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No. 25295-S

FURUYA V. CLARK

Mar. 1946

Cons. no. 25294S

Supplement + amendment

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ORIGINAL  
FILED

MAR 14 1946

With Clerk, U. S. Dist. Court  
San Francisco

IN THE SOUTHERN DIVISION OF THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARY KANAME FURUYA, et al., etc.,

Plaintiffs,

-vs-

TOM CLARK, etc., et al.,

Defendants.

No. 25295

Cons. 25294-3

STIPULATION AND ORDER RE PRODUCTION  
OF PETITIONERS

IT IS STIPULATED between the parties hereto that the plaintiffs in this suit who are not released from custody while in Northern California or elsewhere by order of the Attorney General of the United States and who shall be transferred, in custody, for the convenience of the Government, to an internment camp or place of restraint other than the Tule Lake Center, Newell, Modoc County, California, whether the same be situated in Santa Fe, New Mexico, Crystal City, Texas, or elsewhere, will be produced before the above-entitled Court for hearing or trial purposes in the above-entitled suit, upon reasonable notice, by the United States Government, the Attorney General of the United States, or Ivan Williams as their agent.

Dated: March 14, 1946.

Wayne M. Collins,  
Attorney for Plaintiffs.

TOM C. CLARK, Attorney General,  
FRANK J. HENNESSY, U.S. Attorney, Defendants.

By: Assistant United States Attorney,  
Attorneys for Defendants.



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SO ORDERED:  
March\_\_\_\_, 1946.

UNITED STATES DISTRICT JUDGE.



ORIGINAL  
FILED

MAR 14 1946

With Clerk, U. S. Dist. Court  
San Francisco

WAYNE M. COLLINS,  
1721 Mills Tower,  
San Francisco, 4, Calif.  
Garfield 1218.

Attorney for Plaintiffs.

IN THE SOUTHERN DIVISION OF THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARY KANAME FURUYA, et al., etc.,

Plaintiffs,

-vs-

TOM CLARK, etc., et al.,

Defendants.

No. 25295

Cons. 25294-S

STIPULATION AND ORDER EXTENDING TIME

IT IS STIPULATED between the parties hereto that the time within which the defendants may file their responsive pleadings to the complaint and supplemental complaint herein be extended to and including the 15<sup>th</sup> day of April, 1946, and that the defendants may file a motion to strike Exhibit "2" from the Supplement And Amendment To Complaint To Rescind Renunciations Of Nationality herein, if such they be inclined to file, on or by the 8<sup>th</sup> day of April, 1946.

Dated: March 14, 1946.

Wayne M. Collins,  
Attorney for Plaintiffs.

TOM C. CLARK, Attorney General,  
FRANK J. HENNESSY, U.S. Attorney, Defendants.

By: \_\_\_\_\_  
Assistant United States Attorney,  
Attorneys for Defendants.

SO ORDERED:  
March \_\_\_\_\_, 1946.

UNITED STATES DISTRICT JUDGE.



1 WAYNE M. COLLINS,  
2 1721 Mills Tower,  
3 San Francisco, 4, Calif.  
4 Garfield 1218.

5 Attorney for Plaintiffs.

ORIGINAL  
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MAR 4 - 1946

WILL CLARK, U. S. DIST. COURT  
SAN FRANCISCO

8 IN THE SOUTHERN DIVISION OF THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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12 MARY KANAME FURUYA, et al., etc., )

13 Plaintiffs, )

14 -vs- )

15 TOM CLARK, etc., et al., )

16 Defendants. )

No. 25295

Cons. No. 25294-S

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18  
19 SUPPLEMENT AND AMENDMENT TO COMPLAINT TO RESCIND

20 RENUNCIATIONS OF NATIONALITY

21 Come the plaintiffs in the above-entitled action, supple-  
22 menting and amending the complaint to rescind renunciations of  
23 nationality herein by the following allegations to be added to  
24 Paragraph II (1) of the Second Cause of Action therein contained,  
25 immediately following the matter ending on line 26 of page 19 of  
26 said Complaint To Rescind Renunciations of Nationality, to-wit:-

27  
28  
29 (c) The pressure groups and gangs, mentioned in para-  
30 graph II (1) of said "Complaint To Rescind Renunciations", origin-  
31 ated in said Tule Lake Center in 1944 as a Japanese educational  
32 and cultural movement sponsored and fostered by the War Reloca-



