26:23 Newspaper clippings 1948 - 1974

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C

Starr says his plan features safety, comfort, elimination of traffic hazards and jay walking, less guy wires and sidewalk blocks.

S.F. News 5/13/46 pg. 9

NEARLY HALF OF JAPS RETURN TO COAST

The War Relocation Authority, which plans to close the last of its field offices Wednesday, announced today that nearly half of the persons of Japanese ancestry evacuated from the West Coast in 1942 had returned by March 31.

Dillon S. Myer, WRA director, said the agency's program would be completed by July 7. During its four-year existence, WRA has had some 120,000 persons of Japanese descent under its jurisdiction, he said, of whom 109,300 have returned from relocation centers "to normal communities," including 2300 men who entered the armed forces from WRA camps.

Siultaneously, the agency released a tabulation of returns up to March 31, showing 53,834 persons of Japanese ancestry back on the coast, or 49.3 per cent of the total evacuated in 1942.

California, where the bulk of the Coast's prewar population of Japanese aliens and persons of Japanese descent lived, is drawing a higher proportion of returnees than its 1942 share of the total, the WRA figures showed.

In 1942, 92,756 persons were evacuated from California, or 85.1 per cent of the total. But of the 53,834 returning to the Coast, 48,400 had settled here by March 31—89.9 per cent of total returnees.

San Francisco, which had 4883 persons of Japanese ancestry in 1942, had received 3276, or 67.1 per cent of the former population, by March 31.

In Alameda County, 2963 evacuees had returned at last count, or 56 per cent of the 4805 who left in 1942.

Of 979 persons of Japanese descent living in San Mateo County in 1942, 661 had returned by March 31, or 67.5 per cent of the prewar population.

Of all California counties, Imperial received the smallest proportion of returnees—135, or 9.1 per cent of the original total, while Napa County by contrast gained slightly in Japanese population. The prewar census was 39, while 62 have returned, WRA said.

A lone Japanese living in Plumas County before the war apparently failed to return, while one evacuee has settled in Humboldt County, which, according to WRA figures, had none before the war. Similarly, Glenn County, where no Japanese lived in 1942, according to the WRA, now has 65 returnees.

In Burbank, several hundred Nisei Japanese today were living in a temporary trailer camp where county officials charged they were dumped without adequate facilities being provided for their care.

Arthur J. Will, county superintendent of charities, said the War Relocation Authority, seeking to get rid of the Japanese before that agency expires Wednesday, rushed the Nisei to the Winona Trailer Camp.

"The W. R. A., without notifying any one, trucked several hundred Japanese to the camp Saturday night and just dumped them," Mr. Will said. "Stores were closed, so they couldn't buy food, and no utilities were ready. We are trying to straighten out the situation."

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New Japan
AN INDEPENDEN
Published daily except Sundays, Holidays (excluding J
at the Post Office at Los Angeles, Calif., under the A
NO. 632 TUESDAY, JUNE 12, 1951

3 More Nisei Sue For Restoration of U.S. Citizenship

Morie Haga, Masaharu Taga and Yoshitsugo Taga today through their attorneys, A. L. Wirin and Fred Okrand, filed a suit in the Federal Court at Los Angeles, seeking restoration of United States citizenship.

Having renounced their United States citizenship while at the Tule Lake Relocation Center and having thereafter left for Japan, they seek a court ruling that their renunciation did not result in the loss of United States citizenship and they seek to return to the United States to be witnesses in their court cases.

新報 The RAFU

O. 14,419 TUESDAY, OCTOBER 9, 1951 242 SO. SAN PEDRO ST., LOS A

SHIMPO 羅府

NGELES 12, CALIF. MADISON 9-2231 ESTABLISHED 1903

Supreme Court refuses to act in renunciant cases

WASHINGTON.—The United States Supreme Court yesterday in refusing to review the appeals of Nisei renunciants will force approximately 3400 persons of Japanese ancestry to take their cases individually to courts.

The decision by the high tribunal denied both the appeals of the renunciants as well as those of government.

It is recalled that last year Federal Judge Louis E. Goodman in San Francisco decided that the citizenship given up under oppressive conditions by the onetime residents of Tule Lake segregation camp was not normal free voluntary acts.

By the ruling Judge Goodman restored citizenship status to approximately 4300 Nisei. Time was given to the government to introduce negative evidence to show that some Nisei surrendered their citizenship voluntarily and without coercion.

In the appeal in the Ninth Circuit Court the government declared that Judge Goodman's decision was too sweeping. It agreed that U.S. rights should be restored to some 900 who were minors at the time of their renunciation and to an additional 60 on whom government evidence was "patently inadequate."

