

A15.042:2

2 of 2

67/14
C

NOTED: 10/10/14
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10/10/14

Chronology of WarrenJanuary

- ✓ Joined President of State Bar Association in appointing commission to help safeguard civil liberties.
- ✓ 21 Stated Land Law evaded; promised investigation (Tribune) ^{1/21}
- ✓ 30 - *Press release (P)*
- ✓ 31 Asked Japanese secret societies to register (S.F. News)

February

- ✓ 2. Meeting of D.A. and Law Enforcement Officials; (see B.9)
- ✓ 3. Wrote to D.A.s asking for maps of Japanese (Copy W.4)
- ✓ 7. Opinion No. NS 4083: action of State Personnel Board unconstitutional. (Copy complete; W.1)
- ✓ 7. C.J.I.C. Meeting
- ✓ 17. Opinion No. NS 4108: action of State Dept. of Agric. unconstitutional. (Copy complete; W.2)
- ✓ 19. *Opinion to NS 4116: received by Bd. of Med. Examiners* W.5
- ✓ 21. Testified before Tolan Committee (Excerpt attached; W.3)

FRED N. HOWSER
ATTORNEY GENERAL

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
Library and Courts Building
Sacramento 14, California
June 30, 1949

Mr. Edward N. Barnhart
Assistant Professor
University of California
424 Wheeler Hall
Berkeley 4, California

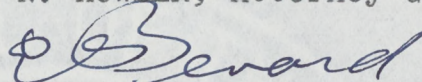
Dear Sir:

Complying with your request of June 29,
1949, I send you enclosed copy of our Opinion NS4108,
dated February 17, 1942.

Yours very truly,

FRED N. HOWSER, Attorney General

By



E. G. BENARD
Assistant Attorney General

EGB:SA

Encl.



EARL WARREN
GOVERNOR

State of California
GOVERNOR'S OFFICE
SACRAMENTO

July 14, 1949

Professor Edward N. Barnhart
Department of Speech
University of California
Wheeler Hall
Berkeley 4, California

My dear Professor Barnhart:

Your interesting letter of June 29 has come to my desk for two reasons: (1) The Governor has been so busy with legislative matters that he has not had the chance to give it attention and (2) I was in the Attorney General's office at the time of the Japanese evacuation.

The Governor, then the Attorney General, collected a great deal of material on the potential threat to the safety of California because of the pattern of Japanese land holdings with reference to areas of critical importance to the security of the nation. It is my recollection that all of the original documents, maps, etc., were turned over to the Bancroft library at the University.

The Governor used this factual material in testifying before a Congressional Committee, of which the late John Toland of Berkeley was Chairman. I do not recall the precise name of the group, although I think it was a sub-committee of a larger group. This material would, of course, be available among the Federal documents.

I do not have an independent recollection of the statement which you state the Governor made in conjunction with the President of the State Bar Association. This would have been an official communication and would be in the files of the Attorney General. May I suggest that Mr. Herbert E. Wenig, Deputy Attorney General, was in the office during the early part of 1942 and has had a great deal to do with litigation growing out of the evacuation. I am sure that if you got in touch with him, he would be able to help you locate the documentary material in the files of the Attorney General, and would be helpful

Professor Barnhart

-2-

July 14, 1949

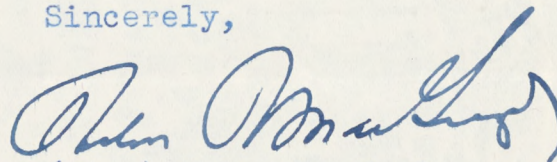
in interpreting it.

I know that the Governor's sole concern was the protection of the State and Nation from potential sabotage by the Japanese-Americans at a time of critical danger to the West Coast.

If you would be interested in having copies of some of his statements made at the time the Japanese were permitted to return to California, particularly his appeals to the peace officers to accord to them the full protection of the law, we will be glad to furnish them.

I am giving this preliminary information, and assure you that your letter will be presented to the Governor as soon as he has the opportunity to give it consideration.

Sincerely,



(Miss) Helen R. MacGregor
Private Secretary

HRM:ms

424 Wheeler Hall
19 July 1949

Miss Helen R. MacGregor, Private Secy.
Governor Warren
Governor's Office
Sacramento, California

Dear Miss MacGregor:

Thank you for your letter of July 14, with its information. I am familiar with the Tolan material prepared by the Governor when he was Attorney General. And I have written, as you suggest, to Mr. Wenig in regard to the Governor's statement in January, 1942 in conjunction with the President of the State Bar Association.

