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C O P Y

Project Attorney

Gila River Relocation Center
Rivers, Arizona
November 28, 1942

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

Dear Philip:

Ed Ferguson's memorandum announcing organizational changes arrived yesterday afternoon and I consequently address this report to you. I greatly regret having missed the opportunity to meet Ed as soon as I had hoped. Perhaps he will visit us before long. I was more than glad to reach Gila late Monday, the 23rd after a long, lonely and pretty dreary trip. I am much impressed by what has been accomplished, though much remains to be done. The spirit and morale of the residents seem excellent despite long payroll delays in the past and a constant dust cloud which breeds a local, fairly serious disease called by Dr. Sleath "valley fever". For mechanical reasons, which I leave to your perception, I shall be as brief as possible. I should note that Acting Director Cozzens has been attending meetings with the Director in Utah, so I have not met him.

(1) Self-Government. I have partially reviewed draft of a constitution prepared by a Committee headed by Mr. Omachi, L.L.B. Univ. of California 1937, of Stockton. It is a splendid beginning and with revision and clarification should be in shape to submit to the Councils for action within a week or so.

(2) Camouflage Net Project. Residents have been voting by blocks and appear to favor plan providing regular wage plus \$10 bonus for completion of 1000 feet per month plus one-tenth cent per foot in excess; all over regular wage (usually \$16) to be paid by employer pursuant to agreement into trust fund; after deduction of subsistence for net worker only at \$25 per month or \$6 per week and payment of clothing allowance to net worker and dependents, principal of fund to be distributed among all center workers during period of factory operation in accordance with terms of trust agreement. Is this consistent with the Authority's policy? When may we expect forms of trust agreement and related documents referred to in your letter?

(3) Leave Instructions. Sixty-seven applications for indefinite leave have been filed from this center through the evacuee leave officer, without review by the Project Director,

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over signature of Mr. Landward, Sr. Adm. Ass't. in Community Services; many are accompanied by offers of employment, as to some of which urgent inquiry is being made. It is my impression that the Caucasian staff has not yet seriously studied the revised instructions and does not fully apprehend the responsibilities involved, as for investigation, interview, recommendation, etc. My understanding is that all applications must be renewed almost de novo where no WRA-126 has been prepared and that rigid compliance with the instructions is required. This will work hardship, but I am confident that the minimum contemplated standards have not been met in any case, even though it might turn out that every case deserves approval. Note error in Instructions, V-C at pg. 14, should be Form WRA-141 not WRA-138 (or should it be WRA-140?).

(4) Community Enterprises. a. The temporary merchandising and service enterprises are being ably and successfully operated by Mr. J. L. Shelly in wholly anomalous, amorphous and non-legal form. A cooperative should be organized speedily and it is hoped that the questions noted in your memorandum to Mr. Province (Nov. 18) may be resolved reasonably soon and instructions issued on which we may proceed, though I well realize the difficulties. Arizona has just declared the temporary enterprises subject to sales taxes, as was, I think, to be expected. I am told that net profits at year end will be substantial. b. There are no banking facilities here of any kind either for staff or residents. Shelly's enterprises cash small checks occasionally for a ten-cent fee and Government checks. I feel that establishment of some form of credit union should be high on the list of agenda.

(5) Property Matters. I foresee that Ed Bernhard will be swamped when I really get into this. a. Real estate agents for M. Hasegawa of Los Angeles have demanded payment of first half 1942-43 taxes by December 1st and mortgage payments (including amortization) through December 8th amounting in all to nearly \$700 (brokers' letter attached). Property is apartment house which has netted average of \$150 per month over period of years. Summer months have always shown largest profit. It looks a little strange. Can San Francisco do anything? Brokers first consulted Sloan there who referred them to owner here. We cannot do much here, particularly with the accumulation and difficulties of organizing Attorney's office. b. Mr. K. Yoshida was arrested by FBI at Terminal Island and compelled to leave his belongings behind without anyone to put in charge of them. During interment at Bismark, and since transfer here, he has written U. S. Attorney at San Francisco, FBI, Naval Intelligence and others without any satisfaction or trace of his goods including books of account. He believes he can sell or charter fishing

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vessels and dispose of valuable equipment if he can recover books and papers and partnership articles. Has Ed Bernhard a suggestion on this? c. A resident, Mr. Miura, not a lawyer, but former insurance man has been advising large numbers of residents on insurance matters without legal or other supervision. I have no doubt he is capable and trustworthy but I consider the present arrangement unsatisfactory and shall discuss with Mr. Cozzens, on his return, having the Insurance Advisor attached either to my office or Community Services with appropriate responsibility for staff supervision of this type of service. d. Little difficulty seems to have been encountered with respect to Old-Age Benefit claims under the Social Security Act, but Unemployment Insurance claims are quite another matter. Has any precedent or sound legal basis for sustaining such claims yet been established and if so should the claims be initiated by WRA and if so through this office or through the Property Division?

(6) Project Attorney's Office Routine and Organization.

This is far down the list but I assure you it covers matters of direct import to the efficiency and successful accomplishment of all of my work. a. We agreed that a Caucasian stenographer (CAF-3) was not only allotted to the office, but was essential in view of the character of the work which will develop. I induced my secretary, Matilda K. Rottach, from New York to apply. She has been with me for nine years; has had seven or eight years experience in the United States Attorney's Office in New York as secretary to Chief Assistants and a total of seventeen years legal experience. I need hardly say that her assistance would be invaluable. Without competent aid I shall be nearly hamstrung. I implore you to have her application and appointment processed in record time, if possible. She applied about November 10th and at last report had heard nothing. b. There are substantially no legal office supplies here--no legal cap, no legal size file cabinets (one of mine should be equipped with lock), no clips or other similar supplies. Should these be requisitioned through the Procurement Office here? Though I suppose that is the answer I am told it may take months, with papers literally "mold'ring in the dust" in the interim. c. Your memo to project attorneys dated October 15th refers to Board of Legal Examiners forms to be filled out for evacuee lawyers, which were being sent to the projects. None have arrived here and I would appreciate receiving a batch to expedite my office organization. There are three lawyers here and two graduate law students. I have not met them all yet so have no present report except as to Omachi, who appears capable. d. I sorely need copies of the Federal, Arizona and California codes. I understood that they would be furnished through the Regional Attorneys Office. Under the circumstances

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how should they be obtained? e. No Congressional Record or Federal Register daily issues have come here as yet. Your memorandum on the subject requests us to undertake to obtain them regularly. The query under (d) applies. I also request a copy of the F 11 1942 government manual with up-to-date list of U. S. Attorneys, etc. anent leaves for aliens (if any) and other matters. f. In view of changes in organization I would greatly appreciate receiving current instructions on correspondence usages. Six copies of this report are being prepared, two for your office, one for Ed Bernhard, one for Maurice Walk and two for this office. This is my interpretation of Ed Ferguson's memorandum. Is it correct? I have also understood that I was directly responsible to the Regional Attorney and now to you and consequently that copies of my reports and inter-office correspondence were retained in the Project Attorney's files. Would you advise me whether copies of such correspondence is to be furnished to the general files and also whether the Project Director should receive copies of my reports and letters to you? I do not wish any misunderstanding to arise on this score.

I'm afraid that I have asked more questions than I have answered. My three working days have been full (Thanksgiving was reserved for meeting residents at their festivities and study). I have only touched the principal points. I have attended a four hour Community Council meeting, studied draft of proposed "Penal Code" which is in poor shape, moved towards getting a notary public which we are without, worked out schedule of office hours between the two camps and had numerous intra-office conferences including attempting to get an office for myself and have the project subscribe to local newspapers (see your memorandum to project attorneys dated October 30th) so far without success. However, I have hopes and also for temporary stenographic help which so far has been difficult to obtain. Incidentally, as to the codes etc., a trip to the Phoenix library consumes a full day which I can ill afford at this stage. The quarters are comfortable; the food is good; the work is fascinating and my enthusiasm is boundless.

My warm regards to my erstwhile office mates at Washington.

Sincerely,

James H. Terry
Project Attorney
Gila River Relocation Center

cc: Edgar Bernhard
Maurice Walk

All Project Attorneys

30,100
A. E. O'Brien
Acting Project Atty
Minidoka
(Hunt, Idaho)

WAR RELOCATION AUTHORITY
Office of the Solicitor
WASHINGTON

DEC 3 1942

Indig

Q'Brien

Mr. James H. Terry
Project Attorney
Gila River Relocation Center
Rivers, Arizona

Dear Jim:

This will reply to your weekly report dated November 28.

1. Evacuee government. The organization of a permanent evacuee government at each of the Relocation Centers is proceeding slowly. This is to be expected, however, and is probably wise. I believe that committees at most of the Centers are working on the problem and some of them have prepared preliminary drafts of a plan of organization. We have received copies, however, of only one "charter", so-called. It was prepared at the Granada Relocation Center, but has not yet been submitted to the temporary council. I am looking forward with interest to receiving a copy of the plan of government prepared at Gila.

