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461 Market Street
San Francisco 5, California

August 11, 1945

Mr. Harold Fistere
Area Supervisor
Room 309 Walker Building
1306 Second Avenue
Seattle 1, Washington

ATTENTION: Irvin Lechlitter

Dear Lech:

Lou Noyes at Tule Lake has asked us to send him the names of three King County, Washington attorneys for Mrs. Kazue Shimazu of Tule Lake who wishes to file an action for divorce against her husband Todao Shimazu. They were married at the center on January 7, 1945. Prior to evacuation Mrs. Shimazu was a resident of Auburn, Washington while Mr. Shimazu was resident of Los Angeles.

Since we do not have a referral list of Washington attorneys are sending the request on to you with the thought that you are in a better position than are we to select a list of reliable attorneys from which Mrs. Shimazu may choose.

Sincerely,

Kent Silverthorne
Principal Attorney

KSilverthorne:mt
8/11/45

461 Market Street
San Francisco 5, California

August 31, 1945

Mr. Harold Fistere
Area Supervisor
Room 309 Walker Building
1306 Second Avenue
Seattle, Washington

Attention: Irvin Lechliter

Dear Lech:

Yesterday I was discussing with James Henderson, Special Assistant to the Attorney General, the Teamster's Union situation in Seattle, along with similar problems in California. In the course of our conversation I mentioned the possibilities of civil and criminal actions which you had discussed in your report of August 25. Henderson thereupon gave me the name of an attorney in Seattle who used to be with the Anti-Trust Division of the Department of Justice and who Henderson says is an excellent lawyer, thoroughly conversant with the Anti-Trust laws, and a gentleman of liberal leanings. He suggested that this man might be interested in prosecuting a test case. His name is John Harlow, and his office is 1044 Henry Building.

Sincerely,

Kent Silverthorne
Principal Attorney

KSilverthorne:mt
8/31/45

461 Market Street
San Francisco 5, California

September 1, 1945

Mr. Harold Fistere
Area Supervisor
Room 309 Walker Building
Seattle, Washington

Attention: Erwin E. Lechlitter
Area Attorney

Dear Lech:

We are considering having Dave Smith (here from the Solicitor's office to help me) work on a Solicitor's opinion covering the constitutionality of various laws and ordinances enacted during the war, which may possibly constitute an undue extension of the police power. Two examples of this type of legislation are a recent amendment to the California fish and game laws denying ineligible aliens hunting and fishing licenses, and the Oregon law, mentioned in item 4 of your report of August 14, prohibiting the registration of aliens as barbers.

What we would like in this connection is a copy of the Oregon law, together with any similar laws or ordinances of either Oregon or Washington which may have come to your attention. We would also be interested in knowing what business activities are inhibited by the resolution of the Portland City Council which you mentioned in your item 8.

Sincerely,

Kent Silverthorne
Principal Attorney

KSilverthorne:mk
9/1/45

UNITED STATES
DEPARTMENT OF THE INTERIOR
WAR RELOCATION AUTHORITY

309 Walker Building
Seattle 1, Washington

KS

September 5, 1945

Mr. Kent Silverthorne
Principal Attorney
War Relocation Authority
461 Market Street
San Francisco 5, California

Dear Kent:

In a letter dated September 1, you asked for a bit more information concerning the insurance companies operating in Seattle which might be writing automobile liability insurance. The Aetna Company referred to in my report of August 25 is the Aetna Casualty and Surety Company. It is an affiliate of the Aetna Life Insurance Company and its local representative is George W. Rourke, Dexter Horton Bldg. Mr. Rourke has just assured me in a telephone conversation that he will continue to write automobile liability insurance for American citizens of Japanese ancestry and for Japanese aliens who have a record of long residence in the United States. Mr. Rourke stated that he does not wish this information publicized. You may want to go over the problem with the Aetna representative, if any, in San Francisco. In addition to the Aetna Casualty and Surety Company, there is another affiliate of Aetna known as the Automobile Insurance Company. If that affiliate is operating in San Francisco, it may open up another possibility for you.

Now a word about OPA regulations. Am I correct in assuming that the OPA office in Seattle is a local office under what you refer to as the San Francisco Regional Office? My information from the office here is to the effect that where one who owned property prior to October 20, 1942, wishes to evict the tenant, notice of such eviction must be given 20 days prior to the date the next rent payment is due. The office here, of course, follows state law on that. I would be just as well pleased if you did not raise the matter with the San Francisco office because our working relationships with OPA here seem to be very good. I see no point in needling this office from San Francisco even if San Francisco has jurisdiction over the Seattle office. Incidentally, where the ground for removal is non-payment of rent, the OPA office here requires three days' notice. I assume that requirement is in conformity with state law.

Sincerely,

Irvin Leichter
Irvin Leichter
Area Attorney



UNITED STATES
DEPARTMENT OF THE INTERIOR
WAR RELOCATION AUTHORITY

309 Walker Building
Seattle 1, Washington

KS.

September 5, 1945

Mr. Kent Silverthorne
Principal Attorney
War Relocation Authority
461 Market Street
San Francisco 5, California

Dear Kent:

Your letter of September 1 requests a copy of the Oregon law prohibiting the registration of aliens as barbers. I have written to George Neuner, the Attorney General of Oregon, requesting a copy of that law, together with a copy of his ruling to the effect that the law is not retroactive. Moxley recently asked for a copy of that ruling.

I shall keep in mind the Solicitor's Opinion mentioned in your letter dealing with laws and ordinances enacted during the war which may constitute an undue extension of the police power. However, I do not believe I have encountered such legislation in either Washington or Oregon except in the matter referred to above.

I am enclosing a copy of the resolutions of the Portland City Council of January 2, 1942 prohibiting the issuance of licenses to alien enemies, including Japanese nationals. I am not informed relative to any action that may have been taken since the cessation of hostilities to remove those resolutions from the Council minutes.

Sincerely,

Lech

Irvin Lechlitter
Area Attorney

Enclosure



Commissioner Bowes made a motion which was seconded by Commissioner Cooper, that no license of any kind be granted by the City of Portland to any Japanese National and that the Bureau of Licenses be so instructed.

Yeas 5.

Commissioner Bowes made a motion which was seconded by Commissioner Cooper that the License Inspector and the Bureau of Licenses be instructed not to accept or receive any license application of any kind, or receive any deposit of money on application for license from a Japanese National.

Yeas 5.

Commissioner Bowes made a motion which was seconded by Commissioner Cooper that the License Inspector and Bureau of Licenses be instructed to take all necessary steps to recall and revoke all licenses of any kind which have been issued by the City of Portland to Japanese Nationals for the year 1942; and that January 29, 1942, at 1:30 P.M. be fixed as the time for hearing on the revocations of those licenses heretofore issued which have not been surrendered prior to that time to the Bureau of Licenses for cancellation.

Yeas 5.

Commissioner Bowes made a motion which was seconded by Commissioner Cooper that the License Inspector and Bureau of Licenses be instructed not to accept any application for any license or any deposit of money upon application for license from any enemy alien of the United States and that the License Inspector and Bureau of Licenses be instructed to take the necessary steps to recall or revoke all licenses of any kind issued to any enemy alien for the year 1942; and that January 29, 1942, at 1:30 P.M. be fixed as the time for hearing on revocation of those licenses held by enemy aliens which have not been surrendered to the Bureau of Licenses prior to that date.

Yeas 5.

Cal.#13

1/2/42

UNITED STATES
DEPARTMENT OF THE INTERIOR
WAR RELOCATION AUTHORITY

309 Walker Building
Seattle 1, Washington

K.S.