Thank you, also for your offer to provide me with statements of the Governor at the time the Japanese returned to California. Our project is, however, solely concerned with the evacuation and does not go beyond March, 1942.

Sincerely

Edward N. Barnhart
Assistant professor of Speech

Grower-Shipper Veg. Assoc.
Lettuce

Japs 12 1/2 percent in Calif
acres 1944 (11001)

Grodzins

page

- 12 Seifert to Cecil: no hard (Jan.10) FILE
- 14 Pamphlet (in Tolson 11000-1)
- 15 Statement of Anson to SatEvePost
- 15 Seifert to Anderson (Dec 23) mass evacuation?
"strict and rigid government control and supervision"
- 16 Anson to Anderson (Dec.21) for mass internment
- 16 Seifert to Sun(Filipinos) (Jan. 15) FILE
- 17 Seifert to Anderson (Jan.16)(Jan 26 and 27 and Feb. 13)
FILE

directive (Jan 16) "complete removal of J- from Cal."

- loyal to Japan angle
- cannot be assimilated
- must be interned "restricted, confined"
- safety for Calif. & Japs.

Defense

→ Stereotype angle (loyal to Japs)

Paragraph from letter to Anderson (Jan 16.) omitted by Grodzins:

"These people, you know, do not think like we do, nor do we think like they do. They cannot be assimilated. They will not blend with our people, and since that is true, they should be restricted forever from owning any land or property in our country."

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

March 2, 1950

Mr. Edward M. Barnhardt
Assistant Professor
Department of Speech
University of California
Berkeley, California

Dear Professor Barnhardt:

During the months since receiving a copy of the letter of Governor Warren's Secretary, Miss Helen MacGregor, addressed to you, I have been endeavoring to locate the copy of the statement which was made by Earl Warren when he was Attorney General, in January, 1942, when he joined the President of the State Bar in appointing a commission to safeguard civil liberties.

The statement cannot be located in the official files of the Attorney General. Mr. Bertin Ballard, Editor of the State Bar Journal, states that he recalls that such a statement was made in connection with the formation of a State Bar Committee on Civil Rights. However, he is unable to locate the statement in the files of the State Bar. He suggests that the following individuals, who were on the Committee in 1942, Richard Gandy of Santa Monica, and Walter Gordon, now on the State Parole Board, might have some recollection of this statement. Inquiry might also be made of Mr. Philip Angell of the San Francisco Bar, who, during the period 1941-42, was President.

locate it for you.

I am sorry that I am unable to

Very truly yours,

Fred N. Howser
Deputy Attorney General

HEW:t

*Atkins, Chandler, Hoffman, & Angell
Balboa Bldg.*

Warren
424 Wheeler Hall
8 November 1950

Mr. Philip Angell
Athearn, Chamler, Hoffman and Angell
Balboa Building, San Francisco

Dear Mr. Angell:

I am endeavoring to secure a copy of the statement made by Earl Warren, when he was Attorney General, in January, 1942, when he joined the President of the State Bar in appointing a commission to safeguard civil liberties. Mr. Warren's office is unable to find a copy and the official files of the Attorney General's office are equally bare. Mr. Herbert Wenig informs me that you were President of the State Bar during 1941-42 and I am consequently writing to ask if a copy of this statement is to be found in your files, and if so, if I may have a copy?

I am writing a history of some of the events on the West Coast connected with the Japanese evacuation and I would like to include a copy of this statement to show Governor Warren's concern with civil liberties and the rights of minorities.

Sincerely

Edward N. Barnhart
Assistant Professor

PHILIP H. ANGELL
ROBERT M. ADAMS, JR.
REGINALD G. HEARN

ANGELL, HEARN & ADAMS

ATTORNEYS AT LAW
200 BUSH STREET
SAN FRANCISCO 4, CALIFORNIA
YUKON 2-4151

November 17, 1950

Edward N. Barnhart, Esq.
Assistant Professor
Department of Speech
University of California
424 Wheeler Hall
Berkeley 4, California

Dear Professor Barnhart:

This will acknowledge receipt of your letter of November 8, 1950, for which I wish to thank you.

I have checked my old files and do not find a copy of the statement of Governor Warren to which you refer. My best recollection is that I never saw any statement by Governor Warren in writing, but that the committee on civil liberties was appointed as a result of a conference held with Governor Warren while he was Attorney General.

If I can be of any further assistance, do not hesitate to call on me.