2. Camouflage net project. You have probably talked with Mr. Stancliff by now about the proposal to use a trust fund in connection with the camouflage net project at Gila. He was due in Gila the first part of this week and Mr. Rowalt sent to him by airmail on November 30 copies of the trust agreement and related documents that were mailed on the same day to Mr. Fryer. The documents were incomplete because we did not have sufficient information to prepare them in final form. They were to be used as a basis for negotiation, and then are to be submitted to the Director for signature. The provisions sketched in your letter are consistent with the Authority's policy. Your letter called our attention, however, to one ambiguity in the form of agreement that was drafted here. It provides that the evacuee shall receive a sum equivalent to a clothing allowance computed in accordance with the provisions of Administrative Instruction No. 27 as supplemented, but it does not indicate whether this clothing allowance is for the evacuee alone or for both him and his dependents. If the documents are still at Gila, you can resolve this ambiguity. If they are not at Gila, we shall make the necessary revision when they are submitted to Washington. To resolve this ambiguity, we shall have to find out what the administrative people want this provision to say.

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WAR RELOCATION AUTHORITY

Office of the Solicitor

WASHINGTON

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3. Leave instructions. Administrative Instruction No. 22, Revised, does not indicate whether applications made prior to the issuance of the revised instruction are to be processed in accordance with the informal procedure in effect at the time they were made, or whether they are to be recalled for processing under the revised instruction. A letter to all Project Directors has just been issued with respect to the processing of applications for indefinite leave to attend educational institutions that were filed before the issuance of the revised instruction. These applications are to be processed in accordance with the old procedure. No similar instruction has been issued with respect to other applications for indefinite leave. I suggest that no attempt be made to recall for processing in accordance with the revised instruction applications that have already left the Center, but that all applications now pending at the Center be so processed before they are forwarded.

The error on page 14 of Administrative Instruction No. 22, Revised, had been discovered and a correction notice is now being issued. The reference to Form WRA-138 should be to Form WRA-140.

4. Community enterprises. Since the memorandum to Mr. Provinse dated November 18 was written, we have issued an opinion (Op. Sol. No. 27) discussing the liability of consumer enterprises for Federal and State income taxes on income earned prior to and after incorporation. You should have received a copy by now. The other questions listed in the memorandum to Mr. Provinse will require considerable time to answer, but I do not believe that fact need delay the organization of a cooperative at Gila.

There is probably no need for the issuance of detailed instructions governing the organization of the cooperative. The project staff should understand, as a result of conversations and correspondence with representatives of both the regional and Washington offices, that the cooperative should be organized as soon as possible. Some time ago we prepared draft organization papers for use in California and sent them to Ed Ferguson with the request that he use them as guides in preparing similar papers for use in the other States in his region. He has since recommended that the cooperatives in States other than California be incorporated under the District of Columbia Consumers Cooperative Statute. We have just received from him a draft of charter and by-laws for this purpose. The use of the District of Columbia statute will probably be especially advisable in Arizona since Arizona does not have an adequate cooperative statute. In any event, Ed is expected in Washington tomorrow, and I shall write you further within the near future about the subject as soon as I have had an opportunity to talk to him.

Pending the organization of cooperatives at the Tule Lake,

WETONLINE

A circular stamp with a clock face. The numbers 1 through 12 are arranged around the perimeter. In the center, the text reads: "RECEIVED" at the top, "DEC 9 1942" in the middle, and "MINIDOKA WAR RELOCATION PROJECT EDEN, IDAHO" at the bottom. A small triangle points to the number 9.



WAR RELOCATION AUTHORITY

Office of the Solicitor

WASHINGTON

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Rowher, and Jerome projects, the Project Attorneys have considered it advisable to formalize the temporary organization by creating a trust. I believe this is an excellent idea for all the projects if there will be a substantial delay in the organization of the cooperatives. A copy of the trust instrument used in Arkansas is enclosed for your information. It is intended to create a common law trust rather than a statutory trust, a procedure which is permissible in Arkansas. My only caution to you is that no Federal employee should be named as a trustee. In order that it may be clear that the Government has no ownership interest in the assets of the community enterprise, it is preferable that controls be exercised through conditions attached to the operation of the trust within the Center rather than through a Federal representative on the board of trustees.

Since you feel that the establishment of a credit union at Gila should be high on the agenda, I suggest that you encourage the Project Director to recommend such action to the Director. We have collected some material for use in drafting the necessary papers for incorporating a credit union and will make them available to you if the idea is approved.

5. Property matters. The Evacuee Property Division in San Francisco is now preparing a draft of a proposed Administrative Instruction for the guidance of project personnel in submitting property problems to the Evacuee Property Division in San Francisco or to its field offices along the coast. Meanwhile, I suggest you arrange for the submission of your problems direct to the San Francisco office. It will save a lot of time if you analyze each problem before submitting it and satisfy yourself that the San Francisco office is supplied with all the information necessary for it to act on the case. The referral procedure should be worked out between you and the Project Director. Ordinarily, I believe the case should be referred by the Project Director to the Chief of the Evacuee Property Division. You are, of course, free to correspond directly with Edgar Bernhard whenever there is need to do so.

It seems strange to me that the Los Angeles office of the Evacuee Property Division should have referred the brokers for M. Hasagawa to the owner at Gila without indicating the extent to which the War Relocation Authority might help. I suggest that you refer the case to the San Francisco office with a full statement of the information available to you. This same suggestion applies to the K. Yoshida case.

I agree that the insurance adviser should be subject to supervision, and should probably be attached to the Community Services staff with the understanding that all legal questions would be referred to the Project Attorney.

WAR RELOCATION AUTHORITY

Office of the Solicitor

WASHINGTON

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Unemployment insurance claims have presented a troublesome problem. Some time ago the California agency handling such claims determined that no evacuees within Relocation Centers were eligible for unemployment insurance under the California statute because they were not available for employment. We took the question up with the Federal Security Agency here in Washington and that agency agreed with us that the blanket ruling in California was unjustified, and that each case should be considered on its individual merits, and agreed also to intervene with the State Board in California. We have not yet heard of the results of that intervention. We pointed out to the Federal Security Agency that the evacuees are available for employment both within the Centers and outside the Centers. Meanwhile, Ted Haas had taken the matter up independently with the General Counsel of the Federal Security Agency and received a letter from him on the subject. I suggest you check with Ted Haas to find out the current status of negotiations in Arizona.

6. Miscellaneous. You have been advised by telegram of the status of Matilda K. Rottach's application. I agree with you that a Caucasian secretary is desirable, and I have only recently learned that the appointment is permissible according to the organization chart. I have sent a suitable recommendation to our Personnel Office. This should be worked out between the Project Director and the San Francisco office.

Supplies for your office will need to be requisitioned through the procurement office at the project. The delay is regrettable but unavoidable.

Mrs. Brewer tells me that she delivered a supply of Board of Legal Examiner forms to you before you left Washington. We have checked the drawers in the desk that you used here on the chance that they may have been left behind, but they were not. However, I shall send you under separate cover some additional copies.

Solicitor's Memorandum No. 10 authorizes each Project Attorney to purchase through the procurement or supply officer of the Relocation Center the U. S. Code, the Code of the State in which the Relocation Center is located, and the Code of the States from which a substantial number of the evacuees in the Relocation Center have come. Arrangements for receiving the Congressional Record and the Federal Register should also be made through the project procurement office.

Allen
Mr.
Morse

We are securing from the Department of Justice an up-to-date list of the United States Attorneys and will forward it to you as soon as it has been received. A copy of the 1942 Fall issue of the Government Manual was sent to each Project Director some time ago. Our supply here

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is exhausted. Harold Byrd suggests, however, that the project procurement office can easily get an additional copy from the local OEM office.

A recent letter of mine to all Project Attorneys discusses the number of copies that should be made of weekly reports: two to me, one to each Project Attorney, one to Mr. Walk, and one to Mr. Bernhard.

Insofar as administrative responsibilities are concerned, a policy statement that will soon be issued as a result of the reorganization will contain the following statement:

"Each Project Attorney is administratively responsible to the Project Director of the Relocation Center to which he is assigned, and is directly responsible to the Solicitor for all legal interpretations and for questions of legal policy."

This will not represent any change from the present policy or status. The Project Attorney has always been regarded as administratively responsible to the Project Director in the sense that the Project Director is responsible for all phases of project administration. The Project Attorney, however, is responsible to the Solicitor for the quality and accuracy of his legal work. I am sure it is obvious that there need be no conflict between these two responsibilities.

Insofar as your own files are concerned, that is a subject for you to work out with the Project Director. My own feeling is that the Project Attorney need not have a separate system of files but should incorporate his material in the regular project files. However, if it should be more convenient to keep dictator's copies of some of your written work in your own office, I can see no reason why that should not be done. In our office here in Washington we keep dictators' copies of all outgoing material in our reading file which circulates among the lawyers in the office. The official file copies, however, are incorporated in the general files. Whether you wish to submit to the Project Director copies of your weekly reports to me is again a matter for you to decide. My own recommendation is that you give him copies of the reports in order to keep him informed of your activities. If there should be any occasion to correspond with me on confidential subjects, these subjects can be embodied in separate correspondence.

Your first report is an excellent one and has been quite informative. I am extremely glad to hear that your quarters are comfortable and that the food is good. I am also tremendously pleased that your enthusiasm is still as great as it was when you left here. I am confident that the Project Attorney's office at Gila is in good hands.