The government, in a cross appeal, said the Justice Dept. should not have to shoulder the ob of proving that citizenships were surrendered voluntarily. It said the responsibility to prove loyalty and positive evidence of coercion rested on the renunciants.

Meantime, the government ordered removal of 122 Nisei to Japan on another companion appealed filed by the Japanese Americans.

The Justice Dept. declared here, however, that there is a possibility that many, if not all, of the 122 removal orders may be canceled as a result of the signing of the Japanese peace treaty.

In the case of the group of 3400, each must now show to the District Court why he renounced his American citizenship and whether it was done voluntarily or under duress.

About 200 of them are serving presently in the U.S. Army.

新報 The RAFU

NO. 14,448 TUESDAY, NOVEMBER 13, 1951 242 SO. SAN PEDRO ST., LO

羅府 SHIMPO

ANGELES 12, CALIF. MADISON 9-2231 ESTABLISHED 1903

Bonelli raises loyalty issue; blocks liquor permit move

SACRAMENTO. — Calif. State Board of Equalization staff members disclosed to Joe Grant Masaoka and June Fugita of the Committee for Justice to Japanese American that all off-sale and on-sale applications under the recently enacted Section 7.1 of the Alcoholic Beverage Act are being held pending loyalty clearances.

It was indicated that board member William G. Bonelli, So. Calif. district, had requested that thorough loyalty checks be made.

State Liquor Administrator Ed C. Clark pointed out that the Immigration Service was willing to cooperate in furnishing information but the Sixth Army and the FBI has refused to divulge data in their files.

The matter of renunciants bothered Bonelli, it was added. He was reported to have suggested that if such information was not forthcoming, the board should require all applicants to appear personally and prove their loyalty.

Masaoka and Miss Fugita are concerned in this delay of license assurance because they had been retained by the CJJA in passing this legislation during the recent session of the Calif. Legislature.

It was estimated that at the time of the bill's passage last summer, about 500 licenses, including about 100 for off-sale and on-sale of hard liquor, were involved.

New Tokyo Rose plea for rehearing

SAN FRANCISCO. — Mrs. Iva Toguri D'Aquino made another bid for freedom and vindication last Thursday when she filed for a rehearing before the Ninth U.S. Circuit Court of Appeals.

The 34-year old Los Angeles woman, convicted of treason for her radio broadcasts during the war from Tokyo, is presently serving sentence at a womens penitentiary in West Virginia.

Through her attorney George Olshausen, she claims that the court erred in its ruling last month when it denied the appeal of her conviction in Sept. of 1949.

According to her attorney the case will be taken to the U.S. Supreme Court if the appeals court refuses to grant a rehearing here.

New Japanese American News

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/O. 732 TUESDAY, OCTOBER 9, 1951 TELEPHONES: MU 5675 — MA 6-3904

Article by Sakumo Kido

★ **Observation:**

United We Stand; Divided We Fall

The years of suspense is over. The renunciants now know where they stand.

The U. S. Supreme Court has refused to review the appeals of the government and the renunciants.

★ ★ ★

This means that the decision of the Ninth Circuit Court of Appeals is to be the law.

Renunciants who were minors at the time of giving up their citizenship still retain their American citizenship.

★ ★ ★

Those who were adults when they filed their applications to renounce their U. S. citizenship and who were not insane or incompetent will have to have their cases tried individually. Exceptions are those against whom the government had admitted lack of evidence.

The renunciation program is a tragic outcome of the mass evacuation of all persons of Japanese ancestry.

★ ★ ★

Because of the conditions of the relocation centers and the agitation of the racists, Congress passed the law to permit American citizens to renounce their citizenship during the war years.

The law, up to that time, had denied such privilege to citizens.

★ ★ ★

The question has been resolved by the U. S. Supreme Court. Now it is up to the individuals to clear their own status.

As far as those who were able to avoid becoming entangled in the mires of this complication, the sooner the matter is forgotten, the better it will be for all concerned.

★ ★ ★

We must not forget that we are all of the same ethnic background.

The renunciant problem was our sore spot, even casting a shadow over the glorious feats of the Nisei soldiers during World War II.

★ ★ ★

It has made the claim of 100 percent loyalty impossible.

The role of the JACL has been a matter of considerable debate.

There were those who thought more could have been done for the renunciants. Those friends seemed to have lost sight of the fact that the JACL has stood for loyalty to the United States throughout its existence.

There was no room in its program to defend or protect those who had deviated.

We have found that the renunciants themselves have been more understanding of the position of the JACL than their ardent supporters.

In the opposition camp have been those who believed that the JACL should have carried a crusade against the renunciants.

★ ★ ★

The fact that the JACL had maintained a hands-off policy with the reservation that it will participate in the court cases in the event that the decisions may jeopardize the welfare of all citizens of Japanese ancestry has been the most important factor in maintaining any semblance of equilibrium in the Japanese communities in the days immediately after the cessation of hostilities between Japan and the United States.