Yours sincerely,

Philip H. Angell
PHILIP H. ANGELL

Prepared Statement (p. 10973)

1. Map show Japanese near strategic locations; not coincidence, strategically situated.
2. Cannot tell Japanese citizens from aliens.
3. Japanese closely organized; if leadership is in wrong hands, sabotage and espionage possible. Jap.s have supported Jap. govt. war effort.
4. Alien Land Law only way to remedy situation; meeting of D.A. and maps.
5. Replies of sheriffs to letters: belief among them of sabotage danger.
6. Views of farm organizations: agriculture not harmed.

Exh. A $\frac{1}{2}$ Jap. locations

Exh.B : D.A.Letters (15 in full)

Exh.C : letters from various associations

Warren testimony

Not prepared statement (11009)

1. Alien problem is Federal and military; 5th column activity will involve American citizens. Civil government cant act; There is danger of sabotage and espionage, and opportunities for it (plants, factories) and geographical position.

"invisible deadline" for sabotage.

2. We dont know who aliens are. FBI handling them. Aliens register at Post Office; information not available.

3. (11014) Law officers fear American citizen Japs more than aliens. 66,000 citizens, 33,000 aliens. Young, education in Japan, religion tied up with Emperor.

4. No way of detecting loyal from disloyal. "Method living, their language, make for this difficulty."

- 5 (11015) No Japs have "given any information on subversive activities or any disloyalty to this country."

6. Moving Japs from one community to another does not solve the problem; public antagonistic.

7. Vigilantism arises when governments inactive.

8. Japanese land ownership not accidental
"just couldnt have happend that way"

9. Must give no "normal rights" in time of war.

10. Evacuation a military problem, not civil. Reference to Civil War case.

(11021) Army could get advice on ~~is~~ loyal from local authorities

11. Must care for evacuees property.

Warren

(Tolan 10973
~~10973~~)

W.3

(Feb 21)

Prepared
Statement

(10973)

- 1.) Maps show Jap. near strategic locations.
not coincidence; ideally situated
- 2.) Cannot tell Jap. city from above.
- 3.) Jap. closely organized; if leadership in
wrong hands, sabot. & esp. possible.
Have supported Jap. war effort.
- 4.) A.C.C. only way to remedy situation.
Meet of D.A., maps,
- 5.) Replies of Sheriffs to letters.
- belief among them of sabot. & esp. danger.
- 6.) Views of farm organizations.
farm organizations: agric. not harmed.

Exh. A. - Jap. locations.

Exh. B. - D.A. Letters

1 LA / 2 S. Diego / 3 San Luis /
4 SF / 5 Fresno / 6 Sacramento / 7 Santa
8 Paula / 9 Marysville /
10 Santa Clara / 11 Modesto (2) /
12 Al Centro / 13 Merced / 14 Colusa City
15 S.S.F. /

Exh. C. - grower-shrader Veg. Assoc.
Fairfield County Agent
Stanislaus County Farm Bureau

Imperial J.A.

Western Growers Protective Ass.
Assoc. Prod. Dealers & Brokers of L.A.
Fresno Farm Bureau
Kern " "
Hemet C. C.
Riverside C. C.

Wilcox Farm Bureau

b. Attorney-General Warren

Early in January, 1942, Attorney-General Earl Warren joined with the President of the State Bar Association in appointing a commission to help safeguard civil liberties. Their joint statement asserted(1)

(1)

On January 21 he made a statement to the effect that the Alien Land law had been evaded and he promised an investigation.

(2)

(2) Oakland Tribune, January 21, 1942

~~(3)~~

On January 31 he ordered the Japanese secret societies to register (3)

(3) S.F. News

On January 30 he declared himself in favor of evacuation.

was was?
I have come to the conclusion that the Japanese situation as it exists in this state today, may well be the Achilles heel of the entire civilian defense effort. Unless something is done it may bring about a repetition of Pearl Harbor. (4)

(4) January 30 A.P. release.

Feb 2. chaired a meeting of district attorneys and sheriffs.

Feb. 3 wrote to D.A.s asking for maps showing location of Japanese.