1 tion Authority, a federal executive agency to the charge of  
2 which the evacuees in said Center, including all the plaintiffs  
3 herein, were committed; said movement, then and thereafter  
4 until all the renunciation forms therein mentioned had been  
5 signed and pseudo-hearings held thereon, was conducted with the  
6 full knowledge and consent of said agency and under the eyes of  
7 its officers, agents and employees; said movement developed  
8 into a racket cast in the form of an innocuous appearing  
9 "innocents front" organization; thereafter, by its organizers,  
10 leaders and controllers, a majority if not all of whom were  
11 aliens of Japanese nativity, it was converted into a pro-  
12 Japanese nationalistic movement; at the time of said renuncia-  
13 tion hearings it had developed into and was an active terroristic  
14 movement controlled by a leadership of such aliens whose design,  
15 purpose and actions gave such direction thereto and compelled  
16 in excess of eighty (80%) percent of the total number of citizens  
17 prisoners over 18 years of age there confined who signed renuncia-  
18 tion applications, included in which percentage is <sup>each</sup> plaintiff  
19 herein, to sign applications for renunciation of U.S. nationality,  
20 all as admitted by the Government and therefore by defendants in  
21 Exhibit "2" attached hereto and made a part hereof; that the real  
22 nature, purposes and bent of said movement, under such leadership,  
23 was concealed from its inactive members who had joined it when it  
24 appeared to them to be a simple educational and cultural movement,  
25 as aforesaid, and when its true nature and purposes had not been  
26 revealed and were not discernible; that when the true nature and  
27 purposes thereof became apparent many members thereof did not  
28 dare to protest the course thereof or openly resign therefrom  
29 because of the coercion of said groups and gangs and for fear  
30 their own personal security and the security of members of their  
31 families thereby would be endangered, and many persons confined  
32 to said Center, including some of the plaintiffs herein, were



1 compelled to join the same as inactive members for like security  
2 reasons while acting in fear of said groups and gangs by reason  
3 of said coercion and while held in duress by them.  
4

5 (d) That while the aforesaid campaign of terror was  
6 reigning at said Tule Lake Center and as the proximate result  
7 thereof 5,371 native-born Americans over 18 years of age, among  
8 whom are each of the plaintiffs, executed applications for renun-  
9 ciation of United States nationality; that in excess of 5,346 of  
10 said native-born Americans, including each of the plaintiffs,  
11 did so as the direct and proximate result of and by virtue of the  
12 duress in which they then and there and for a long period of time  
13 prior thereto had been held by the United States Government, its  
14 agents, servants and employees and particularly by the War  
15 Relocation Authority aforesaid, and by virtue of the fraud, menace  
16 and undue influence of the aforesaid groups and gangs operating  
17 therein and the duress in which they were held by said groups and  
18 gangs and against which the United States Government, its agents,  
19 servants and employees and particularly the War Relocation Author-  
20 ity gave the plaintiffs no protection but openly allowed and  
21 therefore aided, abetted and participated in;

22 That the United States Government, by and through the  
23 Department of the Interior and the Secretary of the Interior as  
24 the head of the War Relocation Authority to whose charge  
25 plaintiffs and all prisoners confined in said Tule Lake Center  
26 were committed at the time of said renunciations, through the  
27 Under Secretary of the Interior, on August 6, 1945, made an  
28 executive finding in writing, admitting and publishing therein  
29 the fact that it was "primarily due" to the undue influence, fraud,  
30 menace and duress practiced upon the evacuees detained in said  
31 Center by the aforesaid groups and gangs that caused renunciation  
32 applications to be signed by "over 80% of the citizens" there



1 confined who were deemed eligible to renounce U.S. nationality;  
2 that a photostat copy of said writing is attached hereto, made a  
3 part hereof and is marked Exhibit "2"; that the responsibility for  
4 and the cause of in excess of 5,346 of said 5,371 total of said  
5 renunciations rests with the War Relocation Authority to which  
6 agency the immediate charge of said persons in said Center was  
7 committed for carrying into execution the policy adopted by it and  
8 under which it sponsored and fostered the cultural movement afore-  
9 said and permitted the diversion thereof into the terroristic  
10 movement aforesaid and for its failure and refusal to take pre-  
11 cautionary measures to prevent such rule of terror and to protect  
12 the plaintiffs from harm and to safeguard their rights as Ameri-  
13 can citizens;