★ ★ ★

Today, the Japanese community in every locality is united to fight the common and mutual problems.

Japan has been given a generous peace treaty.

Americans are forgetting and forgiving Japan for the role she played which led to the shedding of so much American blood and expenditure of billions to win the war.

Why can't we do the same for our own kind?

Damning them means to cast aspersions on ourselves.

We must not forget, "United we stand; Divided we fall."

Kapa Shimpo
Oct 10, 1951

ESTABLISHED 1903

Renunciants set for hearing in Federal court

Miyoko Kiyama and Norio Kiyama will receive hearings in Los Angeles before Federal Judge William Byrne, announced attorneys A. L. Wirin and Fred Okrand, counsel for the plantiffs.

The Kiyamas renounced their American rights at the Tule Lake segregation center during the war years. They filed an individual court case and were permitted to return to be witnesses in their suits.

The date of the hearing was not announced.

In other individual cases, Yoshitsugu, Masaharu, and Morie Taga who went to Japan after their renunciation have received "Certificates of Identity" to return to the states for similar hearings.

They are leaving Kobe on Oct. 15 on the President Cleveland for Los Angeles.

Because of the U.S. Supreme Court's refusal to review the appeals of the renunciants last Monday, approximately 3400 persons will be required to take their cases individually to lower courts in order to regain their United States citizenship.

Collins predicts delay in cases

SAN FRANCISCO.—Commenting on Monday's action by the U.S. Supreme Court regarding the appeal of renunciants and the cross-appeal of the government, attorney Wayne Collins said that the decision "just prolonged the case of the 3400 renunciants."

"Nothing was actually accomplished by the high tribunal announcement and the whole matter is now held in abeyance pending action by the Dept. of Justice," Collins declared.

"The appeals court gave the government another chance to present voluntary action. They already have had 10 months to do so while the case was in the district court before and took no action," he said.

New Japanese
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NO. 735 FRIDAY, OCTOBER 12, 1951

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離脱者二千を送還
司法省今日重大發表

（ワシントン十二日INS至急報）司法省スポークスマンは今日、去る八日の大審院判決に基き、ツーリレーキ市民權離脱者約三千名を送還する旨發表した。

右の發表に當つて司法省はまづ最初に離脱者に自發的に日本歸國の機會を與え、その後日本に歸らない者は特別聽聞を開き市民權離脱が強制下に行われたという證據を擧げることができない者は送還することになつた離脱者は個人裁判を提起することが許されるが、全部の送還までには長期を要するとの見通しを發表した。約三千名とは離脱當時定年に達していた者を意味するとみられる。

日本のテレビは來年四月から始める豫定だが、未だ試驗期であつて、普及は長時日を要するだらうテレビが官營か民營かも今のところ判らない。

RENUNCIANTS TO BE DEPORTED, SAYS SPOKESMAN

FLASH!

WASHINGTON. — A Department of Justice spokesman announced today that 3,000 renunciants "will be deported."

Unless each renunciant is able to establish the fact that his renunciation was involuntary, he stated that the Immigration Service will be instructed to take steps towards deporting the renunciant.

Each renunciant will be given his "day in court" before the actual deportation takes place, he stated.

New Japanese American News

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NO. 733 WEDNESDAY, OCTOBER 10, 195[illegible] (by Tokuo Kido) TELEPHONES: MU 5675 — MA 6-3[illegible]

★ **Observation:**

Renunciants Must Clear Own Status Individually in Court

The question which has arisen in connection with the problem of renunciants is:

"What steps will those who did not participate in the court cases have to do to clear their status?. .

The answer seems to be that court cases must be instituted on an individual basis.

Until steps are taken along this line, these renunciants will not be able to purchase real property.

They will not be eligible to vote at election.

They will not be eligible for civil service jobs.

And most of all, they will not be able to travel out of this country with American passports.

★ ★ ★

In this connection, we wonder what happened to the plan which was supposed to have been instituted to help clear the status of renunciants through the procedure of applying for passports.

Even though the applicant was not intending to make use of the passport, his receiving the document was to be the acknowledgement of his status of citizenship.

Many applied for passports after it was announced that such a machinery had been set. We have not heard of any of them receiving their passports.

Also, in the beginning, it was reported that the country to be visited need not be mentioned since it was understood that the applicant would have no intention of going abroad.

To have inserted the name of the country may be perjury if there were no real plans to visit the country.

Lately, plans seem to have been changed so that the application required the insertion of the destination.

If the passport procedure can be made effective, it will save the large number involved hundreds of thousands of dollars in attorney's fee. Individual action would cost at least $250; more if lengthy hearings are to be held.