September 5, 1945

Mr. Kent Silverthorne
Principal Attorney
War Relocation Authority
461 Market Street
San Francisco 5, California

Dear Kent:

Thank you for your letter dated August 31 giving me the name of John Harlow as an attorney who might be interested in prosecuting the test case in an effort to break up the Western Avenue jam. I shall get in touch with Mr. Harlow if a situation appropriate to a test case ever presents itself. However, I have reached a new low in discouragement over that possibility arising.

You probably noticed in my last week's report that we believed we had found a beautiful case both for civil and criminal prosecution. Harold arranged for a two weeks' extension of the furlough of Sgt. Ikuta but the Sergeant refused to accept the extension. We were able to get from him an innocuous statement of the facts, but he shows no disposition so far to cooperate in any extent whatever in the prosecution of either a civil or a criminal action.

But if and when we ever find a complaining witness with fortitude enough to prosecute an action, it may be possible to tie up Harlow with Ed Henry.

Sincerely,

Lech
Irvin Lechliter
Area Attorney



309 Walker Building
Seattle 1, Washington

September 10, 1945

AIR MAIL

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

Dear Ed:

Moxley recently asked me for a copy of the opinion of the Attorney General of Oregon ruling that the State Board of Barber Examiners may not refuse the restoration of licenses to Japanese aliens whose licenses have expired in the last five years. I am enclosing a copy of that opinion received today from the Attorney General.

The Attorney General's covering letter states that the ruling was based upon statutes which have been in the Oregon code for some time and not, as my letter suggested, upon any recent enactment. I take it, therefore, that my assumption that the story which appeared in the Oregon Journal of August 7 referred to a new law is incorrect. Apparently the law requiring that a person must be a citizen of the United States in order to be eligible for registration as a barber was adopted in 1935. See Sec. 49-303 Ore. Code of Laws Ann.

Inasmuch as Kent recently asked for a copy of the law barring aliens from registration, I am sending him a copy of this letter and of the opinion which carries the citation to the law referred to.

Sincerely,

Lech

Irvin Lechlitter
Area Attorney

Enclosure

cc: Kent Silverthorne ✓

STATE OF OREGON
Legal Department
Salem

C
O
P
Y

August 2, 1945

Mr. T. C. Gilpin
Secretary-Treasurer
Oregon State Board of Barber Examiners
605 Oregon Building
Portland, Oregon

Dear Sir:

In your letter of July 30, 1945, you request my opinion upon the following:

"We have a number of Japanese aliens whose licenses have expired and who are entitled to a restoration license under the Oregon law. Inasmuch as our law barring aliens from holding licenses was enacted after these aliens had taken out their original license, do we have the right to refuse them the restoration at this time."

Section 49-311, O. C. L. A., provides:

"Every registered barber and every registered apprentice who continues in active practice or service shall, annually, on or before the first day of July of such year, renew his certificate of registration and pay the required fee. Every certificate of registration which has not been renewed prior to the month of July in any year shall expire on the first day of September in that year. A registered barber who retires from the practice of barbering for not more than five years may renew his certificate of registration upon payment of the required restoration fee. After five years he must take the regular examination and pay the required fee."

This Section was first enacted by the legislature in 1927, being of chapter 365, thereof. It was reenacted in the identical language by chapter 177, Oregon Laws 1935, and remains the same as above quoted and emphasized.

It follows therefore, that the original act of 1927 has not been changed, and that every registered barber who has continued his registration within the five year period from the date of the issuance of his last license would be entitled to renew his license and be restored to his registration under the act.

Section 49-303, O. C. L. A., enacted in 1935, requiring a person, in order to be eligible for registration, to be a citizen of the United States, did not apply to a person who had theretofore registered and kept his registration in force under the law. I take it that the law makes no distinction between aliens, nor does it discriminate between the Japanese alien or any other alien. The law is applicable to all.

A registered barber who retires from the practice of barbering for a period of not more than five years is entitled to renew his certificate of registration upon payment of the required registration fee. After the five years have elapsed the alien would be ineligible for registration by reason of said §49-303 making citizenship a prerequisite to registration, and your question is answered in the negative.

Very truly yours,

GEORGE NEUNER

Attorney General

Silverthorn KS,
713 Bedell Building
Portland 4, Oregon

September 13, 1945
Noted ASB

Mr. Harold S. Fistere
Area Supervisor
War Relocation Authority
309 Walker Building
Seattle 1, Washington

ATTENTION: Irvin Lechliter, Area Attorney

Dear Mr. Fistere:

We are enclosing herewith a copy of an agreement entered into by and between A. P. Hayes and others, and G. Blaine Brown and others as Lessors, and Ben Shiraishi as Lessee. This agreement is supplemental to a lease agreement entered into between the Lessors and Lessee on December 24, 1935. Our file does not contain a copy of the original lease agreement, however, I believe the original lease was for a period of ten years.

The copy of Article of Agreement transmitted herewith was made at the time of evacuation. There were approximately eight other leases similar to this and covering adjacent land all used in the production of onions. Some of the Nisei lessees returned to Gaston early in this year and attempted to discuss with Hazen Brown the matter of taking over the land covered by the lease. The lessors referred these tenants to their attorney located in Hillsboro, Oregon, and Hazen Brown's attorney advised the lessees, because Issei had been employed upon the land, that they were enjoying beneficial use of the land, and in so doing, were violating the Alien Land Laws of the state of Oregon.

Four of the lessees returned to this area recently and discussed with Hazen Brown the matter of taking back the land under lease for cropping in the year 1946. Before visiting Hazen Brown they had been told that they probably had a right to employ Issei parents and pay them wages for working on the leased land, and that their occupancy and use of Hazen Brown's land was not a violation of the Alien Land Laws, and that escheat proceedings would not follow as Hazen Brown's attorney had told them would occur if Issei were

Mr. Harold S. Pistere

-2-

September 13, 1945

Attention: Irvin Lechlitter, Area Attorney

permitted to go on the land. The lessees visited Hazen Brown and were advised that if they could secure a statement from the State District Attorney or other authoritative source stating that it was not illegal or contrary to law for Issei to be employed on the lessee's land, and in that event, the lessors would agree to let the lessees take back and operate the lands under lease. It is our opinion that Hazen Brown's interest in cancelling or terminating the lease of these several evacuees is because of the fact that present cash rentals to be received from tracts such as those involved is approximately twice the amount named in the leases written in 1935 covering this land, and that this is the one and sole reason for Hazen Brown's wanting to cancel the leases.

Our files should have included a copy of the original lease agreement, and we will attempt to secure a copy and will furnish you a copy if and when we are able to secure it. We do not know if we have stated this case very clearly or if our statements will assist you in forming an opinion as to the merits of this case. We do believe, however, the matter would justify your spending some time here and giving the matter some attention in order to properly advise these people when you know all the facts involved.

Very truly yours,

C. W. Linville
OREGON RELOCATION OFFICER

CWL:dc
Encl.

UNITED STATES DEPARTMENT OF THE INTERIOR - WAR RELOCATION AUTHORITY
MINIDOKA RELOCATION CENTER, HUNT, IDAHO
SEPTEMBER 27, 1945.

MR. IRVIN LECHLITER
AREA ATTORNEY
WAR RELOCATION AUTHORITY
309 WALKER BUILDING
SEATTLE, WASHINGTON (1)

MUST HAVE REQUEST FROM YOU FOR TRANSFER OF OREGON,
WASHINGTON, IDAHO CODES AND TWO VOLUMES COMMUNITY PROPERTY.
PROPERTY DEPARTMENT REQUIREMENT.

FRANK S. BARRETT
PROJECT ATTORNEY

FSBARRETT:yk

461 Market Street
San Francisco 5, California

October 3, 1945

Mr. Harold S. Pistere
Area Supervisor
Room 309 Walker Building
Seattle, Washington

Attention: Irvin E. Lechliter ✓
Area Attorney

Dear Mr. Lechliter:

I am enclosing an original and one copy of my memorandum on legal issues likely to arise in proceedings, civil and criminal, against the Teamsters. I have the permission of Mr. Fergeson to send this memorandum to you without first clearing it with him. Of course, the opinions contained therein are strictly my own.