14  
15 (e) Shortly after the time the said applications for  
16 renunciation had been signed at said Center by the plaintiffs the  
17 government of the United States, acting by and through the War  
18 Relocation Authority, and its agents, suddenly formulated and  
19 carried into execution the following program and policy, to-wit:

20 It seized all the organizers, leaders and active members  
21 of the aforesaid pro-Japanese nationalistic pressure groups and  
22 gangs, the great majority of whom were aliens of Japanese nativity,  
23 along with many other aliens and native-born Americans of Japanese  
24 ancestry then confined to said Center and who were harmless and  
25 innocent of any wrong doing and who never at any time were hostile  
26 or dangerous to our security or to the security of any person in  
27 said Center, and forcibly removed them to internment camps situated  
28 in Bismarck, N.D., Santa Fe, N.M. and Crystal City, Texas, from  
29 whence all of the organizers, leaders and active members and  
30 persons then of disloyal bent thereafter and since the filing  
31 of this petition were voluntarily repatriated to Japan by the  
32 U.S. Government; in addition to said persons so repatriated, a



1 number of native-born Americans and alien Japanese innocent of  
2 wrong doing voluntarily repatriated to Japan therefrom because of  
3 their aforesaid long mistreatment by this government, including  
4 among them a number of American nationals, renunciants and inactive  
5 members of said pressure groups who were subject to the undue  
6 influence of and under the duress of said groups and gangs and  
7 whose repatriation was due to the undue influence and duress there-  
8 of; that in excess of 8000 persons of Japanese ancestry have been  
9 repatriated to Japan from said Center and camps; that in excess  
10 of twenty (20%) percent of the renunciants originally confined to  
11 said Center who signed said renunciation applications have since  
12 then been repatriated to Japan from said Tule Lake Center, the  
13 Fort Lincoln Internment Camp at Bismarck, North Dakota, the Alien  
14 Internment Camp at Santa Fe, New Mexico, and the Alien Internment  
15 Camp at Crystal City, Texas;

16  
17  
18 All the renunciants, including plaintiffs, who have not  
19 been repatriated or deported to Japan are either persons who never  
20 were members of or associated with the aforesaid pressure movement,  
21 groups and gangs or are persons who resigned from said movement  
22 upon learning the true character and purposes thereof and who did  
23 not participate in or sympathize with the unlawful and wrongful  
24 acts and purposes thereof or who were forced to join the same to  
25 avert danger to themselves or members of their families and who  
26 resigned therefrom or ceased to have connection with the same upon  
27 learning the true nature and character thereof;

28 That while the plaintiffs were in the aforesaid Tule Lake  
29 Center, they, as also those who later were incarcerated in Bismarck  
30 and Santa Fe, constantly were subjected to the surveillance, menace,  
31 fraud and undue influence of said leaders of said movement, which  
32 was carried over into the said Camps at Bismarck and Santa Fe by



1 leaders and active members thereof who had been transported  
2 thereto, as aforesaid, and who there established and carried on  
3 a like reign of terror over the persons there confined; that said  
4 menace, fraud and undue influence and duress did not abate until  
5 the Government initiated its program of voluntary repatriation to  
6 Japan and did not cease until all the leaders thereof in said  
7 Center and Camps had been repatriated subsequent to the filing  
8 of this suit;

9  
10 (f) That the pseudo-hearings conducted by the Government  
11 on the renunciation applications at said Center were arbitrary,  
12 unreasonable and oppressive and plaintiffs thereat were deprived  
13 of the benefit of and the assistance of counsel, as aforesaid;  
14 that at the "mitigation-hearings" conducted after the filing of  
15 this suit at the Tule Lake Center, the Fort Lincoln Internment  
16 Camp at Bismarck and the Alien Internment Camp at Santa Fe, during  
17 January and February of 1946, at which the plaintiffs were  
18 ordered by the Attorney General of the United States to show cause  
19 why they by him should not be deported to Japan, each was  
20 arbitrarily subjected to such examination or hearing by said  
21 Attorney General and was denied the right and opportunity to be  
22 represented thereat by their counsel; that said hearings, in truth  
23 and in fact, were pseudo-hearings in which the plaintiffs  
24 summarily were scheduled for such examinations before hearing  
25 officers, appointed by the Attorney General, without reasonable  
26 time or opportunity to prepare therefor or to obtain witnesses or  
27 evidence in their behalf; that neither plaintiffs nor witnesses  
28 thereat were sworn; that the hearings were unduly brief; that  
29 neither the opportunity nor the privilege of inspection of any  
30 evidence or evidence adverse to them was afforded plaintiffs nor  
31 was any adverse evidence offered against them; that at said  
32 hearings, as also upon a review of the recommendations of such