Sincerely,

Philip M. Glick

Philip M. Glick
Solicitor

IASigler:FSP

Enclosure

C O P Y

Project Attorney

Gila River Relocation Center
Rivers, Arizona
December 5, 1942

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

Dear Philip:

This has been quite a week here and some repercussions already may have reached you. The pressure has been stimulating and at last I have arranged for stenographic assistance pending the arrival of Miss Rottach. I was sorry to bother you about that but I was getting a little desperate. We still have to do our ~~own~~ work on whatever typewriter we can borrow at the moment. Within a short time I hope to have permanent office space assigned. The weather has been ideal until yesterday when we had dust storms followed by a heavy rainstorm. Mr. Cozzens returned from Utah late Tuesday and while I have had a number of conferences with him on specific items there are many others and many matters of administrative policy with relation to cooperation between my office and various departments of the administration here which we should discuss. I am pleased with my increasingly cordial acceptance into the staff family and feel that I can make my office more and more useful and helpful as time goes on.

1. I shall first review the assault which occurred here this week, which closely parallels, to a point, the Poston incident. There is a wide difference between the attitude of the people of Camp #1 (Canal) and this camp (#2 -- Butte). The former were the first arrivals and were victims of inadequate housing, gross overcrowding, intense heat, dust, lack of sanitary facilities and water and pretty general confusion. Furthermore, a large proportion of them came from Turlock Assembly Center where their treatment by the WCCA had been far less equitable or generous than at other such centers. In addition, they seem to include a greater number of influential and vociferous issai and kibei than this camp. They have an anti-administration slant, and have been nursing grievances. A nisei named Tada who had been a Councilman and Welfare Worker at Turlock and is employed by the Welfare Department here in connection with recreation at Canal Camp had won for himself much animosity by reason of completely unfounded beliefs that he had shown unfair discrimination and incompetence

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with respect to issuance of clothing allotments and scrip-books at Turlock and with respect to adult recreation matters particularly affecting Issai and Kibei here. A particular grudge was apparently borne by a Japanese drama association composed largely if not entirely of dissident elements. On Monday evening, the thirtieth, Tada's case was heatedly discussed at a meeting of the association and it was then and there decided to hale him before the group for questioning. He was summoned and interrogated and his answers were not satisfactory to the questioners. When he left the meeting he was followed by approximately ten unidentified men, was waylaid in a dark spot on his way to his barracks, and was severely beaten with an ironwood stick on the head and on his arms with which he attempted to protect his head. His scalp was laid open causing much loss of blood and several stitches. No fractures were found. He failed to identify any of his assailants and expressed the hope that the matter could be hushed up, said he bore no animus. The police heard the blows some distance off and came on the scene as the assailants ran away. None were identified except one Hirokane, a Block Council Chairman, father of eight children, not a member of the drama association, who claimed ownership of the stick, asserted that he had inflicted the beating unassisted and spontaneously, that if any others were around at the time he does not know their identity, and that he had done the act "for the good of the community" because of Tada's actions here and at Turlock.

I do not know what investigation was made by Mr. Cozzens and Mr. Williamson, head of Internal Security, as I was not present. Mr. Cozzens worked on the case from Tuesday afternoon until the first hearing on Wednesday afternoon, which latter he asked me to attend. The "testimony" at the first hearing consisted mainly in diatribes against Tada by supporters of the accused and more or less veiled threats against the Administration if the accused was punished or there was interference with such activities. Mr. Cozzens was the soul of patience. The testimony was given through an interpreter as the evacuee representation was Issai and Kibei, though I believe they could have understood and expressed themselves adequately in English. The accused was quiet and innocuous but continued to maintain that he had committed the act and was glad of it. The hearing adjourned until the following morning at Camp #1 and the accused's supporters were urged to discourage any assemblages or mass meetings overnight. The hearing continued in the Community Council room at #1 the next morning and a large throng was waiting to attend. They packed the Council room and hung in the windows. Aside from the testimony of police officers (wardens) there was practically no legally admissible or even helpful testimony whatsoever. There were many speeches; some were angry and inflammatory. The same

Philip M. Glick--3

thing continued after lunch. The hearing finally concluded and at its close the evacuee lawyer Omachi whom I mentioned in my report last week was surrounded, there was angry talk and we almost had a mob scene. Fortunately it passed over with nothing but threats for the future. The Director reserved decision on Hirokane. Thursday night Mr. Cozzens addressed a mass meeting at #1 Camp and said in effect that the Administration would not tolerate violence or mob rule. The last thirty-six hours has seen much spade-work in an effort to patch up nisei-knei differences, as that seemed the only possible action in the light of the course matters had taken.

I have gone to this length in narrating the incident because it seems to me important in shedding light on fundamental problems of WRA. True they are only quasi-legal and you may consider them entirely out of our field, but even if you consider this only atmosphere, I think it is worth passing on.

One of the questions which suggest themselves is: was the investigation adequate and if not should the Project Attorney be asked to assist in developing such cases by summoning and questioning witnesses in advance of hearing? My answer is that in this case the investigation was woefully inadequate; it has been my conviction from the outset that the accused did not commit the act, despite his assertions, and I now find that view held by many of the residents, some of whom profess to know who the real culprit is. I believe that the psychological effect of punishing a straw-man, put forward to "take the rap" will tend to discredit the intelligence of the Administration and affect the morale of the people. I surely have no wish unnecessarily to reach out for more work, -- I have more than ample, -- but I do think that, since we are undoubtedly dealing with one or more dangerous and subversive groups and organizations, the disease cannot be cured until it has been brought out fully into the light; and that requires careful, patient and, perhaps, lengthy investigation on a non-amateur basis. What the ultimate disposition should be is quite another matter, but the possibility of segregation of those in all Centers who are admittedly or demonstrably anti-American, pro-Axis, have applied for repatriation or have identified themselves with lawless, chauvinistic and subversive groups and organizations in the Community, (of which several are known to exist here), should not be eliminated. In fairness I should say that such groups are numerically small here, probably representing little more than ten per cent of the population, but they are vociferous and influential.

As for the hearings, I believe that the Project Director could advantageously require more respect and decorum, that the

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workers should be required to continue at work, and not be allowed to make a Roman holiday of such occasions, that the congregation of large assemblages in connection with hearings should be forbidden, and that only a reasonable number of witnesses and representatives of the accused should attend. I hope what I have said will not be misconstrued. I have already discussed some phases of the problem with Mr. Cozzens and intend to go into it more deeply with him at the earliest opportunity. I firmly believe that he is doing a grand job and in the main has handled this difficult incident well from a layman's viewpoint. I regret that I cannot say as much for the Internal Security office. Such incident may well arise at other Centers and I feel that a policy as reasonably consistent as varying circumstances will permit would be worth formulating. I find that news moves from Center to Center with remarkable rapidity. I'd like to have your reactions. Now to more orthodox matters.

2. The camouflage net factory is hoping to start full operation next week and after conference with the Project Director and others yesterday on the question of forms of agreements in the light of your letter of November 17 to Ed Ferguson (which seems to be the only intelligible statement of policy which has been brought to Mr. Cozzens attention) a telegram was dispatched to Director Myer inquiring if I should prepare temporary agreements pending arrival of the final forms of agreement which your office is preparing. On the basis of a possible affirmative answer I was asked to get such forms ready and have done so. Now I find that wage terms are still somewhat indefinite and I cannot find out whether employees are to be paid on a piece-work basis or hourly wage basis, though I had always understood the latter and so do the residents. Now it seems that they are to receive 60¢ per hour for an eight-hour day if they garnish 1000 square feet of net, if less then at the rate of 48¢ per 100 square feet. It is also contemplated that they will be worked 44 hours per week without increase in pay for work over 40 hours. What do you think of such arrangement under the Wages and Hours Law? I understand that Mr. Stancliff, whom unfortunately I did not see when he was here this week, has approved the terms. My temporary agreements as drawn will, I think, fill the bill for an hourly pay basis but not for piece-work rates or a hybrid. I have not attempted a trust agreement. When do you anticipate that the official forms will be available?

3. At their request I have expressed to the Assistant Project Director and Mr. Hoffman, head of Community Services, the opinion that sale in canteens here of 3.2% beer would violate the law with respect to sale or possession of intoxicating beverages on Indian lands. This opinion was based in part on a State Court decision within my recollection that beer of that

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alcoholic content is in fact intoxicating. The Community Council which raised the point will find this hard to swallow (excuse it, please) because 3.2% beer is sold at the Military Police canteen on this very reservation. Do you agree with me or have you any more benevolent precedent to offer? Has there been any opinion issued by the Attorney General or the Solicitor of the Interior Department?

4. I have had many applications from families of internees to join their husbands in internment camps as a result of the circular sent around by the Director of Alien Enemy Control, which you have doubtless seen. If not, I am sure copies are readily obtainable there. I expect to write Ed Ennis shortly and apply on behalf of a number of families, appending signed authorizations from the wife in each case. Most are repatriation applicants. Is there objection to this procedure?

5. There are a number of cases here, involving renewal premiums on Immigration Bonds of persons ordered deported. The bonds are almost invariably in the amount of \$2000 and cash security has been deposited. Some are cases of aliens who have applied for repatriation and are not eligible for leave. Could the persons bonded be released from bond during such time as they remain in relocation centers? Has any application been made on this subject to Mr. Harrison, Solicitor of Immigration and Naturalization, in Philadelphia? Should such question be taken up through you, by me or not at all?

6. The various communications on consumer cooperative organizations seem to be somewhat conflicting. I am still relying on your memorandum of November 18 to Mr. Provinse, indicating that we are to mark time until your office has settled the numerous legal questions. Is this correct? I enclose copy of letter from Arizona Corporation Commission, though you probably have it.