I think you will find that criminal proceedings against unions are not particularly effective. There is no reason to expect that persons of Japanese descent will get any positive relief in that kind of proceeding. The political situation being what it is, I also think you will find the County Prosecutors busy indefinitely in connection with the current Seattle crime wave.

An injunction would be the only effective proceeding. The Teamsters who are represented by able labor lawyers, are not naive enough to base a defense solely on the Japanese issue. You will find undoubtedly that they will inject a labor dispute into the picture in order to get the benefit of the Washington State and Federal Anti-Injunction Act. It is impossible to obtain an injunction unless there is a serious background of violence or fraud and even where such a background of violence or fraud is present an injunction cannot then be obtained unless it is alleged and proved that the police are unable or unwilling to furnish adequate police protection to property. The term "property" has no special

Mr. Harold Fistere 10/3/45-2

significance. It refers to a man's calling, business, trucks, and etc. You will see that the practical difficulties in connection with an injunction proceeding are enormous.

Although there is little hope through legal proceedings, I would not be too discouraged because I know from long contact with union officials that they claim to be the fairest minded fellows on earth. The Librarian of the American Federation of Labor, Ninth & Massachusetts Avenue, N.W., Washington, D. C., I am sure will be glad to furnish you with some altruistic statements issued by the Federation during the last twenty-five years with respect to its policy of non-racial discrimination. Perhaps reading some of these statements back in short doses and, of course, with continuous good humor, may help to soften the situation somewhat.

Again it may seem worthwhile to you to get a representative group of Japanese together and ascertain their reaction to a proposal to the Teamsters that Teamster drivers take over the truck at the city limits or within a few blocks of the produce platforms, paying to teamster one day's wages. Produce trucks going into New York City have been paying this kind of Tripoli tribute to Teamsters for a long time. It may be that the Japanese can pay this tribute and still do business. Anyhow it would seem a good strategy to smoke out the Teamsters. The suggestions in this paragraph are entirely my own and I would suggest that you first check with Washington for policy before taking any action on the same.

With kind personal regards, I am

Sincerely,

David F. Smith
Attorney

DFSmith:mt
10/3/45

461 Market Street
San Francisco 5, California

October 25, 1945

Mr. Harold S. Fistere
Area Supervisor
Room 309 Walker Building
Seattle, Washington

Attention: Irvin Lechliter ✓
Area Attorney

Dear Lech:

Ed suggested that the enclosed memorandum be brought to the attention of Area Supervisors, and if they see fit, to their District Relocation Officers. I believe that the Area Supervisors received a copy of Ed's memorandum of September 21, but I do not know whether it was passed on to the District Offices. What I have in mind is that if the enclosed memorandum is given to Relocation Officers it should first be determined that they also have copies of Ed's memorandum, otherwise the enclosure would probably be meaningless.

Sincerely,

Kent Silverthorne
Principal Attorney

Enclosure
KSilverthorne:mt
10/25/45

San Francisco
November 21, 1945

T E L E T Y P E

Irvin Lechliter ✓
Area Attorney
Room 309 Walker Building
1306 Second Avenue
Seattle, Washington

Collins^{says}/he has assurance will be no move to deport other than voluntary expatriates for some time to come. First importance that renunciant get on record as wishing to rescind renunciation and as not wanting deportation. Collins letters stress family and group pressures, mass hysteria and fear of separation of family. They also disaffirm renunciation and affirm U. S. citizenship and loyalty, etc.

Letters signed by renunciant and sent to Attorney General and Officer in Charge of Internment Center.

If request for expatriation filed with Spanish or Swiss Embassy he also has client send letter withdrawing request.

Will send other information discussed in our phone conversation when available.

Kent Silverthorne
Principal Attorney

KSilverthorne:mt

11/21/45

NOV 21 1945

San Francisco
November 21, 1945

397 TELETYPE

Irvin Lechliter
Area Attorney
Room 309 Walker Building
1306 Second Avenue
Seattle, Washington

Collins^{says}/he has assurance will be no move to deport other than voluntary expatriates for some time to come. First importance that renunciant get on record as wishing to rescind renunciation and as not wanting deportation. Collins letters stress family and group pressures, mass hysteria and fear of separation of family. They also disaffirm renunciation and affirm U. S. citizenship and loyalty, etc.

Letters signed by renunciant and sent to Attorney General and Officer in Charge of Internment Center.

If request for expatriation filed with Spanish or Swiss Embassy he also has client send letter withdrawing request.

Will send other information discussed in our phone conversation when available.

Kent Silverthorne
Kent Silverthorne
Principal Attorney

461 Market Street
San Francisco 5, California

November 27, 1945

Mr. Harold S. Fistere
Area Supervisor
War Relocation Authority
Room 309 Walker Building
Seattle, 1, Washington

Attention: Irvin E. Lechlitter, Area Attorney

Subject: Venue of Renunciant's Petition for
Restoration of Citizenship.

We have not had an opportunity to fully examine the law but having preliminarily checked we submit the following:

Statement - An American-born young woman was evacuated from Oregon to the Minidoka Relocation Center. At the Center she Renounced Citizenship. In due course she relocated to Seattle and established a residence with her husband. At Seattle she was arrested by the Department of Justice and removed to the Crystal City Internment Center, located in Texas. She now seeks restoration of her citizenship and cancellation of her renunciation.

Question: Where may she file her petition seeking a writ preventing her deportation and equitable relief?

Answer: We believe that she may file in Seattle or in any other District in which a class-suit is pending, or in Texas.

Title 28 § 730-731 of the U.S.C. provides for the Rules of Practice of the District Courts without limiting the authority of the Courts to accept venue in a case of this character.

Generally it may be stated that, in the absence of contrary statutory provision a civil action must be brought in the jurisdiction where the subject matter, or where the cause of action, arose. But, in a transitory action the plaintiff may

bring suit in a court of general jurisdiction in any district wherein defendants can be found and served with process. (67 C.J. § 28).

This application would be based upon a transitory action. The test as to whether an action is transitory or local is not "the subject causing the injury," but rather "it exists in the means used or the place at which the cause of action arises." (67 C.J. § 29). "Transitory actions are universally founded on the supposed violation of rights which, in contemplation of law, have no locality."

In the absence of statute, actions against public officers for matters concerning their official acts have been held to be transitory. In this case the actions of the W.R.A. and the Department of Justice are in question, that is the performance under the Renunciation Act; was everything done which should have been done to protect the interests of the applicant? For the protection and convenience of public officers many states have fixed by statute a general rule that such actions must be brought in the County of residence or at the official domicile of the defendant which is the county where they are authorized to act by virtue of their office. Obviously the officials of W.R.A. and the Department of Justice may be sued in Seattle where their representatives are located. (67 C.J. § 122).

Action may be brought in the District where anyone of several defendants reside in a transitory action.

Howe v Whitman Co. 120 Wash. 247
State v Sup. Court in and for Grays
Harbor County 119 Wash 218
Carr v Remele 74 Wash 380.

"Statutes relating to venue are procedural merely, and not jurisdictional in the strict sense." (67 C.J. § 146).

Jurisdiction may be conferred on the Courts of a particular district by consent. Patten v Dodge Mfg. Corp. 23 F (2) 852.

"Where the statute as to venue of transitory actions makes no provision for the case of a resident plaintiff and a non-resident defendant, the case remains as at common law which allows plaintiff to sue in any County or District subject to the power of the Court to change venue." (67 C.J. § 153).