1 hearing officers by the Attorney General and his reviewing staff  
2 thereon, said hearing officers, the Attorney General and his  
3 said reviewing staff, in refusing to recommend many plaintiffs  
4 for release from detention and to release them therefrom, con-  
5 sidered and gave controlling weight to secret information con-  
6 tained in files maintained by such officers which was never made  
7 known to said plaintiffs and was not introduced into evidence  
8 at said hearings against them, and based such refusals upon whim  
9 and caprice; that at said fictitious administrative hearings,  
10 as also at the pseudo-hearings on the renunciation applications  
11 aforesaid, the hearing officers or examiners exacted statements  
12 and evidence from said plaintiffs and used information from  
13 their own secret dossiers against them as part of the systematic  
14 duress in which the government long had held and then was holding  
15 plaintiffs; that no evidence of an adverse character was adduced  
16 at said hearings against any plaintiff or that in anywise showed  
17 or tended to show any plaintiff was hostile or dangerous to  
18 the security of this country; that said hearings were arbitrary,  
19 unreasonable and oppressive in character and wholly unfair and  
20 impartial and in violation of the 5th Amendment's guaranty of due  
21 process of law;

22  
23 That in January of 1946 when plaintiffs' counsel  
24 visited those of his plaintiff clients herein at their places of  
25 internment in Bismarck, North Dakota, and Santa Fe, New Mexico, in  
26 response to their written requests, to advise them upon their  
27 legal rights to freedom from deportation, release from detention  
28 and the cancellation of their renunciation applications the  
29 Government, acting by and through its agents in charge of said  
30 camps for the Department of Justice, over their oral protest and  
31 that of their counsel, refused said plaintiffs and their said  
32 attorney the fundamental right of privilege communications and



1 privacy ordinarily existing between an attorney and his clients  
2 and compelled them to hold such conferences and consultations in  
3 the presence of an official agent or censor for the Government  
4 who supervised such conferences and consultations and listened  
5 to and eavesdropped thereon, and thereby deprived said plaintiffs  
6 of the assistance of counsel and the benefits of privileged com-  
7 munications, in violation of the constitutional guaranty of due  
8 process of law, and said conduct on the part of government  
9 was part and parcel of the duress in which it held said plaintiffs;  
10 that said plaintiffs, through their counsel, have protested  
11 the said mistreatment in writing to the Attorney General, and the  
12 officers in charge of said camps and other governmental officers;  
13 that a copy of said protest is attached hereto and made a part  
14 hereof and is marked Exhibit "3".  
15

16 (g) That at said Tule Lake Center during October, 1945,  
17 and ever since then, and on in excess of twenty (20) occasions,  
18 the said War Relocation Authority has made recordings of the  
19 long distance telephone conversations had between said Center  
20 and San Francisco between plaintiffs and their counsel concerning  
21 their rights and the progress of this suit and has published the  
22 same despite the fact that the same was and is an interference  
23 with the privilege communication relationship existing between  
24 plaintiffs and their said counsel, an interference with their  
25 right of privacy and a denial of their right to counsel and a  
26 deprivation of their rights safeguarded by the 4th and 5th  
27 Amendments; that said practice upon the part of said War Relocation  
28 Authority has been and is a part of the generalized duress in  
29 which plaintiffs have been and are held by the Government;  
30

31 (h) Prior to the time of the aforesaid renunciation  
32 hearings the U.S. Government, through the War Relocation Authority,



1 set up at the Tule Lake Center a special jail, termed "The  
2 Stockade," within the limits of said prison or concentration  
3 camp wherein, without cause, it "incarcerated" innocent citizens,  
4 detained in said Center, without accusation of crime or wrong-  
5 doing on their part and without hearings on the cause therefor  
6 at any time having been afforded them and without allowing them  
7 the assistance of counsel and there held hundreds of them  
8 incommunicado for various periods of time ranging from a few  
9 hours to 360 days, all without cause; that said practice was  
10 designed to instil and did instil in the prisoners-evacuees con-  
11 fined to said Center an unwholesome fear of the arbitrary govern-  
12 mental power wielded over the evacuees confined to said Center  
13 and was part and phase of the generalized campaign of duress  
14 in which the Government held the residents of said Center and said  
15 practice was continued during the time of said renunciation hear-  
16 ings and thereafter; that in August, 1944, the threat of filing  
17 habeas corpus petitions for fourteen (14) persons, and in August,  
18 1945, the filing of five (5) petitions in this Court for writs of  
19 habeas corpus for five persons, succeeded in liberating the total  
20 nineteen residents of said Center then unlawfully jailed in said  
21 Stockade.