7. I have done considerable work on revising the draft of the proposed Community Constitution this week and there is still much to be done. I hope to have a revision in form to discuss with Mr. Cozzens fairly early next week as he is anxious to get ahead with it and so am I. The present draft provides for popular election of the Judicial Commission without regard to citizenship qualification. I gave the opinion that such provision violated the Administrative Instruction. In that I seem to be at variance with opinions expressed by the Regional Director's Office. What is the right answer?

8. I shall review a few of the many property cases in which my assistance has been sought.

C O P Y

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(a) M. Hasegawa--mentioned in last week's report. I enclose copies of the correspondence which I think brings you up to date. Is there no possibility of Ed Bernhard's office arranging tax moratoria without penalty in extreme cases?

(b) Minoru Hirai. Left all properties and affairs in hands of lawyer friend Edwin W. Geary of Central Bank Building, Oakland. Gave him power of attorney and deeds to real properties(?), one of which was 603 Madison Street, Oakland. Geary died in August and his cousin Charles S. Schilling also a lawyer "took over administration of his affairs." Letters to Schilling remain unanswered and income formerly received from Geary has stopped. Mrs. Geary lives at 476 Fairbanks Avenue, Oakland. Hirai's wife, Sumiye, owned property at 2110 Clement Avenue, Alameda, California, which was condemned for 12th Naval District and \$2924 awarded. Also handled through Geary and award has never been received. These matters seem to warrant speedy investigation.

(c) George N. Kuwahara -- was owed \$130 for spray machine by one Kato. Kato sold machinery and standing crops to Ben P. Weston, P. O. Box 449, Torrance, California, who agreed to pay the \$130 debt of Kato to Kuwahara when the crops were harvested. Weston has ignored all letters.

(d) Mitsuyo Fujisaki -- desires to obtain articles, particularly trunk and box marked "No. 14" from locked storage house at 125 South La Salle Street, Santa Maria, California. Requests to her friend Mrs. A. L. Phillips, Box 681, Santa Maria, who has access, to ship the articles here have elicited no reply.

(e) Minoru, Noboru and Tatomu Nojima, brothers, who worked on the Pinkham ranch in Vacaville, California, effected settlement for \$350 on account of work performed by them with Pacific Fruit Exchange which took over operation of the ranch after foreclosure by a local bank. Letters to Howard Rogers, manager of the Exchange at Vacaville, from the Welfare Department here remain unanswered.

(f) Eddie Ito -- and seven other evacuee families stored their belongings in the locked basement of the dwelling of Goichi Yamazaki at 1011 South Fedora Street, Los Angeles. The property included jewelry, silver, watches, china, kitchenware, clothing, and tools valued at over \$6000. The property was rented from Yamazaki and the tenant, Leroy Landgreen, notified the landlord that some of the property had been stolen. Ito took the matter up with Mr. Sloan in Los Angeles and obtained permission to leave Santa Anita to investigate. He found the lock broken and all of the property gone. He suspects the tenants of complicity. The matter was never reported to the

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police and the Property Division appears to have lost track of it. Pertinent papers are enclosed.

(g) Sammy and June Tanaka -- own a house at 920 South Charlotte Street, San Gabriel, California. The first half 1942-43 taxes amounting to \$46.20 are due December 5 to avoid penalty. Three months interest is due on a mortgage of about \$3000. The purchase price was \$3500 but in the reported opinion of some local brokers should now bring at least \$4000. One broker named O'Brien claims an exclusive agency which the owners deny. They have so notified O. L. Gothard of 509 Alhambra Street, Alhambra, California, who holds their power of attorney. Mortgagee is Temple City 1st National Bank. Can the Property Division assist in effecting a prompt sale for a fair price?

In addition to the foregoing and a number of other property matters I have consulted and advised with evacuee-residents on insurance claims and problems, selective service matters, capital stock tax returns, income tax questions, social security and unemployment insurance claims (have you noted recent Nevada decision on latter?) and domestic relations problems; I have discussed many community problems both with evacuees and staff members; I have had numerous staff conferences and advised on minor matters.

Unfortunately I have so far had no time to go to Phoenix, make arrangements for use of the law library, communicate with the State Attorney General's Office, Social Security Office or other federal, state or local agencies -- nor to get a much-needed haircut.

I apologize for the length of this report. I have given somewhat detailed information on the property cases in the hope that duplication of correspondence could be avoided in view of the fact that Ed Bernhard receives a copy and can take the various matters up with his division, at least for a start, on the facts given. I shall, of course, furnish him any additional information within my power at his request.

I'm enjoying every minute of this, even if my working hours do measure sixteen or more hours every day as I expected they would. My best to you all.

Sincerely,

James H. Terry
Project Attorney
Gila River Relocation Center

cc: All Project Attorneys
Edgar Bernhard
Maurice Walk
ences.

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P. S. You might find out from Mrs. Perry if my Washington subsistence voucher was lost in the shuffle, if it's not too much trouble. I'm not a bit anxious but next year might be too late.

J. H. T.

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Project Attorney

Gila River Relocation Center
Rivers, Arizona
December 12, 1942

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

Dear Philip:

In many ways this has been an unfruitful week. Monday and Tuesday afternoons were wholly occupied (nearly nine hours) with a staff conference which involved considerable mental and verbal milling around and not much decisive action. Tuesday morning was taken up with a meeting of the Constitutional Commission for the express purpose of naming a subcommittee to work with me on necessary revisions of the present draft of the constitution. Unhappily, by reason of the seemingly inevitable speech-making proclivities of our population, the meeting which should have lasted ten minutes took over three hours of discussion which was largely premature. Wednesday Mr. Bennett, the new Project Director, arrived and a meeting of all Caucasian personnel for hail and farewell speeches took a good part of the afternoon. Thursday my entire day was spent on my first trip to Phoenix arranging for use of the County Law Library, making preliminary arrangements for being admitted to practice in Arizona, discussing with an attorney the best approach to the local bar associations for assistance in establishing a panel of lawyers to handle such evacuee cases as may arise (there are a number of potential litigations, including divorces which would require such representation), arranging for the purchase of some law books at my own expense which I can use here to good advantage, purchasing some office supplies also at my own expense, which I was glad to do since many are not presently or prospectively obtainable through official channels, and conferring with the Director of the Arizona Employment Security Agency about unemployment insurance claims, which latter conference I shall mention further. In addition to all of this the administrative office space is being entirely reallocated with attendant construction activities and confusion. At least when it is all over I hope to have an office in which I can rapidly establish an efficient organization. You perceive that effective use of daylight hours this week was

sharply curtailed and it will take time to induce committees and residents to work with me at night. There is a great aversion to it at present. There was even an incursion into my night work by a staff social gathering Thursday evening. I had unwarily agreed to furnish my phonograph and some valued records which I was unwilling to trust to other hands.

Before passing on to the principal subjects of my report there are a few matters which I should like to mention. Your revised memorandum requires weekly reports to be in your hands by Saturday of each week. I am not sure that you are aware of the strange mail bottleneck at Gila. I shall not burden you with the causes but I find that on frequent occasions air mail takes as much as six full days to reach here from the East coast and vice versa. Ordinary mail often takes considerably longer. There is not even any consistency in the periods of mail travel. It is impossible to be sure that mail deposited on any given day will reach you before the next Saturday. If agreeable, I suggest that I continue the present practice of mailing reports on Saturday covering the week ending Friday night. Your prompt and helpful comments on my first report did not arrive until long after my second report had gone forward, so if I seem to have ignored advice or suggestions you may know that it is because I had not received it. Though it is of no consequence, I want to relieve your mind of the idea that I mislay papers, specifically the Board of Legal Examiners Forms Mrs. Brewer thought she gave me. I asked her for and she gave me a set of ordinary civil service application blanks (blue ink) to enable Miss Rottach to make her application. Certainly Mrs. Brewer's slight error in recollection was entirely understandable. At any rate the forms have arrived and will be put to use immediately. The Acting Director last Saturday sentenced Tada's assailant to six months in Pinal County jail and directed that he be released on probation after thirty days. I was not consulted as to the form of the sentence and did not express an opinion, though I was present. I have never encountered a sentence in just that form and would have suggested sentencing on two counts, as for instance, thirty days for breach of the peace and six months for assault and battery, the latter suspended during good behavior, sentences to run consecutively or concurrently as the Director wished. Any serious eruption from the incident has been averted, I think, for the present but the volcano is by no means dead. All Project Attorneys have now received copies of my first two reports as well as Messrs. Bernhard and Walk. Kent Silverthorne was here for a day this week and understands that the San Francisco Property Division encourages forwarding of cases by Project Attorneys direct to

Field Offices with copies to San Francisco, in the interests of expeditious handling. I favor this, at least for the present, if you approve and if the Project Director has no objection. The residents surely saw me coming for I have been flooded with such cases, many urgent, and until I can get my office organization set up and working and while I'm doing everything substantially single-handed I believe it is desirable to pare formalities to the bone. I enclose a copy of a cartoon from Friday's Arizona Republic. It is interesting as being, perhaps, indicative of some moderation in the attitude towards our people who have heretofore been the object of undifferentiated prejudice.