*ended with order of the court that
resol. urging that all alien
be exp. (p. 156)*

Let in German

Conf. of St. & J. Feb. 2, 1942. "Proceedings"

Feb 7
Early in February, the California State Personnel Board had issued an order barring from positions in the state civil ~~service~~ ^(naturalized and native born citizens) service all citizens ~~or~~ who were descended from enemy aliens. (See page). Warren issued an opinion against the Board's ruling. Commenting that the order will "vitally and adversely affect a tremendous number of both naturalized citizens and native born citizens whose loyalty nobody has the right to question without affirmative proof of disloyalty". By drawing distinctions against different classes of citizens "which are neither recognized nor sanctioned by any provision of the Constitution or by any law" it unquestionably "constitutes a violation of the civil liberties guarantee to all citizens by the fundamental law of our land." Furthermore, the order is "in direct opposition to the letter and spirit of our civil service statutes." He concludes that the order "discriminating as it does against naturalized citizens and against American born citizens of the first generation, violates the civil liberties of citizens...and is in conflict with our civil service act." (8)

(8) State of California, Attorney-General's Opinion. No. 1-4083, February 7, 1942

Feb. 7 C.J.IC meeting.

On February 17, Warren issued an opinion against the revocation by the State Department of Agriculture of licenses of enemy aliens handling produce.(9) on the ground that (9) State of California, Attorney-General's Opinion No. 1NS 4108, February 17, 1942

"individuals who are natives, citizens or subjects of any nation with which the United States is at war...residing in the United States, are 'enemies' or 'allies of enemies' only when the President...shall by proclamation ~~include~~ include such persons within the term 'enemy' or 'ally of enemy'.

On February 19, answering a letter from the Board of ^{inquiring} Medical Examiners/whether "existing Acts of Congress and proclamations...prevent the issuance of new licenses or invalidate licenses heretofore issued...to citizens, subjects and nationals of countries with which the United States is at war," answered in the negative. (10)

(10) State of California, Attorney-General's Opinion No. 1 NS 4116, February 19, 1942

On February 21, Warren testified before the Tolan Committee hearing in San Francisco, ~~giving~~ ^{delivered} a prepared statement to the committee (11) and ~~giving~~ presenting additional remarks (12).

(11) p. 10973

(12) p. 11009

In his prepared statement he pointed out that the Japanese were located near strategic sites, that the Japanese citizen cannot be distinguished from the Japanese alien, that the Japanese are closely organized, and that they have supported the Japanese government war effort. The Alien Land law was the only ^{power they had} ~~way~~ to remedy the situation. Discussions of the problem with sheriffs had shown that they believed sabotage was very likely.

In his verbal testimony, Warren declared that
 the alien problem is Federal and military, ^{the} ^{will}
 there was danger of sabotage, an ^{new}
 "invisible deadline" was approaching. ^{beginning}
^{moving} ^{to} ^{take} ^{care}

The distribⁿ of Jap land ownership was str. loc was not accidental.

The Land officers of the state feared the 66,000 Amer. citizen Jap more than the 33,000 alien Jap were. The loyal cannot be distinguished from disloyal. He feared vigilantism if the Fed. govt did not take immediate action.

#

C.2. California State Legislature

A special war session of the legislature was called by Governor Olson to meet on December 20, 1941. On _____ a joint resolution was passed calling on Federal officials "to prevent any and all racial discriminations in the national defense program including...employment in defense industries and with governmental agencies...Racial discrimination has no place...in our concept of American democracy." (1)

(1) Assembly Joint Resolution 3, California Legislature, 54th (First Extraordinary) Session, 1941-42, Final Calendar of Legislative Business, p. 54

unanimously adopted
On January 17 a resolution of the/senate/California/ pointed out that the Alien Land laws had been passed because of the "clash of two races and two civilizations, socially and economically incompatible." and to "protect the American farmer from deleterious economic competition." But Japanese aliens in their control of land near important military installations constituted a "menace to National Defense, to the citizens of this State and Nation, and to the American grower and dealer" and California law-officers were "requested and urged...to investigate any and all possible evasions of the Alien Land laws and to prosecute to the utmost...any violations." (2)

(2) California Legislature, 54 (First Extraordinary) Session, Senate Daily Journal, p. 190

On the same day the senate passed without opposition a resolution requesting the State Personnel Board

to take every proper means to prevent anyone securing a position to the eligible list of the State civil service or from being certified to a civil service position in the state services who is not loyal to the United States and to... make such rules as may be necessary to provide for the dismissal from the service of such persons as may be proved to be disloyal to the United States.

The resolution noted that many California employees possessed "dual citizenship" and that many state civil service lists were filled with the name of children of alien enemies "who may not have renounced their dual citizenship." (3) The resolution

(3) Senate Daily Journal, p. 189; Assembly Daily Journal, p. 319.

was also passed by the assembly by a vote of 42 to 21. (3)

leg & Wash
Legisl -
no meeting