22  
23 (1) That as part of the Government's systematic program  
24 of duress in which it held the plaintiffs and all residents in  
25 said Center the War Relocation Authority set up, established and  
26 maintained for the past four years a slavery and peonage system  
27 at said Center; in furtherance of this oppression it organized  
28 in said Center what is known as the "Recreation Club" for the  
29 private and personal benefit of the Caucasian employees of said  
30 War Relocation Authority who were members thereof and through such  
31 an instrumentality deliberately exploited persons of Japanese  
32 ancestry confined to its charge; pursuant thereto members thereof



1 paid in to said Club the sum of \$30.00 per month and the said Club  
2 thereupon hired out to such member one of the internees to serve  
3 such member in private employment in the capacity of a slave or  
4 peon, either as house-maid, domestic, servant, cook, janitor,  
5 waitress, mess-attendant or in another menial capacity, and paid  
6 such person therefor either the sum of \$16.00 or \$19.00 per month,  
7 depending upon the character of the service, for labor performed  
8 on a forty (40) hour week basis, the remainder of the \$30.00 being  
9 retained by said Club with the exception of \$3.75 which the War  
10 Relocation Authority required the Club to pay such slave as a  
11 clothing allowance; that hundreds of the prisoners confined to  
12 said camp were thus exploited under this elaborate system of  
13 slavery and peonage maintained at said Center, all in violation  
14 of the provisions of the 13th and 5th Amendments of the Constitu-  
15 tion.

16 (j) On December 17, 1944, effective as at January 2, 1945,  
17 General H. Pratt, Major General, U.S.A., in command of the Western  
18 Defense Command and Fourth Army, promulgated Public Proclamation  
19 No. 21 which revoked the 108 mass "civilian exclusion orders"  
20 theretofore issued by Lt. General John L. DeWitt, his predecessor  
21 in said command, and revoked the restrictions theretofore placed  
22 upon plaintiffs and all persons of Japanese ancestry affected  
23 thereby and said proclamation was an executive judgment and based  
24 upon executive findings that none of the persons affected thereby,  
25 including the plaintiffs herein, was hostile or dangerous to the  
26 security of the United States of America;

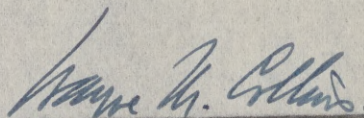
27  
28 On September 4, 1945, said General Pratt, as such military  
29 commander, promulgated Public Proclamation No. 24 which rescinded  
30 "all Individual Exclusion Orders in Effect" as of that date and  
31 removed all military prohibitions against the entry and presence  
32



1 of all persons affected thereby within the West Coast Exclusion  
2 Zone, and said proclamation was an executive judgment and based  
3 upon executive findings that none of the persons against whom  
4 individual exclusion orders theretofore had issued, including any  
5 plaintiff herein if any such order prior thereto had issued  
6 against him or her, was hostile or dangerous to the security  
7 of the United States of America.

8  
9 WHEREFORE, plaintiffs pray for the judgment and relief  
10 prayed for in the complaint to rescind renunciations herein.

11  
12 Dated: February 23, 1945.

13  
14   
15 Wayne M. Collins  
16 1721 Mills Tower,  
17 San Francisco, 4, Calif.  
18 Garfield 1218  
19 Attorney for Petitioners.  
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UNITED STATES OF AMERICA, )  
STATE OF CALIFORNIA, ) ss.  
COUNTY OF MODOC )

HARRY UCHIDA, being first duly sworn, deposes and says:  
that he is one of the plaintiffs in the foregoing Supplement  
And Amendment To Complaint named; that he is detained at the  
Tule Lake Center, Newell, Modoc County, California; that he  
makes this affidavit and verification thereof on his own behalf  
as such a plaintiff and on behalf of each and all the plaintiffs  
therein, *most* of whom likewise *are* confined and detained at said  
Tule Lake Center by defendants, and each of whom has authorized  
him so to do, and because it is impracticable to have the same  
verified by each of them by reason of the said confinement and  
detention of each, their large number and the long period of  
time which would be required and be consumed to have such done;  
that he personally knows the facts set forth in said supplement  
which apply equally to each and all of said plaintiffs; that  
he has read the foregoing supplement and knows the contents  
thereof; that the same is true of his own knowledge except as to  
the matters therein stated upon information or belief and as to  
such that he believes it to be true.