Under particular statutory provisions, actions, the venue of which is not particularly specified, are to be brought in the

11/27/45

County in which one of the parties resides at the commencement of the action. (67 C.J. § 158).

It is our suggestion that the Attorney who proposes to file the suit consult the U. S. Attorney at Seattle to see if the latter will consent to the venue question. If he will not, an application may none-the-less be filed based upon the former residence of the plaintiff in Seattle.

Sincerely,

Kent Silverthorne
Principal Attorney

Frank S. Barrett:mk

461 Market Street
San Francisco 5, California

November 28, 1945

Mr. Harold Fistere
Area Supervisor
Room 309 Walker Building
Seattle 1, Washington

Attention: Irvin E. Lechliter
Area Attorney

Dear Lech:

Frank Barrett has made a quick search of the venue question and prepared the enclosed memorandum. There doesn't appear to be any doubt but that the matter can be handled in Seattle.

I am in the process of abstracting Collins' pleadings and will send that material on to you for what it may be worth.

Sincerely,

Kent Silverthorne
Principal Attorney

Enclosure

KSilverthorne:mt
11/28/45

WAR RELOCATION AUTHORITY
Office of the Solicitor
WASHINGTON

K.S.
J.B.

CONFIDENTIAL

NOV 28 1945

Mr. Harold S. Fistere
Area Supervisor
309 Walker Building
Seattle 1, Washington

Attention: Mr. Irvin Lechliter

Dear Lech:

Kent Silverthorne called me Friday and outlined the story you told him about the woman renunciant at Crystal City whose husband and family have been discussing her case with you. I gather from Ralph Stauber that the woman involved is Tsuyako Sato Matsumoto. Your advice about her writing the Attorney General was of course correct.

I have talked to Ed Ennis about the case. He says that, while the Department of Justice has made no commitments not to deport any renunciants involuntarily pending outcome of the San Francisco mass suits (contrary to what Collins believes, according to Kent), the Department on the other hand is at present proceeding only to deport those who want to go and have executed the Justice form of application for repatriation. Ennis thinks that it is unnecessary at this stage for the woman's protection for the family to hire an attorney. Confidentially, Justice policy on deportation is by no means firm. It is entirely possible, although I cannot say probable, that the Department will set up categories for nondeportation in which Mrs. Matsumoto might fall. In any event, the Attorney General's regulations governing deportation of enemy aliens (approved September 26, 1945 -- I don't have the Federal Register citation handy) provide for giving the enemy alien 30 days' notice before he is actually deported.

Ennis suggests merely that the husband also write the Attorney General setting forth the facts, stating that the renunciant does not want to be deported, and asking whether he and she will be given ample notice of any deportation order so that they can obtain legal counsel and test the validity of deportation in court action. I agree that this should be done. I also suggest that the husband and family write the National Director of the ACLU giving him the facts, telling him what has been done, and asking that the ACLU represent them if the woman is given a deportation order. My reason for suggesting this is an article in a recent issue of The Open Forum, the Southern California issue of the ACLU paper, commenting on the mass Tule Lake suits and stating that the national organization of ACLU is also prepared for

legal action on behalf of the renunciants at Santa Fe, Bismarck and Tule Lake. I see no reason why ACLU should not also be glad to represent Crystal City renunciants, particularly in a case like this one. ACLU representation would save a great deal of expense to the evacuees. The National Director of ACLU is Roger Baldwin and his headquarters are at: 170 Fifth Avenue, New York 10, New York. Obviously a prompt reply should be requested.

Sincerely,

EDWIN E. FERGUSON

Edwin E. Ferguson
Solicitor

cc - Kent Silverthorne, San Francisco, California

461 Market Street
San Francisco 5, California

November 28, 1945

Mr. Harold S. Fistere
Area Supervisor
Room 309 Walker Building
Seattle 1, Washington

Attention: Irvin E. Lechlitter
Area Attorney

Dear Lech:

The following is an outline of Collins' petition for Writ of Habeas Corpus. Ivan Williams as Officer in Charge of the Department of Justice at Tule Lake is named as respondent.

I.

Allegation that petitioner authorized to maintain proceeding and court authorized to entertain jurisdiction by virtue of Habeas Corpus Acts, Title 28 U.S.C.A., Section 451 et seq., and Title 8 U.S.C.A., Section 903.

II.

Petitioner is person of Japanese ancestry, and at all times has been domiciled in and a resident of the United States, a native born American, a citizen and national of the United States and subject to the jurisdiction thereof, as provided by the 14th Amendment of the Constitution, the provisions of Title 8 U. S. Code Section 601 (a), and as defined in Title 8 U. S. Code, Section 501 (a) and 501 (b); none of the petitioners has been and none is an alien or an alien enemy; none has been nor is a native, citizen or subject of Japan or of any hostile nation; none is a danger to the public peace or safety and none has at any time been accorded a judicial hearing on charge of being such danger, and, on the contrary, the Department of Justice, in 1945, made a finding and declaration that each petitioner was not hostile to and was not a danger to the public peace or safety; each petitioner at all

Irvin E. Lechlitter 11/28/45-2

times herein mentioned and ever since his birth in this country has been and now is loyal and devoted to the United States.

III.

This paragraph is concerned with allegations as to the right to join all the petitioners in the single action.

IV.

Alleges petitioners unlawfully interned and detained for the purpose of involuntary deportation to Japan by the Officer in Charge of the United States Department of Justice Immigration and Naturalization Service, at the Tule Lake Center, and that said Officer in Charge acting under the orders of the Attorney General; and the said Attorney General and said Officer in Charge have given notice of intention summarily to deport petitioners involuntarily to Japan. Further allegations state the Department of Justice has publically announced that commencing on and after November 15, 1945 all persons who have signed renunciation applications will be forcibly removed and deported to Japan, and that all such persons so scheduled for such removal and deportation to Japan will be deported without any notice being given and without any hearings being accorded any of them

Further allegation states that respondent, Ivan Williams, acting under orders of the Attorney General, under a claim of color of authority of the Alien Enemy Act, Title 50 U.S.C.A. Section 21, asserts each of said petitioners is an alien enemy and that as such each has been interned and restrained of his liberty and is held for involuntary deportation, albeit that such assertion that petitioners are alien enemies is a false and fictitious assertion, claim, and assumption wholly unsupported by fact and by law and is a gross mistake and error of fact and of law.

V.

This paragraph is largely devoted to allegations ^{resulting} ~~deciding~~ that the petitioners, solely because of their ancestry were evacuated from the west coast; were first imprisoned in the immediate vicinity of their homes; "then driven into and imprisoned in stockades called Assembly Centers, thereafter deported to concentration camps called Relocation Centers and there confined for approximately three years," said imprisonment having been continuous from 1942 to date, all without a

Irvin E. Lechlitter 11/28/45-3

charge of crime or accusation of crime having been lodged against any of them and without any hearing having been given them, "and in spite of the fact that the Attorney General of the United States in 1945 caused each to be notified that he or she had been found to be a person not dangerous to the security of the United States."

That during the entire period of unlawful imprisonment petitioners have been and still are deprived of substantially all their rights, liberties, privileges and immunities guaranteed by the Constitution to them as native born citizens and nationals of the United States and subject to the jurisdiction thereof, as also there was guaranteed to him or her as a person thereunder, said deprivations having been committed by governmental authorities under a claim of color of authority of the United States. A further allegation that petitioners signed applications for renunciation of their United States nationality as provided for by Title 8 U.S.C.A. Section 801 (1), and the Rules and Regulations adopted by the Department of Justice under the Nationality Act of 1940, as amended, said Rules being more particularly designated as Section 316.1 to 316.9, inclusive, of Chapter 1, Sub-Chapter D, Part D, of Nationality Rules; that none of said applications has been approved by the Attorney General of the United States, as is required by Title 8 U.S.C.A., Section 801 (1) and Rule 316.7 of the Nationality Regulations, before such becomes effective; that each petitioner has received a letter from a representative of the Department of Justice stating that his or her renunciation has been approved by the Attorney General as contrary to the interests of the national defense and informing each that he or she is no longer a citizen of the United States and is not entitled to the rights and privileges of such citizenship, that the signing of application for renunciation was neither under oath nor real nor free nor voluntary on the part of any said petitioners but was caused by and was a result of duress, menace, fraud, undue influence, mistakes of fact and of law and was the product of the fear, coercion and intimidation under which each was held and subjected to and under which petitioners labor, all as hereinafter set forth.