1. Samouflage Net Project. This is proving troublesome. I assume that Mr. Stancliff has satisfied himself as to the responsibility of Stahl, the operator. Nevertheless, Stahl is not, apparently, obtaining legal advice as I think he should. He is an individual doing business in California under a trade-name. Nothing has been submitted to me to show that he has obtained an Arizona license, that he has registered a trade-name here, that he has applied for a workmen's compensation bond, that he has made any arrangements to keep required social security or unemployment insurance records, that he has bound or applied for fire insurance, that he has investigated his duties under the wages and hours and other labor laws. Some of the employment men on the staff and the representatives of the operator (who know nothing of the contractual phases of the matter) express great anxiety to start operating at once. While decisions on such matters are, of course, the responsibility of the Project Director, I cannot but feel concern at the haphazard manner in which the affair is proceeding. Stahl, it seems, argues that the factory buildings are the property of the Army, having been built by the U. S. E. D. and therefore the WRA is offside in providing for rental and insurance. I should interpolate that since Mr. Cozzens was away for more than a week after my arrival, then was devoting most of his time to our "incident" and is now in the process of turning things over to Mr. Bennett, who takes over Monday and has not yet been available for conference, it has been impossible to obtain a definite policy from the head of the project so far. I have suggested to Stahl's representative here that, if Stahl is willing to accept the agreement in the proposed form with the corrections and additional representations, necessitated by reason of the fact that the operator is an individual and not a corporation, he so notify the Director in Washington and suggest that to save time he execute the contract in Los Angeles and forward it to Washington for final approval and execution. Apparently, however, Stahl is not willing to accept all stipulations of the contract in the

proposed form. After all of the publicity, voting on plans, etc., it may be difficult to explain any substantial delay to the community and the program may get off to a bad start.

2. Community Enterprises. Your air-mail memorandum on this subject dated December 5 arrived late Friday afternoon. As a preliminary report I shall attempt briefly to answer some of the questions suggested. The operation of the temporary enterprise began at Gila on July 23. It has no legal form. Mr. J. L. Shelley, head of the Community Enterprises division of the staff apparently went out and induced certain wholesalers, tradesmen, etc. to supply wares at prices agreed upon with Mr. Shelley for sale in the community canteens. Shelley assures me that he has represented in every instance that WRA has not authorized any purchases, has no responsibility and the entire risk is on the seller. This situation is far from satisfactory as I intimated in my first report. So far, however, there have been no hitches. Between July 23 and September 30 the enterprises earned nearly \$15,500 before any taxes (State Sales Tax and Federal Luxury Taxes total \$1150 for the period) on gross sales of \$75,250. Shelley anticipated that year-end profits may total nearly \$50,000 before taxes. I understand that no records of patronage have been kept to date and that state sales taxes have been collected and reserved during most or all of the period but have not yet been reported and paid. I shall confirm or correct this at an early date. Plans for organization of a permanent cooperative organization have just been started and no independent legal instruments have been prepared here. I have, of course, all of the material and forms issued by your office and the regional office to date. Mr. Shelley believes that plans and membership problems will be in shape to permit incorporation in about thirty days. I have had no opportunity as yet to ascertain whether the Arkansas trust form is unobjectionable here. In view of the course of events here and despite the concededly unsatisfactory present status, is it advisable to create a trust as suggested to operate for approximately a month and perhaps less by the time it could be established?

3. Unemployment Insurance. From my talk with the Director of the State Agency in Phoenix it seems that Mr. Haas has not taken this matter up directly with the Arizona Commission which is of little moment here since no Arizona claims have come to light at Gila. The Director, Bruce Parkinson, frankly states that he has dropped the hint to the federal Employment Service that Arizona would not relish having to pass on such claims. He also indicates that he would be "on the spot" politically if the agency allowed any such claims. I have suggested a solution to him which he seems to welcome, but the matter is academic at present and I shall discuss it

further with you if the occasion arises. What is more to the point is that the Employment Service will not furnish or deputize anyone to take claims at the Center, the State Agency will not accept such claims for reference to another state unless presented through the Employment Service or at a regular office of the Agency and California, as you know, has made the blanket ruling that evacuees are ineligible because not available and even if available they could not comply with the requirement that they report to an employment office in the state where they reside at least once in every seven-day period. I might be able to induce the State Agency to accept claims on California by mail but unless California changes its position it would be to no avail. I fear that a number of claims will be outlawed after December 31. It is estimated that there are between thirty-five and fifty such claims against California on the Center.

4. The Internal Security division has asked what compensation would be payable in case of the permanent disability or death of an evacuee warden in line of duty. I have advised that I know of no provision for compensation in such case other than that provided in Administration Instruction 27 and supplements but that I would refer the question to you.

5. An alien evacuee paroled by the Immigration and Naturalization Service has asked whether he could obtain indefinite leave if offered a job. I advised that I understood that each leave application would be decided on its individual merits under the regulations and instructions and that leave in such case, however unlikely, was not necessarily impossible.

I have conferred with evacuees on a very large number of varied property problems in some of which I have suggested further action by the evacuee, some I am able to handle from here but many require reference to the property division. I am in process of transmitting the facts in a considerable number of such cases to San Francisco with a copy to the Los Angeles Field Office which covers the territory where most of the situations have arisen. In the event that the letters and attachments are not completed in time to enclose with this report for this afternoon's mail, I shall forward them with my next report as I do not believe any of the cases involve points of immediate general importance.

My week's work has also included consultations on the various inquiries which are becoming customary: insurance, powers of attorney, proofs of birth, licences, applications of families to join internees, tax matters, social security claims and suits against evacuees, etc. There will not begin

to be enough hours in a day until I can get my own organization functioning properly and the new administration swings into stride.

I am becoming convinced that it will be most advisable for me to visit the Property Division offices at Los Angeles and San Francisco in the fairly near future to discuss policies and methods of handling the many property cases being referred from here.

I foresee many inquiries on income tax problems. Would you care to recommend a tax manual for purchase for Project Attorneys on requisition or would it be better for me to purchase one personally? I have this minute received the enclosed telegram re the codes ordered in San Francisco as per your telegram of December 7.

To all of you on the banks of the Potomac Gila and I send warm greetings of the holiday season and wishes for the best of new years for you, our work and our country.

Very sincerely,

James H. Terry
Project Attorney
Gila River Relocation Center

cc: All Project Attorneys
Edgar Bernhard
Maurice Walk

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WAR RELOCATION AUTHORITY
Office of the Solicitor
WASHINGTON

DEC 24 1942

AIRMAIL

Mr. James H. Terry
Project Attorney
Gila River Relocation Center
Rivers, Arizona

Dear Jim:

This is in reply to your reports of December 5 and December 12. I am not at all surprised that you are busy every minute of the day, and I am glad that you are enjoying the work and taking hold so well. You need not apologize for the length of your reports. I frankly do not believe you could telescope all the material you include into much less space, and I have found nothing yet which I felt to be trivial or unimportant from the standpoint of keeping us informed.

Report of December 5

1. I am referring the carbon copy of this report to the Director because of your full treatment and interpretation of the incident at Gila River.

2. The wage terms for the net project that you outline in item 2 of the report in effect provide for pay on a piece work basis at 48 cents per 100 square feet with a ceiling of \$4.80 per day. We have checked the rulings of the Wage and Hour Division and find that the following rules apply to piece-rate wages:

The hourly rate of pay is computed by dividing the total weekly piece work earnings by the number of hours worked in the week. In any event, however, the hourly rate of pay cannot fall below the minimum rate established by the Wage and Hour Law. For his overtime work the worker is entitled to be paid a sum, in addition to his weekly piece work earnings, equivalent to one-half his computed hourly rate of pay multiplied by the number of hours worked in excess of 40 during the week. The overtime is computed on the basis of the actual hourly rate of pay received, unless the minimum is the higher rate, and not on the minimum rate. Moreover, the law takes a single work week as a standard and permits no averaging of wages over two or more weeks for the purpose of determining whether the minimum

WAR RELOCATION AUTHORITY

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hourly rate is being paid.

The Wage and Hour Division has, we understand, issued a ruling that the camouflage net industry is governed by the hourly wage rate set for the textile industry; under this ruling (which was apparently requested by the private contractor here involved) the minimum wage is 40 cents an hour and the maximum work week is 40 hours before the payment of overtime.

It is apparent from the foregoing that if a 44-hour week is established for the net project, it will be necessary to pay more for the four hours overtime than the rates established. It also seems clear that the contractor will have to pay 40 cents an hour as a minimum no matter how little the evacuees might actually earn on the piece work basis. I believe you should call these facts to the project director's attention.

3. I concur in your opinion that 3.2 percent beer would be regarded as an intoxicating beverage within the meaning of the laws prohibiting the sale or possession of intoxicating beverages on Indian lands. See 52 Stat. 696; Op. Reg. Atty. SF-18. We have checked with Mr. McNicoll of the Bureau of Indian Affairs concerning the authority of the military to sell 3.2 percent beer in the military canteen at the Gila River project. He believes that it is a flat violation of the Federal laws referred to above. It appears that the same situation arose early last summer at the Colorado River project (which is also on Indian lands), and the sale of 3.2 percent beer at the military police canteen there was stopped as soon as the Bureau of Indian Affairs learned of it.

I believe that you should bring these facts to the project director's attention and suggest to him that he take the matter up with the commander of the military police unit with a view toward having the sales stopped. If any further action by the Washington office appears to be necessary, please let us know.

4. Regarding your item 4, there will soon be issued a memorandum to all project directors on the procedure to be followed by families of internees in making application to join their husbands. Appropriate forms are included. I believe it would be preferable to hold the applications you refer to until the memorandum reaches the projects.

5. I am referring to Ralph Stauber the question you raise about the necessity for bonds for persons ordered to be deported during the period that they remain in relocation centers.