*Harry Uchida*  
\_\_\_\_\_  
Harry Uchida

Subscribed and sworn to before me  
this 24TH day of February, 1946.

*John J. Thomas*  
\_\_\_\_\_  
Notary Public in and for the County  
of Modoc, State of California.  
*(Seal)*



File 124

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SECRETARY  
WASHINGTON

AUG 10 1945

AUG - 6 1945

Mr. Ernest Besig,  
Director, Northern California Branch,  
American Civil Liberties Union,  
216 Pine Street,  
San Francisco 4, California.

My dear Mr. Besig:

This is in further reply to your letters of July 6 and July 17 concerning detentions at Tule Lake for violation of the special project regulations prohibiting Japanese nationalistic activities. We have completed our investigation and in this letter I shall report rather fully our findings and conclusions.

Basically there are, I believe, three points that concern you: (1) the need for and hence the reasonableness of the special project regulations, (2) the apparent lack of any limitations upon the discretion of the Project Director in enforcing the regulations, and (3) an apparent abuse of authority in imposing certain sentences involving minors. I should like to take up each of these points in turn.

1. When Tule Lake became a segregation center, WRA adopted a policy of permitting evacuees to operate Japanese language schools and engage in Japanese cultural activities, in recognition of the fact that many of the residents sincerely desired repatriation to Japan and that their children should be given an opportunity to become acquainted with Japanese culture. Unfortunately this policy was utilized as an entering wedge by a number of strongly pro-Japanese evacuees for the formation of virulently pro-Japanese nationalistic organizations. These evacuees were motivated chiefly by the desire to attain standing in the eyes of the Japanese government and obtain positions of leadership in the colony. To this end they instituted Japanese-type military drill, mass exercises, bugling, wearing of Japanese insignia, emperor worship ceremonies, pro-Japanese demonstrations, and other purely Japanese nationalistic activities designed not to serve any cultural purposes but to instill in the Tule Lake people a fanatical devotion to the principles of the militarist regime in Japan. By preying on fear of Selective Service they induced parents to exert pressure on their children to join the organizations. In addition they resorted to intimidation, threats of violence and actual violence in coercing residents to join the organizations and participate in their demonstrations. It was primarily due to the pressures of these organizations that over 80 per cent of the citizens eligible to do so applied for renunciation of citizenship this past winter. When Department of Justice representatives arrived at Tule Lake to conduct hearings on applications, the organizations stepped up their demonstrations and their pressures on the applicants. Undoubtedly many of the applicants were in the grip of the emotional



hysteria created by these organizations, or actually acting under fear of violence, in confirming their desire to renounce citizenship during the hearings. The general uniformity of the answers given indicated that the applicants were well coached. These facts are reflected in an increasing volume of cancellation requests from Tule Lake renunciants, who frankly state in many cases that they were acting under compulsion in renouncing their citizenship.

On January 19, 1945, Mr. John Burling, special representative of the Attorney General conducting renunciation hearings at Tule Lake, addressed a letter to the heads of the two principal organizations setting forth the position of the Department of Justice toward the activities of the organization. A copy of that letter is enclosed (Exhibit I). In that letter Mr. Burling, speaking for the Attorney General, strongly condemned the activities of the organizations and stated that they must stop. Despite this letter, which was widely circulated in the center, the activities of the organizations did not abate. In order to maintain peace and order, protect the Tule Lake residents who were loyal to this country or who disagreed with the aims and objectives of the organizations, and to stop the subversive activities of these groups, two steps were taken. One was the transfer of the known alien leaders of the organizations (including persons who had renounced their citizenship) to internment camps. The other was the adoption of the special project regulations prohibiting the overt demonstrations which were fundamental to the organizations' programs.

As a result of these two steps the organizations have lost much of their prestige. Many evacuees who joined the organizations have notified WRA of their withdrawal from membership. Opposition to the organizations has come out of hiding. Nevertheless the influence of the organizations is still strong, and their activities continue. The Director of the War Relocation Authority believes enforcement of the special project regulations is still necessary in order to maintain law and order at Tule Lake and guarantee to the law-abiding residents the right to live in peace and free from fear of violence and recrimination for failure to assert aggressive loyalty to Japanese war aims. In the light of the facts I am unable to disagree with his conclusion.