In signing said application none none of the petitioners was informed, knew, intended or expected by reason thereof to be interned, detained and restrained of his liberty as an

Irvin E. Lechlitter 11/28/45-4

alien enemy or otherwise, and none was informed, knew intended or expected that he would be involuntarily deported to Japan by reason thereof. And on the contrary, was led to believe by the Government, its agents, servants and employees, that the signing thereof was not final but tentative and subject to being rescinded and revoked.

VI.

In this paragraph it is alleged that the detention and threatened deportation of the petitioners to Japan was intviation of the Constitution and deprives petitioners of the due process of law guaranteed by the 5th Amendment of the Constitution and the following particulars to-wit:

A. The constitutionality and illegality of the internment and detention of each petitioner and the restraint upon his liberty:

(1) That applications for renunciation were not approved by the Attorney General personally.

(2) That at the time petitioners signed the applications the United States was engaged in the prosecution of a war and any approval of a renunciation of nationality under such circumstances would have been contrary to the interests of national defense and to the sovereignty of the United States and violative of the purpose of Art. III, Section 3, Subdivision 1 of the Constitution.

(3) That the hearing accorded petitioners upon the application for renunciation was a mere prefunctory psuedo hearing or command appearance before a hearing officer designated by the Attorney General and was wanting in all of the elements of a fair and impartial hearing, in that petitioners were deprived of the benefits of independent advice and counsel and were denied the right to be confronted by any evidence and examine witnesses against them or to produce witnesses in their behalf; that the hearing officer's recommendation of each application was based either in whole or in part, upon secret information and data available to and used by the hearing officer but which was

concealed and kept secret from the petitioners, as provided by the provisions of Section 316.6 of the Nationality Regulations of the Department of Justice, and any approval thereof, had any been made necessarily would have been based wholly or partially thereon.

(4) The signing of renunciation was neither under oath nor real nor free nor voluntary but was the result of duress, menace, fraud, etc. by the Government and by groups and by individuals as hereinafter set forth.

(a) This paragraph contains a lengthy recital in support of the allegations of Governmental and private duress, etc. It alleges discrimination against the petitioners simply because of their ancestry; unlawful imprisonment; that the Government held and still holds them in a continual mental state of fear and terror simply because of their Japanese ancestry, that the Government systematically has subjected them to a course of abusive treatment during said time; and pursuant to said policy in program it has been continuous imprisonment without according any of them a hearing on the reasons therefor, regarded, classed and treated them as though they were alien enemies; all the males among them of draft age, including many who had served in the Armed Forces and held honorable discharges therefrom and many who repeatedly have volunteered to enlist in the army but were refused and denied the right to serve and to fight for and defend this country by prejudiced and hostile draft boards and by draft boards denying them such rights upon Governmental orders and who are still denied this birthright, are classified 4-C under the Selective Training and Service Act of 1940 by draft boards acting upon governmental orders without cause and in violation of their rights as American citizens; by reason whereof petitioners were led to believe and fear and had good cause to believe and fear that the Government of the United States viewed them as alien

enemies and desired and intended to deprive them of the right to remain in and to fight for this country and to imprison them for an indefinite period of time and thereafter to remove and banish them and their families and all like descended persons from the United States. Further allegations (probably more suited to the case of the Seattle lady) state that the Government after having encompassed their ruin both aforesaid evacuation and subsequent confinement led petitioners to believe that the alien Japanese members of their families were scheduled and held for removal and deportation to Japan and that the citizen members of said families would be detained in this country and thereby caused alien parents, who feared the splitting of their families, to coerce their citizen children into signing renunciation applications, and led petitioners to believe that the signing of said applications was a matter commended by the Government, compliance with which was a prerequisite to their right and that of their families to remain in the protective security of said Center and to prevent a disuniting of their families and to save themselves and their families from physical harm and violence were they to be released and sent back into civil life in communities where hostility to persons of Japanese ancestry reigned and where they feared they would suffer great physical harm and probable loss of life from lawless elements; and the Government very recently has initiated the practice of permitting aliens to leave said Center and return to their former homes while it holds their children who have signed said renunciation applications for involuntary removal and deportation to Japan. It is further alleged that the signing of the applications and the hearing thereon was a trap designed by the Government to cause the involuntary deportation of the petitioners to Japan and that in fact petitioners were compelled by the Government to sign a fictitious renunciation of a citizenship of which he has already been deprived by the Government of the United States. Following this

is a lengthy recital of alleged duress and terrorism by fanatically pro-Japanese groups among the internees. This of course is probably applicable only to renunciants from Tule Lake and will serve no purpose to set it out in detail here. In connection with these allegations it is also alleged that the employees of the Government were aware of the activities of said group but condoned the same and actually aided and abetted the same by permitting such activities and by failing to prevent and stop the same and by failing to arrest and prosecute the leaders and active members thereof, etc., and by failing to segregate such criminal elements.

(5.) That if it should be adjudged that any of the petitioners has lost his nationality by reason of signing a renunciation application none of the petitioners thereby became an alien enemy within the meaning and intent of the provisions of the Alien Enemy Act, 50 U. S. Code, Section 21, et seq., but became a mere inhabitant of this country and a stateless person entitled to remain here as an inhabitant and resident of this country and to be free from terrorism, detention and restraint under said Act.

(6.) The provisions of the Alien Enemy Act are not now in effect as to petitioners inasmuch as the United States is not now at war.

(7.) The provisions of Title 8 U.S.C.A. Section 801 (1), are unconstitutional and void for uncertainty and for containing an improper delegation of legislative and judicial powers to the Attorney General of the United States, in violation of the provisions of Art. I, Section 1, and Art. III Section 1, of the Constitution.

B: The unconstitutionality and illegality of the removal and deportation of each of petitioners:

(1) None of the petitioners is an alien enemy within intent of Title 50 U.S.C.A., Section 21, as aforesaid.

(2) No warrant for deportation has issued from the President of the United States or from any Court Judge or Justice as is a prerequisite to involuntary removal or deportation under Title 50 U.S.C.A., Section 24.

(3) No complaint has been filed against petitioners as required by Title 50 U.S.C.A., Section 23, nor has any of petitioners had a judicial hearing on deportation in any court of competent jurisdiction, nor has court issued any order of removal or deportation, all of which are jurisdictional prerequisites to involuntary removal or deportation.

(4) That none of the petitioners has been allowed reasonable time to dispose of and remove goods and effects and prepare for departure, all as required by Title 50 U.S.C.A., Section 22.

(5) That Department of Justice discriminates against petitioners by failure to grant individual hearings prior to deportation as is done in the case of Germans and Italians; and said discriminatory treatment denies petitioners equal protection of the laws and due process of law.

(6) That neither a declared nor an undeclared war now exists between the United States and any other country.

(7) That renunciation applications filed by minors have been rescinded and revoked and that their continued internment and detention is unconstitutional.

That the written orders, records and documents pertaining to petitioners in connection with the matter set forth in this petition are in the exclusive possession of the United States Department of Justice and the petitioners do not have access into nor do they know the nature of contents thereof.