WAR RELOCATION AUTHORITY

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6. We hope to issue within a few days, time and stenographic help permitting, a complete set of organization papers which can be used in organizing a cooperative under the District of Columbia law. I shall send you a copy promptly upon issuance.

Kent Silverthorne undoubtedly discussed with you the purpose of his trip to Phoenix. If a cooperative is deemed to be a non-profit corporation under Arizona law, it will not have to comply with the State blue sky laws. It will probably also be exempt from certain fees and other requirements. In his report on the Phoenix trip, a copy of which is attached, Kent indicates that the Corporation Commission and the State Attorney General's office both feel that a cooperative would probably be non-profit, although the Corporation Commission doubts whether non-profit corporations were intended to be exempted from the fees and other requirements. The Commission is requesting the State Attorney General for an opinion, but the request is in such a form that conceivably the Attorney General will not consider the question of status as non-profit corporations - which is important from the standpoint of the blue sky law requirements. If the opinion is not adequate for our purposes, I believe that you should attempt to get an official statement. By writing Kent you can probably get him to clear the way for you with his friends in the Corporation Commission and the Attorney General's office.

A full discussion of the Arizona laws to be considered in connection with incorporation of consumer enterprises was prepared some weeks ago in San Francisco in a proposed memorandum that was never issued. Because it clarifies the foregoing discussion and will probably save you a great deal of time in research, I am enclosing a copy.

7. You have probably already noted the query in Tony's report of December 3 about the election of commissions without regard to citizenship qualification, and our recent reply addressed to Ralph Moore, who is now at Minidoka. I believe that Administrative Instruction No. 34 makes the distinction between elective and appointive offices quite clear and that only citizens are eligible to elective office; I concur, therefore, in the advice you gave.

Report of December 12

1. I do not relish the idea of your being put into the position of buying your own office supplies because of the difficulty of obtaining them through official channels. Is there anything that we can do to help remedy the situation?

WAR RELOCATION AUTHORITY

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2. It is agreeable with us if you mail your weekly reports on Saturday, as you suggest.

3. Referral of evacuee property cases directly to the field offices of the Evacuee Property Division with copies to San Francisco is probably more expeditious than routing through San Francisco, and in many types of cases I imagine there will be no difficulties arising because of the direct routing. The whole matter of routing procedure is under consideration in San Francisco, where Edgar Bernhard and the Evacuee Property Division are drafting a proposed administrative instruction on the property work generally. I think it would be an excellent idea if you can find time in the near future to go to San Francisco, as you suggest, to discuss policies and methods of handling property cases. I thorough canvass of your mutual problems would, I think, be very beneficial. Please clear your trip in advance with Edgar, and wire me when you leave and when you return. Your trip, of course, will also need to be cleared with the Project Director.

4. Your comments on the camouflage net project I am referring to Mr. Myer. Thank you for the information we requested concerning the operation of the community enterprises.

With respect to the unemployment compensation insurance problem, we thoroughly discussed our policies with the Federal Security Agency several months ago, and its representatives assured us that they would approach the respective State agencies and set forth our position with respect to the employability of evacuees while residing within relocation centers. I am preparing a letter to the Federal Security Agency asking for a report on their activities and the results they have achieved. In the meantime I suggest that you assist in the preparation and submission of the claims that come to your attention. If the Federal Security Agency has already contacted the California unemployment compensation people, it will have completed its function, and it will be up to the evacuees, with our assistance, to submit their claims.

5. With respect to your question of what compensation would be payable in the event of permanent disability or death of an evacuee warden in line of duty - his case would, because of the provisions of our appropriation act, fall within the purview of the United States Employees Compensation laws. The first proviso in our appropriation item specifically makes the United States employees compensation law of 1934 applicable to evacuees receiving cash advances, subsistence or other allowances for work performed in connection with the program of the Authority. The regulations of the United States Employees Compensation Commission, copies of which have been sent to all projects, will give you more detailed information concerning the rates at which

WAR RELOCATION AUTHORITY

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compensation is paid. An administrative instruction has been prepared, and will shortly be issued, which prescribes in detail the procedure to be followed in submitting claims on behalf of evacuees injured during the course of WRA employment.

6. The matter of indefinite leave for evacuees paroled by the Immigration and Naturalization Service, referred to in your item 5, is covered in Administrative Instruction No. 22 (Revised), Paragraph IV. J. I am much more optimistic than you are about the likelihood of the granting of indefinite leave to paroled aliens.

7. I have already arranged for the furnishing to each project attorney of a copy of J. K. Lasser's "Your Income Tax", which I have read and which I believe is admirably suited for use at the projects. It will answer most of the questions that are likely to arise in assisting evacuees fill out their returns. Any future changes during the year in the income tax law will be covered by supplements. I am not at this time convinced that we can justify the purchase of expensive tax manuals for project use, for it appears to me that the only really complex problems will be raised by evacuees who are in a position to employ outside counsel.

Thank you much for your Christmas card - I shall certainly try to visit Gila in the spring, as per your invitation. May I extend to you my very best wishes for an enjoyable holiday season? I know that your many friends here join in my greetings.

Sincerely,

Philip M. Glick
Solicitor

Enclosures

GILA RIVER PROJECT
Rivers, Arizona

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Project Attorney

December 19, 1942

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

Dear Philip:

I anticipate three fine presents this year. The first is the arrival of my family next Tuesday, the second will be moving into my new office space and getting my organization into action next week and the third will be the arrival of my secretary, I hope soon after Christmas. If I could only find a couple of fair grade typewriters in my stocking my cup would be running over.

The week has been busy and in most respects satisfactory. Mr. Bennett took office as Project Director on Monday and has named me to an inner staff council of five which will work closely with him on the problems and policies of the organization. We have had two meetings, both of which were profitable. Last Saturday I met an evacuee committee and discussed proposed revisions in the Community Constitution. I expect to have a final draft completed by the first of the year. Meanwhile I am enclosing the Commission's draft prepared before my arrival and a few pages of the revisions to "Powers of the Council" which have been tentatively agreed on. (Items 1 and 2). Saturday evening and all day Sunday I worked on net factory problems which I shall discuss later. Monday was largely taken up with a staff committee meeting and further work in connection with commencement of operations of the net factory. Tuesday I discovered that an evacuee on work leave had arrived in Phoenix on Saturday and when no one appeared to meet him from here, had consulted the F. B. I. and the United States Attorney without much avail and had finally been thrown into jail charged with violation of the curfew law. He had been held by the United States Commissioner on complaint when I discovered the situation and, with the concurrence of the Project Director, induced the United States Attorney to move the dismissal of the complaint and release him to us. It was thought advisable for me to go to Phoenix personally to receive him on his release and I had a good opportunity to meet and talk with Mr. Flynn, the United States Attorney for Arizona, and the

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Dec. 19, 1942

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conclusion of the incident was highly satisfactory. Of course the Authority and I won the eternal gratitude of the evacuee, who although hardly at fault, realized the danger of his position had we not intervened. In addition to the specific problems which I shall mention I have personally interviewed this week well over one hundred evacuees on a variety of matters, attended numerous conferences among the staff and written quite a number of letters. I think I shall be able to get out more work from now on when my space permits additional stenographic and legal assistance. You might be amused at an incident today. One of the evacuee girls in the Personnel Division whom I'd never seen was showing me how to fill out daily attendance record sheets. She told me to be sure to put down only eight hours for each day. I asked her what made her think I worked more than that and she replied, "Oh, everyone knows that you work most of the night every night."

I might mention that I haven't had any comments on my last two reports which is far from surprising to me knowing the terrific demands on your time. I do hope, however, that you will stop me promptly if any of my procedures are disapproved.

1. Injury Case. Mrs. Kei Sato, 48 years, of 27-5-C, fell into an open and unprotected pit dug by an outside contractor for placement of a fuel tank at 7:00 A. M. Thursday morning. The pit is six feet deep and over eight feet in diameter. It was on a direct line between the only heated building in her block and her mess hall. She was seriously injured with double fracture of the pelvis, according to reports. It was, of course, dark at that hour and the pit had no lights, signs or guard of any kind. Her sons immediately consulted me as to suit and I suggested that, there being a two year state statute of limitations they defer action until the extent and permanency of the injuries were established, other than to notify the contractor of the accident and injury and to arrange, if possible, for photographs. In such case should a Project Attorney counsel the evacuee as I have done, or, because of possibility of claim against W. R. A., however remote merely suggest securing private legal advice if they believe a cause of action exists?