2. As you state, the special project regulations assign no definite penalty for the prohibited acts. These regulations were, however, issued under and subject to the provisions of WRA internal security regulations applicable to all centers (Exhibit II). These over-all regulations prescribe procedural safeguards with respect to arrests and prompt arraignment and hearing. The right of the accused to counsel is guaranteed and the Project Director is specifically responsible for seeing that a complete case is fairly presented. The maximum penalty that can be imposed by a Project Director for commission of any one offense is imprisonment for not more than three months. In addition, any evacuee may of course carry his case directly to the Director of the Authority if he believes that he has been unjustly dealt with, and during the course of center operations a number of evacuees have done so.

Our investigation has revealed no departure from these over-all regulations by the Project Director in the enforcement of the special project regulations. While the sentence imposed in a number of cases has exceeded 90 days, this has



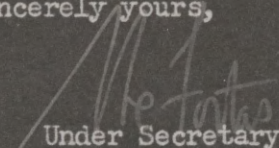
been because more than one offense was committed. We have found no instance in which the sentence imposed exceeded 90 days on any one count. Out of 454 persons apprehended for open violation of the special project regulations, 424 have been released without further action, after lectures on their behavior. Eleven received sentences ranging from 90 to 270 days. The remainder received sentences of 90 to 360 days, with 60 to 250 days of the sentence suspended on condition that they not violate the regulations after release. It has been the general practice to carry out sentences of imprisonment only in cases where the violator is recalcitrant and states that he will continue to disregard the regulations if released. I believe that these facts reflect sane and considerate handling of this difficult problem.

3. Four recent cases of violation, including the two you mention in your letter of July 6, have involved persons under 18 years of age. Reports on these cases are enclosed (Exhibit III). Despite the youth of the offenders, the facts in the cases do not indicate in my judgment that the sentences imposed were unnecessarily harsh or that the cases could have been handled satisfactorily in some other manner.

None of the four youths involved in these cases has been classified as a detainee by the Western Defense Command or by the Department of Justice. So long as they wish to remain residents of the center they will be required under WRA regulations to serve their sentences. They are, however, free at any time to leave the center even if they are serving a sentence for violation of center regulations. The War Relocation Authority does not maintain that it has power to detain any person who is eligible to leave the center and wishes to do so, even if he is being disciplined for violation of project regulations. Administrative Notice No. 207, which prescribes this policy, is enclosed (Exhibit IV). I should also point out that the Authority could legally expel any such person from a center, although as a matter of policy this power is exercised only in aggravated cases.

In summary, I am unable to conclude on the basis of our investigation that the special project regulations are unnecessary, that the WRA procedures for enforcement of the regulations are unreasonable, or that the Project Director at Tule Lake has exceeded his authority or been other than temperate under the circumstances in enforcing the regulations. I do not, of course, believe that my judgment should interfere with any action that the American Civil Liberties Union might deem appropriate under the circumstances. I should like to point out, however, that action such as you propose will doubtless be widely publicized. Enemies of the evacuees on the West Coast will undoubtedly play up the activities of the pro-Japanese organizations which will be the basis for the Government's defense. So far as the long run interests of persons of Japanese ancestry in this country are concerned, I think that the contemplated action would be a serious mistake.

Sincerely yours,

  
Under Secretary.



Encl. "3"

San Francisco, California.  
February 8, 1946.

HON. TOM C. CLARK,  
Attorney General of the U.S.,  
Washington, D.C.

HON. UGO CARUSI,  
Commissioner, U.S. Immigration & Naturalization Service,  
Philadelphia, Pennsylvania.

HON. W. S. COOK, Acting Officer-in-Charge,  
Fort Lincoln Internment Camp,  
Bismarck, North Dakota.

HON. ABNER SCHRIEBER, Assistant Officer-in-Charge,  
Santa Fe Internment Camp,  
Santa Fe, New Mexico.

HON. IVAN WILLIAMS, Officer-in-Charge,  
Santa Fe Internment Camp,  
Santa Fe, New Mexico.