VII.

This paragraph alleges that petitioners have notified the Attorney General of the circumstances under which he or

Irvin E. Lechliter 11/28/45-9

she signed the renunciation application, and that they withdrew, retracted, rescinded, revoked, cancelled and annulled their said applications for renunciation for the reasons that the same were signed under duress, menace, fraud, etc.; that the Attorney General failed and still does fail to accept said rescission and revocation; that the Attorney General his agents and representatives, have failed and refused to release petitioners from internment and threatened deportation to Japan.

None of the petitioners is held by virtue of any complaint, indictment, presentment, warrant, or quarantine law, ruling, regulation, arrest or order except as hereinabove specifically set forth.

The prayer for relief prays for a Writ of Habeas Corpus directed to Ivan Williams, Officer in Charge at Tule Lake, commanding him to have the body of each petitioner before the court, etc., that each petitioner be restored his liberty; that the court find and adjudge that his application for renunciation was and is null, void, and of no effect, and that any approval thereof by the Attorney General was and is null, void and of no effect; that the court find and adjudge that each petitioner is not an alien enemy and that each is a national and citizen of the United States; that the court find and adjudge that his internment, detention and restraint was and is void and illegal; that any and all orders for his involuntary removal or deportation to Japan or to any foreign country or elsewhere be voided and cancelled; that each have his costs of suit; and such other and further relief as may be just.

Collins has brought a separate action in Equity in which he names as defendants the Attorney General, the United States Attorney for the northern district of California, the Secretary of State, Secretary of the Treasury, Commissioner of Immigration and Naturalization, the District Director of the Immigration and Naturalization Service, the Alien Property Custodian, Harold Ickes, Dillon S. Myer, Raymond R. Best, and Ivan Williams, the Officer in Charge for the Department of Justice at Tule Lake.

The allegations in the Equity suit are substantially the same as those in the petition for Writ of Habeas Corpus. The prayer for relief in Equity prays for a temporary restraining order and for an injunction pendente lite and for

a permanent injunction prohibiting defendants from removing or deporting plaintiffs from the United States to Japan or any other country or from taking any steps in furtherance of such removal and deportation, pending the final judgement in this suit; and each plaintiff prays that his application for renunciation be ordered to be delivered up and cancelled and be declared null, void and of no effect; that any approval of renunciation by the Attorney General, if any ever was made, be cancelled, etc.; that it be declared and adjudged that plaintiff is not an alien enemy; that he be declared to be a national of the United States and a citizen thereof; that it be adjudged and decreed that he is a native born citizen and national of the United States; that it be adjudged and decreed that his internment, detention and restraint is illegal and void and that he be ordered released therefrom; that any and all orders for his removal or deportation be ordered cancelled; for an order and judgement declaring his rights on the premises; that each have his costs of suit; and that each have such other and further relief as may be just.

Points and authorities in support of the complaint are briefly as follows: (1) When a person claims to be a citizen of the United States he cannot be deported without a judicial hearing, citing *N. G. Fung Ho v. White* 259 U. S. 276. (2) Deportation without a fair and impartial hearing is a denial of due process of law, citing *Bridges v. Wixon* 323 U. S. 709. (3) Treason is a constitutional crime, consisting, among other things, of adhering to the enemies of the United States Art. III, Section 3. Treason cannot be authorized by Congress. (Where agents of the Government take the initiative to induce acts which otherwise would be criminal the action constitutes entrapment.) Citing *Woo Wai v. U. S.* (CCA-9), 233 Fed. 412. Title 8 U.S.C.A., Section 801 (1) is void on its face and as applied herein for being in violation of the Constitution Art. III, Section 3 for authorizing treason. (4) A renunciation by a native born American does not convert renunciant into an alien enemy or an alien but renders him a stateless person and an inhabitant of this country. Such a renunciation would not in any event make such a person subject to removal and deportation under the provisions of the Alien Enemy Act, 50 U.S.C.A. Section 21, et seq., or to deportation under any other statute. A stateless person is entitled to due process of law under the 5th Amendment as a "person" and is not subject to detention or removal under the Alien Enemy Act. Even the existence of a state of war does not

Irvin E. Lechliter 11/28/45-11

suspend the provisions of the 5th and 6th Amendments. Citing U. S. v. L. Cohen Grocery Company, 255 U. S. 81. (5) Title 8 U. S. C. A., Section 801 (1), is void for containing an unconstitutional delegation of legislative power to the Attorney General (Field v. Clark, 143 U. S. 649). Title 8 U.S.C.A. Section 801 (1), is void for uncertainty and for delegating to the Attorney General as an executive officer a discretionary authority without having set up any standards, guides or policies to which he is to conform. Such a delegation of legislative power is forbidden by Art. I of the Constitution, citing Panama Refining Company v. Ryan, 293 U. S. 388; Schechter Poultry Corporation v. U. S., 295 U. S. 495. (6) A person under 21 years of age cannot renounce citizenship in the absence of a clear and unambiguous statutory authorization. "Rights of citizenship are not to be destroyed by an ambiguity." Citing Perkins v. Elg., 307 U. S. 325. Title 8 U.S.C.A. Section 801 (1), lodges no power in the Attorney General to approve renunciation of persons under 21 years of age (Section 803 (b) merely states that persons under 18 years cannot be expatriated therein specified....nothing more). (7) The Alien Enemy Act, 50 U.S.C.A, Section 21 et seq., authorized the detention and removal of hostile alien enemies during the actual time of war, not before or afterward; and even an alien enemy is deportable in wartime only after judicial hearing in which his rights first are determined. 50 U.S.C.A., Section 23. (8) A loyal citizen cannot be detained, citing Ex Parte Endo, 65 S. Ct. 208.

This so-called abstract could stand some more abstracting, but since you are in a hurry to have it, I will let it go as is.

Sincerely,

Kent Silverthorne
Principal Attorney

KSilverthorne:mt
11/28/45

461 Market Street
San Francisco 5, California

November 28, 1945

Mr. Harold S. Fistere
Area Supervisor
War Relocation Authority
Room 309 Walker Building
Seattle, 1, Washington

Attention: Irvin E. Lechliter
Area Attorney

Dear Lech:

We have received a request from Tsuyoshi Nakahara, a Seattle resident, for aid in having his father's accounts unfrozen. We accordingly prepared a WRA Form 248 for execution and forwarding to the Federal Reserve Bank.

What I thought should be brought to your attention is his statement that he went to the Seattle WRA office, "but they said that they did not handle such cases and did not have any information."

Perhaps he went to someone who was not familiar with the simplified procedure for unblocking by means of Form 248. In any event the Federal Reserve Bank still accepts and acts on applications presented on Form 248, and I thought you might wish to call the matter to the attention of Mr. Fistere in the possible event that some of the staff may not be familiar with this procedure.

Sincerely,

Kent Silverthorne
Principal Attorney

KSilverthorne:mk

461 Market Street
San Francisco 5, California

December 5, 1945

Mr. Irvin E. Lechlitter
Area Attorney
309 Walker Building
Seattle, Washington

Subject: Minidoka Consumers Co-operative
Harry Hatate, et als, Trustees

Dear Lech:

Your inquiry as to co-op files has just been received. The Minute Book of the Directors' meetings and the file of the minutes of meetings of the Congress of Delegates were sent to Mr. Hatate at Seattle.

The Minidoka files built up over the several years could not be sent to you as the Statistics clerks from Washington went to the legal office in the Project and took charge of all files. As Messrs. Provinse and Rossman at Washington wanted the Co-op material it was likely sent to them.

The only thing not completed legally at the time of my departure from the Center on November 5 was the dissolution of the corporation under the Idaho Law requiring a petition to the Superior Court and publication for 30 days. Ed stated that this type of dissolution was not necessary as the Minidoka Co-operative was created under the District of Columbia law.

