clearance and/or indefinite leave. When the projects are notified of leave clearance on Form WRA-258 (Washington Office clearance), on WRA-258a (Joint Board approval), or WRA-258b (approval for War Work by Joint Board), the clearance is posted to the "Master" card. When indefinite leave is issued, either by the project or authorized by the Washington Office, the pertinent information is posted to the "Master" card. Later, Form WRA-258, Revised was developed to replace WRA-258, WRA-258a



and WRA-258b.

Another 3 x 5" card file contains the names of individuals who apply for leave to attend educational institutions. A list is being prepared for all such cards. The cards themselves may be destroyed at a later date, if desired.

In the spring and early summer of 1943, the Civil Service Commission began requesting information from our files on certain individuals, some of Japanese descent, and some of whom were born in Japan but were not Japanese nationals. Form OM-72, entitled "Information for U. S. Civil Service Commission on American Citizens of Japanese Ancestry" was prepared on each individual checked. Two copies were furnished the Commission, one was filed in the individual's folder, and the remaining copy was placed in an alphabetical file. At the same time a card was prepared, showing name, family number, date of Civil Service inquiry, date information furnished, etc. The practice of preparing a card record was discontinued some time ago, and the only record of the investigation was a copy of Form OM-72 placed in the individual's folder. No record is kept if the inquiry concerns an individual on whom the Clearance Review Section has no file.

There were 3 x 5" cards prepared on cases submitted to the Office of the Provost Marshal General in other than a routine manner. These included aliens, rejected volunteers, etc. submitted to EDC clearance. Routine submissions to PMGO were made for all U. S. Citizens cases seventeen years of age or older. A list will be prepared of these cards for future reference.

From the beginning of the leave clearance program until May of 1944, an "Indefinite Leave" card (3 x 5") was prepared for each individual to whom indefinite leave was issued. On it was recorded the project, family



number, destination, and the names of any minor children accompanying the person. These cards were filed alphabetically by destinations, and were used as a check to determine the concentration of Japanese in any particular area. When this card file outgrew the purpose for which it was intended, the cards were not used sufficiently to justify the amount of work involved in preparing them, the file was discontinued. The cards are still on hand, but have not all been filed. It is believed they should now be destroyed, since, in all likelihood, they will never again be used.

The "Control" card was designed in August of 1944 in order to trace the movements of the hearing dockets as they went from one step to another in the Washington Office. They reflect at all times the status of a hearing case.

Termination of Work on Leave Clearance. The actual closing date of work on leave clearances was December 17, 1944. Clearance Review Semi-Annual Report (July 1, 1944 to December 17, 1944) follows:

"During this period and especially towards the latter part of the period, every effort was made to complete work on all outstanding leave clearance cases involving project hearings. There were no major changes in policy or in the direction in which our efforts were pointed. Our work for the period through December 17, 1944 was a continuation of our screening process which had been going on for many months. We continued to cooperate with various governmental agencies in furnishing basic information on evacuees. The principal agencies were the Civil Service Commission, Provost Marshal General's Office, the Coast Guard and Army representatives from the Western Defense Command. During this period there was some reduction both in activity and



in personnel. The personnel of the Clearance Review Section has always been maintained at a minimum required to do the job. Consequently, as of December 17, 1944, only fourteen employees were carried on the pay roll as contrasted to fifty-two employees during the height of our operations.

With the lifting of the blanket exclusion order by the War Department on December 17, 1944 and the decision of the Supreme Court in the Mitsuye Endo case on December 18, 1944, the function of leave clearance for persons of Japanese ancestry under the jurisdiction of the War Relocation Authority was brought to a conclusion. Our reaction to the raising of the exclusion orders and the decision in the Endo case was to consider that the vast majority of persons of Japanese ancestry had been restored to full civilian status. Therefore, we ceased to accumulate further information regarding individual evacuees. Instructions were promulgated to the relocation centers and relocation offices to discontinue all investigations and inquiries pertaining to individual loyalties or national security matters. Furthermore, our analysis of the steps taken by the War Department on December 17, 1944, and subsequently, led us to the inescapable conclusion that the army had assumed full responsibility regarding both security and loyalty matters pertaining to the program of resettling evacuees. The steps, briefly, were the preparations of various lists by the Western Defense Command. These lists included as a preliminary step the names of evacuees who were considered by the Army as potentially dangerous to the public peace, safety and security of the United States and were to be detained in centers; another list contained names of evacuees who were considered as undesirable to be located in West Coast restricted area; another list was of individuals who were to be questioned fur-