Gentlemen:

On January 20th and 21st, 1946, at Fort Lincoln Internment Camp, Bismarck, North Dakota, and on January 29th and 30th, 1946, at the Alien Internment Camp at Santa Fe, New Mexico, pursuant to the requests of the native-born Americans of Japanese ancestry whose names appear on the attached list of names and who are interned in the said internment camps and who had engaged me as their attorney, I appeared at the said camps accompanied by Theodore Tamba, Esquire, an attorney and my assistant, to confer with and advise them concerning the legality of their threatened deportation to Japan by the Attorney General of the United States, their right to have their formal applications for renunciation of United States nationality set aside by court order and their nationality declared and their right to release from the restraint theretofore, then and now unlawfully imposed upon them.

Upon my said clients assembling in meeting quarters provided for us by the officers or acting officers in charge of said camps at said times and places I was amazed to learn,



by being then and there informed by said officers, that at conferences between an attorney and his clients the rights of interned clients to the assistance of counsel and their rights of privileged communications between them, guaranteed by historical constitutional, statutory and common law provisions, would neither be authorized, countenanced nor allowed and that I would be unable to confer with and advise my said clients unless there was present at all times during such conferences an officer, agent or censor employed by the governmental agency detaining my clients to sit in, spy upon, listen to, eavesdrop and censor what was, may or might have been said or done by us or any of us. I was forced, under the circumstances, to confer with my said clients and advise them as to their legal rights and remedies in the presence of and subject to the surveillance of such officers, agents and censors at said times and places. We were subjected to such mistreatment and violations of law at said times and places during my said conferences with my said clients albeit I then and there orally objected to and protested the said mistreatment and violations of law to said officers, agents and censors.

We charge that said such mistreatment, deprivations of constitutional, statutory and common law rights to counsel and the prevention of the free exercise of the right of privileged communications existing between an attorney and his clients were unauthorized violations of constitutional, statutory and common law rights. We charge that the same constitute additional acts of duress, menace and undue influence exerted by the United States government, acting by and through its agents, servants and employees, under a fictitious color of claim of authority that heretofore resulted in the wrongful internment of my said clients and that accounts for the present restraint imposed upon them and the exaction from them of fictitious applications for renunciation of United States nationality.



For the said reasons and upon said grounds, among others, orally stated by me to the officers in charge of said camps and the agents, servants and censors of the government at said times and places, I did and do now object thereto and protest the said violations of due process of law and the deprivations of said constitutional, statutory and common law rights.

Very truly yours,

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Wayne M. Collins,  
Attorney-at-law,  
1721 Mills Tower,  
San Francisco, 4, Calif.  
Telephone: GARfield 1218.

Duplicate originals to:

Hon. Andrew Jordan, District Director,  
U.S. Immig. & Nat. Service, Dept. of Justice,  
Port Office Building, Chicago, Illinois.

Hon. Grover C. Wilmoth, District Director,  
U.S. Immig. & Nat. Service, Dept. of Justice,  
U.S. Court House, El Paso, Texas.

Hon. Frank J. Hennessy, U.S. Attorney, San Francisco, Calif.

Hon. United States Attorney, Fargo, North Dakota.  
Hon. United States Attorney, Bismarck, North Dakota.  
Hon. United States Attorney, Santa Fe, New Mexico.  
Hon. United States Attorney, Albuquerque, New Mexico.

Hon. C. E. Rhett, Acting Head, War Div., Dept. of Justice,  
Washington, D.C.  
Hon. Edward J. Ennis, as Director, Alien Enemy Control Unit,  
Department of Justice, Washington, D.C.

Hon. Clifton M. Monroe, Chief Surveillance Officer, Santa Fe  
Internment Camp, Santa Fe, New Mexico.

Hon. C. M. Uyematsu, Censor-Translator, Santa Fe Internment  
Camp, Santa Fe, New Mexico.



1           It is stipulated that the foregoing pleading supplementing  
2 and amending the complaint herein be filed herein as such  
3 pleading and that service thereof be deemed to have been made  
4 on defendants this 4th day of March, 1946.

5           TOM C. CLARK, Attorney General,  
6           FRANK J. HENNESSY, U.S. Attorney,

7  
8           By R. B. McArthur  
9           Assistant U.S. Attorney  
10           Attorneys for Defendants.

11  
12           The foregoing Supplement and  
13 Amendment to Complaint is hereby  
14 ordered filed as such pleading in  
15 the above-entitled action this  
16 4th day of March, 1946.

17  
18  
19           A. F. St. Sure

20           United States District Judge.