If you require the files there are two sources: (1) The Assistant Project Director, Mr. Bert Weston, in charge of Community Management, and (2) the Washington office, Statistics or Messrs. Provinse and Rossman. We prepared the final Co-op Report a while back and sent to Mr. Weston with the copies for Reports Officer.

Sincerely,

Kent Silverthorne

FSBarrett:mk

By

UNITED STATES
DEPARTMENT OF THE INTERIOR
WAR RELOCATION AUTHORITY

309 Walker Building
Seattle 1, Washington

In reply, please refer to:

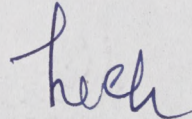
November 29, 1945

Mr. Frank S. Barrett
Attorney
War Relocation Authority
461 Market Street
San Francisco 5, California

Dear Frank:

Henry Hatate has just been in the office asking about certain Co-op files which he says you forwarded to me before you left Minidoka. Those files have not been received and I wonder if you can throw any light on their whereabouts.

Sincerely,



Irvin Lechliter
Area Attorney



UNITED STATES
DEPARTMENT OF THE INTERIOR
WAR RELOCATION AUTHORITY

K.S.

JHB

In reply, please refer to:

309 Walker Building
Seattle 1, Washington

December 7, 1945

Mr. Kent Silverthorne
Principal Attorney
War Relocation Authority
461 Market Street
San Francisco 5, California

Dear Kent:

This will acknowledge and thank you for your two letters dated November 28, one dealing with the venue question and the other abstracting the law applicable to the projected petition for a Writ of Habeas Corpus in the Matsumoto case.

Kindest personal regards.

Sincerely,

Lech

Irvin Lechlitter
Area Attorney



UNITED STATES
DEPARTMENT OF THE INTERIOR
WAR RELOCATION AUTHORITY

309 Walker Building
Seattle 1, Washington

In reply, please refer to:

K.S.
H.B.

November 10, 1945

Mr. Kent Silverthorne
Principal Attorney
War Relocation Authority
461 Market Street
San Francisco 5, California

Dear Kent:

Your letter dated November 28 refers to a request from Tsuyoshi Nakahara, a Seattle resident, for aid in having his father's account unfrozen. Your letter quotes Nakahara as stating that he was told in this Area office that we do not handle such cases and had no information which would be of assistance to him. I don't know to whom Nakahara may have talked, but, pursuant to your suggestion, I have called the matter to the attention of Harold Fistere.

I would suppose that Nakahara would have been sent to my office by anyone to whom he might have made such a request. As a general rule, I simply make appointments for people making such requests with Mr. Merritt of the Federal Reserve Bank here. He is very sympathetic toward our program and has been most cooperative in handling such cases. His office is in the next block. I hope that Nakahara did not talk with me and form the erroneous impression that I gave him a brush-off by making an appointment for him with Mr. Merritt.

Sincerely,

Lech

Irvin Lechlitter
Area Attorney



461 Market Street
San Francisco 5, California

January 2, 1946

Mr. Harold S. Pistere
Area Supervisor
Room 309 Walker Building
Seattle, Washington

Attention: Irvin E. Lechliter, Area Attorney

Subject: Printing Equipment of Suichi Fukui - used by "Irrigator"
Staff at Minidoka Relocation Center

Dear Lech:

In your last report you mention the visit of Mr. Harry Hatate, Liquidating Trustee of the Minidoka Consumers' Cooperative, and the refusal of Mr. Bill Rawlings, Project Director at Minidoka, to ship the printing equipment.

I have conferred with Frank Barrett and he states that the reasons for his promise to help the trustees in arranging for the crating and shipment of the press equipment were as follows:

1. Manual Release No. 203 of August 27, 1945 - Administrative Manual, Chapter 100 on "Evacuee Property."

Section 100.1.5.B(2) "Commercial Property." This term includes "merchandise, stocks, store or office fixtures, and equipment, etc., and all personal property used in connection with a profession, business, trade, occupation or other commercial venture."

Section 100.3.4.A. Subject to the provisions of Manual Section 100.3.8, the Authority will help the evacuee to arrange for shipment of commercial property in a WRA warehouse or in storage or use at a Relocation Center to any point he desires.

2. The printing equipment involved in this matter was rented by the Co-op from Fukui for a nominal sum per month in order to publish the "Irrigator" (Japanese Language Section) and, as this Project paper was published at a loss of about \$2500.00 per year by the Co-op, and thereby saved the WRA from having to assume the expense of publication,

1/2/46

it seems reasonable to treat it as commercial property. The Co-op does not, and never did own the press, etc., hence it should not be classed as Co-op equipment. Fukui was evacuated from his home address, he wants to open his business in Tacoma and Frank thought that being an evacuee his property, used in the Center, should be shipped to him by freight. If the owner has to go to the Center to crate and ship the property he will have to employ a gang of men as the equipment was too heavy for the Co-op craters to manage. WRA received a benefit from its use at the Center and it was, therefore, proposed that the evacuee's interest be protected.

We are of the opinion that Mr. Rawlings has refused to authorize the shipment because of the inclusion in Section 100.3 B of the following reservation: "The Authority reserves the right to refuse to transport property at Government expense, if the character or location of the property in the opinion of the Authority would not justify the expense."

If we can be of any help please call upon us. A copy of Mr. Hatate's letter to this office and of our reply is attached for your information.

Sincerely,

Kent Silverthorne
Principal Attorney

Enclosures

FSBarrett:mk

461 Market Street
San Francisco 5, California

January 2, 1946

Minidoka Consumers' Cooperative
Liquidating Trustees
P. O. Box 3062 Terminal Annex
Seattle 4, Washington

Attention: Mr. Harry R. Hatate

Gentlemen:

Subject: Your letter of December 18,
1945, concerning Printing
Equipment of Mr. Suichi Fukui,
Tacoma.

Your letter was carefully studied in connection with the Administrative Manual. We heard from Mr. Lechlitter and have furnished him and the Washington office with the references which caused Mr. Barrett, while at Minidoka, to urge that the printing equipment be shipped at Government expense.

We regret that Mr. Fukui has been forced to postpone the opening of his place of business due to the delay in shipment of the items located at Minidoka. We are asking that Mr. Lechlitter keep you advised.

Yours very truly,

Kent Silverthorne
Principal Attorney

cc: Irvin E. Lechlitter
Seattle

cc: FSBarrett:mk

MINIDOKA CONSUMERS' COOPERATIVE

Incorporated Under District of Columbia Act

WAR RELOCATION PROJECT
HUNT, IDAHO



MAIN OFFICE: 22-3-A B C
PHONE JEROME 017

MINIDOKA CONSUMERS' COOPERATIVE - LIQUIDATING TRUSTEES

P. O. Box 3062 Terminal Annex
Seattle 4, Washington

December 18th 1945

Mr. Frank S. Barrett
461 Market Street
San Francisco 5, Calif.

Dear Mr. Barrett:

Reference made on our previous conversations and your office letter dated October 18th 1945, pertinent to the Press, Paper cutter and other equipments of Mr. Suichi Fukui, 1715 South Tacoma Avenue, Tacoma, Washington.

On my returns from the trip to New York, Mr. Fukui advised me that the equipments mentioned above are still in the Minidoka WRA Center and stating that MR. Rawlings, Project Director, refused to ship the said equipments under the WRA Bill of Lading. In connection with the information, I have contacted local WRA Attorney, Mr. Leckliter at his office. He also made legal interpretation differently than we agreed upon with Mr. Stafford and you when this subject comes our attention. As you may recalls the fact and the fact is clearly indicated in your aforementioned letter, therefore, we have conference with Messrs. Townsend and Leckliter, studied very carefully on the subject interpreting of the WRA Instruction whether or not responsibility comes to WRA. After lengthen time discussion we arrived conclusion with the shipment will or should come under WRA bill of lading and its responsibility, however, according to the Long Distance Telephone conversation between Messrs. Rawlings and Leckliter, the other day, the Minidoka WRA Director still refused to ship under his discretional opinion in regard to the ruling. The suggestion made by Mr. Leckliter that he will incorporate this disceptation into his weekly report to Washington Office, to request their favorable opinion and instruction toward the disposition.