2. Camouflage Net Project. Mr. Bennett, who had been head of the Industrial Division in San Francisco before coming here, was familiar with and deeply interested in the project and hoped for its success. When indications appeared that Stahl, the operator, might drop the whole matter because of

Philip M. Glick--3
Dec. 19, 1942

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the delays and misunderstandings concerning the contract Mr. Bennett telephoned Mr. Coverley and Mr. Stancliff for authorization to permit recruiting of labor and start operations in advance of completion of the agreement between W. R. A. and Stahl. Coverley advised that Ed Bernhard, as Acting Regional Attorney, approved this course on the basis of a "letter agreement" of November 17, which I had not seen, and directed Mr. Bennett to go ahead. I have since seen the November 17 letter and must confess that, in my view, if it is a contract I had better take up knitting. Mr. Bennett asked me to prepare employment applications which I did. Over objections to their length and language I got them accepted and hope they preserve some semblance of protection to the interested parties pending execution of a contract. I also prepared details of the employment plan voted by the Communities, which details had been left to the Councils. As you will see these are identical with the application form except for the opening paragraphs. This, too, was accepted by the Councils, though there was a reservation that the amount of the bonus, which they wished to raise to \$15, could be reconsidered. (Items 3 and 4). Great efforts have been made all week to "sell" the net factory to the residents but there has been no marked success so far. Only about one hundred of the desired nine hundred and sixty-three workers have applied. The factory people have asked whether W. R. A. would arrange for a training school in one of the factory (U. S. E. D.) buildings to be conducted by an evacuee employee of the factory, workers to be paid at regular W. R. A. rates by W. R. A., product to belong to the operator. At the end of seven days apprenticeship the trainees would either take regular factory jobs or return to W. R. A. employment rolls. I am advised that the request was made because the factory is operating at a loss by reason of initial low production rates, which actually were foreseen by everyone. Mr. Bennett asked my opinion on whether such procedure would be objectionable legally for W. R. A. to undertake and I advised that I believed it would be. I would like very much to have you check me on this and notify me at once if you think W. R. A. could properly carry on such program as outlined. Ted Haas wrote inquiring about the progress of the net factory here and I enclose my reply. He will probably enclose his letter with a report. (Item 5). All I can say is that the future of the net factory is in doubt, and I shall appreciate whatever you can tell or send me on the progress of the contract.

3. Unemployment Insurance -- California. On reports from evacuees that California was paying on unemployment insurance claims at Granada I wrote a letter of inquiry to Donald Horn but have no reply as yet. (Item 6). In order to ascertain about how many such claims we have here I inserted a squib in the "News-Courier" (Dec. 15 issue) which unfortunately was

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Dec. 19, 1942

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garbled in the last paragraph. I have, as a result, secured the data on about fifty such claims and am glad to report that in no case yet reported does the limitation expire before the first of next April except where claims were filed prior to evacuation. I sincerely hope that we can get a satisfactory ruling in time to secure benefits for the elements.

4. Families of Internees. I have had a large number of applications by residents here to join husbands in internment camps, as a result of the bulletin sent around by the Alien Enemy Control Director. As I mentioned I am forwarding these to Mr. Ennis at an early date. The bulletin speaks of "husband or wife and minor children." Perhaps someone in your office could tell me if "minor" means under 21 in this case, or what the age limit is. I have had many inquiries as to that and also about schools in the camps and other questions on living conditions, as well as how soon such accommodations will be available. It would be a great help if Ennis would issue a confidential memorandum clarifying the picture.

5. Clothing Allowances. The Administrative Instructions (No. 27 and Supps.) have given rise to much disagreements in interpretation. The evacuees urge that under XII B 4 the family's "desires" as to the "Head" of the family should be controlling if reasonable. Certainly all projects should adopt precisely the same policy unless we are to court serious trouble. I am not happy about the clothing allowance set-up in its present form, but aside from that, I consider it essential that a just and equitable policy be adopted in consultation with Community Service people on the ground who know wherein the difficulties lie. Whether evacuees may or may not designate a working member as Head of the family will of course make a great difference and it is unfortunate that XII B 4 was so obviously altered in the last line of the third paragraph to read "considered" instead of "followed". That sort of thing is clear enough in intent for a lawyer but it has reverse English for the residents. I am not sure of the wisdom of restricting the allowance to dependents of workers only in the first place. There is something to be said for putting a minimum clothing allowance in the same category with food and shelter. As I understand it the procedure here is to grant clothing allowances to every member of a family in which there is any worker with the sole exception that the father receives no allowance if not working. I can see no coherent basis for this construction of the Instructions on any ground and I wonder if this procedure is being followed in the Other Centers and is approved by Washington. This is pretty far afield from our Department but I am concerned about the possible repercussions which might affect us and thought it would be well for you to know the situation.

Philip M. Olick--5
Dec. 19, 1942

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6. Insurance Examinations. I am enclosing some correspondence on this subject which is self-explanatory. (Items 7 and 8).

7. General License Questions. I enclose letters written on this subject. (Items 9, 10 and 11).

8. C. P. A. Rent Control. This is another new subject for the Project Attorney's office (Item 12).

9. Leave Instructions. So far not much attention has been paid to the letter of the new instructions. There have been no investigations here nor personal interviews by the Director or a responsible deputy. I have urged that the success of the leave program depends upon our gaining the confidence of the other government agencies concerned by conforming to the instructions and making careful judgments to avoid bad mistakes. I hope that this will be done and I am trying to develop a procedure for the Leave Officer which carries out the instructions and will be required by the Project Director.

10. Accident Insurance Compensation. Your letter of December 10, 1942 to Bob Leflar raises the inference that the provisions of the United States Employees' Compensation Act are applicable to evacuee workers in cases of death, disability, etc. sustained in line of duty in your opinion. This question keeps recurring here, though no such case has yet arisen. Is that definitely the Solicitor's opinion?

11. Private Enterprise at Center. I understand that banking institutions are permitted to maintain branches at some centers. A movement is on foot to make such arrangement here. I wish to be sure that such arrangement would not conflict with the policy against permitting private enterprises to transact business with evacuees on the Project.

I still have a large number of property matters to refer to San Francisco but have had to wait for additional stenographic help to get them off. You should have copies of the facts in all these cases with my next week's report. I wish I had time to study the proposed Instruction on storage and transportation of evacuee property received from the San Francisco office which was referred to me for comment by Mr. Bennett. It has been impossible to give it attention as yet. I am hoping to get out there soon enough to have a word or two with Ed Bernhard on the whole property procedure before final

Philip M. Glick--6
Dec. 19, 1948

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instructions are issued, but I have my doubts whether it can be done in time.

I am enclosing some additional attachments on various subjects. I trust that my new office arrangement will prevent the interruptions, even at night, which may have made this report somewhat rambling. I cannot begin to tell you how interesting I find the work here, nor how much I am enjoying it.

Very sincerely,

James Hendrick Terry
Project Attorney
Gila River Relocation Center

cc: All Project Attorneys
Edgar Bernhard, Principal Attorney
Maurice Walk

encs.

Gila River Project
Rivers, Arizona

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Project Attorney

December 26, 1942

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

Dear Philip:

I am writing this report on Christmas Day and it will probably turn out to be more informal than ever by reason of the mixed emotions that I feel in being here on this day. I wish many of you in the head office could have been here last night, Christmas Eve. My family and I were invited to one of the children's block parties and we took our portable phonograph and recordings of Carols and Christmas songs. It was a joyful, enthusiastic group, hearing songs, recitals, music and plays, having refreshments and group singing and then a fat and jolly evacuee Santa Claus who was completely believed in by every child and who saw that each received presents, candy and fruit. Then large groups of young evacuees marched from block to block carolling in front of the barracks. You would have been pleased at the spirit, had you been here, but I daresay you, too, would have developed a lump in your throat. It has been a gay and festive week with my family arriving Tuesday in fine shape and warmly welcomed by everyone, a staff Christmas party Wednesday night, another smaller gathering after the block parties last night and our family celebrations this morning. The offices are closed today except for one or two others and me. I want to add that the Project Director is entering into every phase of the life and work here with fine spirit and doing much to improve esprit de corps and morale.

Considerable time has been required this week to move my office and set up my organization. We are still without furniture, except one desk and one ancient and disabled typewriter, although there are now eight evacuees in all assigned to this office here and at the Canal Camp, including three stenographers. Lack of typewriters is seriously handicapping our work and should be taken up for solution at a headquarters staff meeting. The procurement section here is in a position to buy a quantity of fair typewriters in the neighborhood, I am told, if given authorization, but has been advised that

December 26, 1943

Project Attorney

Philip M. Glick, Esq., Solicitor
War Relocation Authority
Post Building
Washington, D. C.

Dear Philip:

I am writing this report on Christmas Day and it will probably turn out to be more informal than every by reason of the mixed emotions that I feel in being here on this day. I wish many of you in the head office could have been here last night, Christmas Eve. My family and I were invited to one of the children's block parties and we took our portable phonograph and recordings of Carols and Christmas songs. It was a joyful, enthusiastic group, hearing songs, recitals, music and plays, having refreshments and group singing and then a lot and jolly evening. Santa Claus was completely believed in by every child and who saw that each received presents, candy and fruit. Then large groups of young women marched from block to block carrying in front of the parades. You would have been amazed at the spirit, and you been here, but I daresay you, too, would have developed a lump in your throat. It has been a gay and festive week with my family arriving Tuesday in this shape and warmly welcomed by everyone, a staff Christmas party Wednesday night, another smaller gathering after the block parties last night and our family celebrations this morning. The offices are closed today except for one or two others and me. I want to add that the Project Director is entering into every phase of the life and work here with the spirit and doing much to improve camp life and morale.

Considerable time has been required this week to move my office and set up my organization. We are still without furniture, except one desk and one ancient and disabled typewriter, although there are now eight typewriters in all assigned to this office here and at the Canal Camp, including three of typewriters is seriously handicapped. It could be taken up for solution at a headquarter. The procurement section here is in a position of fair typewriters in the neighborhood. I am authorized, but has been advised that



Philip M. Glick--2
Dec. 26, 1942

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typewriters may only be procured through the Treasury Department, which is so far deaf to all pleas. I am greatly pleased with my office staff, which is temporary and subject to your approval as far as the three lawyers are concerned. I shall send you the Legal Examiners Forms as soon as completed. Two of the men have practiced for a short time in California and the third is about to be admitted to the California bar in absentia. Indications are that I shall be able to recommend all of them. Another evacuee who was formerly an attorney and who is now chairman of the Canal Community Council has evinced no interest as yet in joining the staff, which is as well, as I am told he has a record and has been disbarred, although I have not verified this.