ther by Army representatives; and still another list was of persons who were considered in a clear category by the military authorities. As a matter of course, analyses were run on these various lists but no pattern upon which the Army had acted was discernible. In other words, there was little or no correlation between the Army lists and the names appearing in our "stop" files. Other steps the Army has taken have been to send teams of officers to the various relocation centers to interview evacuees and to serve exclusion orders upon them, while still other officers were sent to various places throughout the United States to interview and serve exclusion orders on evacuees who had been relocated. As a result of these steps, the War Relocation Authority has divorced itself from the leave clearance business as of December 17, 1944 and the military authorities have assumed full responsibility in this regard. While it may be argued by the military that their responsibility extends only to the protection of strategic areas and military installations, it is obvious that from the steps and actions taken by them, responsibility for the entire security program as it may affect the national interest has been assumed by them. With the discontinuance of the leave clearance program, the Clearance Review Section will be discontinued early in 1945.

(NOTE: Operations of Clearance Review Section were officially discontinued as of February 1, 1945.) Such operating functions as remain, which will include the servicing of the Authority with files and information contained in the files, and the eventual consolidation of the project records into the Washington Office records, will be transferred to another unit of the Authority. Such personnel as are required for this continuing operation will be transferred with the records and files. The remaining personnel will be dis-



tributed to other divisions of WRA where their services can be best utilized.

In completing our work on hearing cases, only 105 cases remain with no action taken. There is shown below the final report on leave clearance hearings as of December 17, 1944.

HEARING CASES  
CUMULATIVE TOTALS BY CENTERS through 12/17/44

CENTER	Total Dockets Received	Approvals	Denials	No Action	Total Deferred Cases
Central Utah	1065	982	14	4	65
Colorado River	1844	1162	158	10	514
Gila River	1326	970	52	31	273
Granada	716	635	23	7	51
Heart Mountain	1151	1037	80	5	29
Jerome	803	802	—	1	—
Manzanar	1541	1243	127	13	158
Minidoka	993	787	113	24	69
Rowley	815	739	54	6	16
Segregated	872	12	782	3	75
Tule Lake	250	238	—	1	11
TOTAL	11376	8607	1403	105	1261"

In conclusion, here follows copy of a letter addressed to Colonel Alton C. Miller, Director, Personnel Security Branch, Office of the Provost Marshal General, copies of which were sent to Assistant Secretary McCloy, Capt. Caldwell of the Provost Marshal General's Office and Major Harbert, located at



The Presidio, San Francisco, California:

Dear Colonel Miller:

In view of the lifting of the blanket exclusion orders on the West Coast by the War Department and the decision of the Supreme Court in the Mitsuye Ende case, we have discontinued the function of leave clearance for persons of Japanese ancestry under the jurisdiction of War Relocation Authority. The Clearance Review Section, where the function of leave clearance has been centralized, will therefore be discontinued and the files and records will be transferred to another unit.

Our reaction to the raising of the exclusion orders and the decision in the Ende case is to consider that the vast majority of persons of Japanese ancestry have now been restored to full civilian status. Therefore, we have ceased to accumulate further information regarding individual evacuees. We have discontinued all investigations and inquiries pertaining to individual loyalties or national security matters. Further, a review of the recent steps taken by the War Department in this direction leads to the inescapable conclusion that the Army has now assumed full responsibility regarding both security and loyalty matters pertaining to the program of resettling the evacuees.

Owing to the lack of facilities for keeping our files current, it is believed that you will in the future prefer to obtain basic information regarding persons of Japanese ancestry from other sources. We shall be glad to continue to help on any special problems.

Let me thank you and your staff for the very courteous and helpful attitude representatives of my office have always found in P. M. G. O.

Sincerely

/s/ D. S. MYER

Director"