MINIDOKA CONSUMERS' COOPERATIVE

Incorporated Under District of Columbia Act

WAR RELOCATION PROJECT
HUNT, IDAHO



MAIN OFFICE: 22-3-ABC
PHONE JEROME 017

MINIDOKA CONSUMERS' COOPERATIVE LIQUIDATING TRUSTEES

P. O. Box 3062 Terminal Annex
Seattle 4, Washington

Mr. Frank S. Barrett
Continues

Mr. Suichi Fukui is now long awaiting those equipments in order to re-open printing shop in Tacoma, Washington and anxious to his possession earliest possible date. Accordingly, if you can submit the above mentioned fact and favorable recommendation to early disposition for the matter will be greatly appreciated.

Thanking for your past cooperation and early reply appreciated very much. With my personal regard.

Yours very truly,

Minidoka Consumer' Cooperative
Liquidating Trustees

By Harry R. Hatate
Harry R. Hatate
Trustee

Administrative Manual Chapter 100 - Evacuee Property
100.5 B(2) Commercial Property defined - all "personal property used in connection with a profession, business, Trade, occupation or other commercial venture."

100.3 Storage and Transportation of property - assistance provided shall include the furnishing of estimated costs and other information with regard to crating, loading and transporting property - available alike to evacuees whose property is shipped at Govt. expense and to evacuees whose property is shipped at their own expense.

B (8-27-45) The Authority reserves the right to refuse to transport property at Govt. expense, if the character or location of the property in the opinion of the Authority, would not justify the expense. (over)



100.3 . 4 (8-27-45) A. Subject to the provisions of Manual Section 100.3.8
The Authority will help the evacuee to arrange for
shipment of commercial property in a WRA warehouse
or in storage or use at a relocation center to any point he desires.
Procedures for the storage and transportation
of evacuee property are as follows -

B. WRA is prepared to ship commercial property
"which is in use or in pvt. storage in the evacuated area"
to any point desired by the evacuee -

461 Market Street
San Francisco 5, California

December 26, 1945

Mr. Irvin Lechlitter
Area Attorney
1306 Second Avenue
Seattle, Washington

Dear Lech:

The enclosed announcement by
Bancroft-Whitney Company is forwarded in
the event you have the Oregon Compiled
Laws and wish to keep them up to date.

Thanks very much for the Christ-
mas note. I'll do the same for you on New
Years day.

Sincerely,

Kent Silverthorne
Principal Attorney

KSilverthorne:mt
12/26/45

UNITED STATES
DEPARTMENT OF THE INTERIOR
WAR RELOCATION AUTHORITY

In reply, please refer to:

309 Walker Building
Seattle 1, Washington

K.S.

January 5, 1946

Noted
JSSB

Mr. Kent Silverthorne
Principal Attorney
War Relocation Authority
461 Market Street
San Francisco 5, California

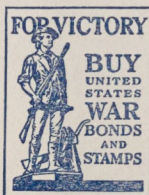
Dear Kent:

Thanks for your letter of January 2 concerning the shipment of Fukui's printing equipment. I presume you noted that in Ed's last reply to me, he indicated that Castleberry was preparing a letter instructing Bill Rawlings to ship the equipment to Fukui at government expense.

Sincerely,

Le ch

Irvin Lechlitter
Area Attorney



UNITED STATES
DEPARTMENT OF THE INTERIOR
WAR RELOCATION AUTHORITY
309 Walker Building
Seattle 1, Washington

KS
JB

In reply, please refer to:

February 20, 1946

Mr. Kent Silverthorne
Principal Attorney
War Relocation Authority
461 Market Street
San Francisco 5, California

Dear Kent:

Thank you for your memorandum of February 11 discussing the status of persons of Japanese ancestry under Foreign Funds Control.

Before sending your memorandum to our District Offices, I have one question concerning Mr. Sherman's letter. In the second paragraph of that letter Mr. Sherman states "Although Japan continues to be a blocked country under the freezing regulations, the mere fact that a person is of Japanese ancestry or that he is a citizen of Japan does not indicate that he is blocked. In fact the large majority of persons of Japanese ancestry living in the United States either are American citizens, not covered by the freezing regulations, ect." The letter further states that individuals who are United States citizens may operate their accounts and properties freely and that payments may be made to them without restriction. I had been under the impression that even an American citizen who did business with Japan, etc. after June 17, 1940 might be considered as a "blocked National". I have hurriedly glanced through "Documents Pertaining to Foreign Funds Control" issued on June 15, 1945 but find nothing which would indicate that this restriction is still not applicable to American citizens. I shall appreciate it if you can straighten me out on this matter.

Kindest personal regards.

Sincerely,

Lech

Irvin Lechlitter
Area Attorney



Few Nisei such as Ted Sabahashi were specifically blocked. But even so to them if one does not have affirmative notice of blocked status he is not considered as violating regulations.

461 Market Street
San Francisco 5, California

February 12, 1946

Mr. Harold S. Pistere
Area Supervisor
War Relocation Authority
Room 309 Walker Building
Seattle, 1, Washington

Attention: Irvin E. Lechliter, Area Attorney

Dear Lech:

Ed has asked that I send you the enclosed copy of a memorandum discussing the status of evacuees under Foreign Funds Controls.

We have found that there still exists some confusion in the public mind as to transactions with "alien enemies." This may help some to clear it up if it can be given reasonable wide distribution. Mr. Miller is sending it to the District Offices and they will probably make it available to the various local citizens committees.

Sincerely,

Kent Silverthorne
Principal Attorney

Enclosure

KSilverthorne:mk

C. C. Coggins, S. F.
Silverthorn

JAN 23 1946

K.S.
JSB

Mr. Harold S. Fistere
Relocation Supervisor
1306 Second Avenue
Seattle, Washington

Dear Mr. Fistere:

The Seattle Inter-Racial Action Committee passed a resolution on November 27, 1945, concerning people of Japanese ancestry. The Seattle CIO Council concurred with this resolution on December 12, 1945, and sent copies to Secretary Ickes, President Truman, and others.

Mr. Malcolm Pitts, Acting Director, wrote on January 18 to the Seattle CIO Council and a copy was sent to you. However, Mr. Pitts' reply did not mention one part of the resolution which we would like you to investigate. The pertinent statement is:

RESOLVED: That former internees should be granted all Unemployment Compensation benefits which otherwise are paid to people whose civil life or other claims to compensation was not disrupted.

Will you check with the Washington State Unemployment Compensation authorities to determine whether there is any possibility of paying unemployment benefits to persons who were released from relocation centers during the last six months. After you have made your investigation, will you kindly forward the results to the Seattle CIO Council, sending us a copy for our information.

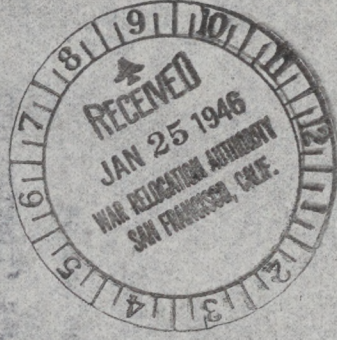
We are enclosing a copy of the resolution.

Sincerely,

STAMPED

Edna K. Monsees
Acting Chief
Relocation Division

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03/20/46