I was forced to suspend operations on my report at this point in the midst of our most severe dust storm to date. My office is now literally inches deep in sand. It has now somewhat subsided.

1. Community Government. I have continued my work of revising the Constitution and have had several conferences with Mr. Bennett about the memoranda on evacuee government which have recently come in from Mr. Myer. I feel confident that you have been giving much attention and counsel on that subject. Mr. Bennett asked me to prepare a report on the questions submitted in the December 15 memorandum and I have done so. Thinking he intended to use the report only to obtain my views, I was pretty bald in my statements, which are at variance with the views of the Community Activities people. I find that he is sending it as an attachment to his letter to Mr. Myer and though I did not write it with such purpose in mind, I still firmly believe in the views expressed. I am sending you copies under separate cover.

2. Evacuee Organizations. While it is true that the Project Director's discretion must largely dictate whether official sanction should be extended to the creation, continuance and purposes of the many clubs and organizations which are springing up, I believe that the subject is one that deserves consideration in Washington and possibly formulation of a general policy. It is apparent that a number of such clubs are organized solely to cloak subversive activities. Others, particularly issei groups whose proceedings are conducted in Japanese are being gradually infiltrated and poisoned by undesirables. There are two schools of thought on this. One favors continuation of the policy of placing no ban or censorship on the formation or activities of any organization beyond extrinsic obedience to law, on the theory that this

Philip H. Glick-2
Dec. 28, 1943

typewriters may only be procured through the Treasury Department which is so far best to all please. I am greatly pleased with my office staff, which is temporary and subject to your approval as far as the three lawyers are concerned. I shall send you the legal Examiners forms as soon as completed. Two of the men have practiced for a short time in California and the third is about to be admitted to the California bar in January. Indications are that I shall be able to recommend all of them. Another person who was formerly an attorney and who is now chairman of the Canal Community Council has evinced no interest as yet in joining the staff, which is as well, as I am told he has a record and has been disciplined, although I have not verified this.

I was forced to suspend operations on my report at this point in the midst of our most severe dust storm to date. My office is now literally inches deep in sand. It has now somewhat subsided.

1. Community Government. I have continued my work of revising the constitution and have had several conferences with Mr. Bennett about the memoranda on various government which have recently come in from Mr. Meyer. I feel confident that you have been giving much attention and counsel on that subject. Mr. Bennett asked me to prepare a report on the questions submitted in the December 15 memorandum and I have done so. Thinking he intended to use the report only to obtain my views, I was greatly pained in my statements, which are so variance with the views of the Community Activities people. I find that he is sending it as an attachment to his letter to Mr. Meyer and though I did not write it with such purpose in mind, I still firmly believe in the views expressed. I am sending you copies under separate cover.

2. Evanescent Organizations. While it is true that the Project Director's distinction was largely discredited whether official sanction should be extended to the creation, continuation and purposes of the many clubs and organizations which are springing up, I believe that the subject is one that deserves consideration in Washington and possibly formation of a general policy. It is apparent that a number of such clubs are organized along suppressive activities. Others, particularly those whose proceedings are conducted in Japanese, are usually infiltrated and poisoned by one of the policy of placing no ban or restriction on activities of any organization beyond the scope of law, on the theory that this



Philip M. Glick--3
Dec. 26, 1942

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policy keeps everything in the open as much as possible. The other school favors rather rigid supervision of all organizations, including approval of their charters, lists of officers and members, English transcripts of resolutions and revocation of approval for clubs which fail to justify a legitimate existence. There are meritorious arguments pro and con both positions. I do not intend to express my views at this point except to say that the matter is a grave one and is of concern to our phase of the work in that it is tied up with law and order, community government, morale and group feeling which affect not only our office but the success of our entire program.

3. Camouflage Net Project. The entire pay plan has now been radically changed so that workers may average \$80 per month in cash received. I have had no advices as to the status of the operating contract or the position of Director Myer on the new pay plan. The factory here is still operating on a wildcat basis with still only about 120 employees. The substitute plan of course nullifies the temporary employment agreements and I should know whether the new plan has been approved by you and what procedure should be followed here as regards employment agreements, the operating contract and the trust fund. I am afraid that a potential legal tangle is in the making if there is not prompt disposition of the unsettled points and consummation of a contract. I shall appreciate any light you can throw on the present status of this matter.

4. Fencing Operation. Donald Horn's latest report indicates that the fence around the barracks area at Granada has been removed. Fencing operations here are at a standstill but only to await arrival of materials. This tight fencing of dwelling areas seems most unwise and fruitless to many here, in addition to being a waste of needed material. It assuredly does nothing but aggravate our problems. Cannot the entire matter be amicably disposed of with the War Department through the liaison facilities in Washington?

5. Miscellaneous. I find the reports of other Project Attorneys of great interest and value. It is clear that we are all encountering substantially the same problems. It would increase the usefulness of those reports if certain types of attachments could be sent to other Project Attorneys either direct or from Washington. An example would be the attachment referred to in Mr. Leflar's report of December 17 consisting of rules of conduct for the Temporary Community Council. I have noted numerous others that would be of value. It would save, I think, considerable time and much correspondence between Projects.

Philip M. Glick--J
Dec. 26, 1943

policy keeps everything in the open as much as possible. The other school favors tight supervision of all organizations, including approval of their charters, lists of officers and members, financial statements of receipts and expenditures of approval for clubs which fail to justify a legitimate existence. There are numerous arguments pro and con on both points. I do not intend to express my views at this point except to say that the matter is a grave one and is of concern to our phase of the work in that it is tied up with law and order, community government, morale and group feeling which affect not only our office but the success of our entire program.

3. Camouflage Net Project. The entire pay plan has now been radically changed so that workers may average \$50 per month in gross received. I have had no advice as to the status of the operating contract or the position of Division Seven on the new pay plan. The factory here is still operating on a without basis with still only about 120 employees. The substitute plan of course nullifies the temporary employment agreements and I should know whether the new plan has been approved by you and what procedure should be followed here as regards employment agreements, the operating contract and the trust fund. I am afraid that a potential legal tangle is in the making if there is not prompt disposition of the unsettled points and consummation of a contract. I shall appreciate any light you can throw on the present status of this matter.

4. Reserve Question. Donald Horn's latest report indicates that the fence around the barracks area at Grange has been removed. Pending operations here are at a standstill but only to wait arrival of materials. This light fencing of dwelling areas seems most unwise and foolish to many here in addition to being a waste of needed material. It seriously does nothing but aggravate our problems. Cannot the entire matter be amicably disposed of with the War Department through the liaison facilities in Washington?

5. Miscellaneous. I find the results of other project attorneys of great interest and value. It is clear that we are all encountering substantially the same problems. It would increase the usefulness of these reports if certain types of attachments could be sent to other project attorneys either direct or through Washington. An example would be the attachment referred to in the report of December 1, consisting of notes for the Temporary Community Council. I have noted that there would be of value. It would save a considerable time and much correspondence between



Philip M. Glick--4
Dec. 26, 1942

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I have just received a large batch of cases from the Welfare Section which I requested some time ago. That section handled most of the evacuee matters within the scope of my office before a project attorney was assigned. I find on hasty review that little progress has been made on these matters and in some cases I question the propriety or wisdom of the course that was pursued. I am reviewing and following up on each case as rapidly as possible.

Numerous letters have come in asking this office to assist in the collection of claims, both public (as taxes) and private, against evacuees. I am informing the evacuees in each case of the claim made and of the possible remedies of the claimant, as attachment and the like. It is, however, my policy not to permit this office to be used as a collection agency by outside creditors and I do not intend to exert any influence to force debt payments. Does this meet with your approval?

It is becoming increasingly apparent that I must have a personal interview with the Property Division people on a number of rather complex cases in the near future and I shall try to get to Los Angeles and San Francisco next month. I shall try to get off to you a separate letter on property matters early next week.

Best wishes for the New Year.

Yours sincerely,

James Hendrick Terry
Project Attorney

cc: All Project Attorneys
Maurice Walk
Edgar Bernhard, Principal
Attorney

(copies of report on Dec. 15 memo
sent under sep. cover)

Philip M. Glick--4
Dec. 20, 1943

I have just received a large batch of cases from the Welfare Section which I requested some time ago. That section handled most of the evicted renters with the scope of my office before a project attorney was assigned. I find on a hasty review that little progress has been made on these matters and in some cases I question the propriety or wisdom of the course that was pursued. I am reviewing and following up on each case as rapidly as possible.

Warrents letters have come in asking this office to assist in the collection of claims, both public (as taxes) and private, against evictees. I am informing the evictees in each case of the claim made and of the possible remedies of the claimant, as attachment and the like. It is, however, my policy not to permit this office to be used as a collection agency by outside creditors and I do not intend to exert any influence to force debt payments. Does this meet with your approval?

It is becoming increasingly apparent that I must have a personal interview with the Property Division people on a number of rather complex cases in the near future and I shall try to get to Los Angeles and San Francisco next month. I shall try to get off to you a separate letter on property matters early next week.

Best wishes for the New Year.

Yours sincerely,

James Hendrick Terry
Project Attorney

cc: All Project attorneys
Maurice Weik
Edgar Bernhart, Principal
Attorney

(copies of report on Dec. 15 memo sent to [unclear])