★ ★ ★

The attorney in the mass renunciant cases has received $100 a person from about 1,500 persons. And if the United States Supreme Court had accepted the case, he was asking an additional $200 per case.

If the renunciants who participated in the San Francisco case have to go to San Francisco to have their cases heard, it will be an expensive matter.

The various aspects of handling the individual cases presents many complications.

It remains to be seen what steps will be devised uultimately to carry out the task of clearing up the dockets of these cases.

★ ★ ★

There were more than 300 who were under orders of depoortation as "undesirable aliens."

Their renunciation gave them the status of a Japanese subject because of their dual citizenship, according to the interpretation of the government.

The press dispatches stated that since the peace treaty has been signed with Japan, these so-called aliens no longer are "enemy aliens." Consequently, the government may drop the deportation cases.

There is another group of renunciants.

They are those who returned to Japan from the relocation centers.

They will have to file suits in this counutry for their citizenship and then come to this country for trial.

The Department of Justice and the State Department may work out some procedure for them instead of court proceedings.

★ ★ ★

Now that the legal phase of the question has been resolved, the renunciants will have to resort to remedial action through administrative procedure or by act of Congress if they desire to avoid long litigation.

The courts have decided that there was 'duress ess and coercion" which influenced the renunciation.

There should be some way to simplify the clarificotion of the status.

Everything seems to depend upon the Department of Justice. If the Attorney General should announce to the lower court that there is insufficient evidence to sustain the charge that the renunciation was voluntary, the entire matter will be over as far as those who had participated.

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FRI., May 27, 1955 323 E. 2nd St., Los Angeles 12, Calif

NISEI HOLDERS OF DUAL CITIZENSHIP IN NO DANGER OF LOSING U.S. CITIZENSHIP, DECLARES WASHINGTON JACL OFFICIAL

WASHINGTON, May 27 (JACL) —Nisei with dual nationality residing in this country are not in danger of losing their United States citizenship on Dec. 24, 1955, because of their dual nationality status over which they have no control, M. Masaoka, Washington representative of the JACL, declared in answer to many inquiries on the subject.

Apparently much of the confusion stems from newspaper accounts in this country that United States Ambassador John Allison in Tokyo recently warned all Nisei with dual nationality in Japan to check their citizenship status in the light of a special section of the Immigration and Nationality Act of 1952 providing for the divestiture of nationality of dual nationals, Masaoka said.

No Nisei in the United States or its territories is affected by this special section, he announced, following discussions on this highly complicated and technical subject with professional staff members of the House Judiciary subcommittee on Immigration and Nationality and officials of the Nationality section of the Passport office of the Department of State.

Section 350 of the Immigration and Nationality Act provides that "a person who acquired at birth the nationality of the United States and of a foreign state and who has voluntarily sought or claimed benefits of the nationality of any foreign state shall lose his United States nationality by hereafter having continuous residence for three years in the foreign state of which he is a national by birth at any time after attaining the age of 21 years unless he shall:

"1. Prior to expiration of such three-year period, take an oath of allegiance to the United States before a United States diplomatic or consular officer in a manner prescribed by the Sec. of State; and

"2. have his residence outside of the United States solely for such specifically defined purposes as being in the emploment of the United States government (or in the Armed Forces); as residing abroad temporarily to principally represent a bona fied American educational, scientific, philanthropic, commercial, financial, or business organization, or an American religious organization, or an international agency in which the United States participates; as being a bona fide student; or, if a veteran of any war in which this country has participated in certain designated work.

Masaoka was informed that the State Department has sent out detailed instructions on the application of these dual nationality provision to all American consulates abroad. It was suggested that all of those in this country who have family members, relatives, and friends in Japan who might be affected by these provisions to write and urge them to consult their nearest United States Consulate immediately to protect their United States citizenship. Dec. 24, is the three-year deadline, he warned.

"So many Nisei lost their citizenship during and after World War II because they were unaware of the many ways in which they could lose United States nationality and discovered too late just how difficult it is to recover this American citizenship, so this time we hope that no Nisei will lose his citizenship because he is unaware of the law," the JACL representative declared.

In clarifying the situation of the Nisei with dual nationality residing in the United States at this time, Masaoka explained that divestiture of nationality on account of dual nationaity would be an impossibility because of the two major provisions of the section—seeking or claiming the benefits of a foreign state and three years consecutive residence in the country of one's second nationality, in this case Japan.

"An American citizen can hardly do either, and certainly not both of these acts which will cause him to lose his United States nationality while he is resident in this country," he observed.

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MEIKLEJOHN'S HISTORIC DEFENSE OF THE FIRST

At the suggestion of the Citizens Committee to Preserve American Freedoms and other such organizations in California, we are sending you this complimentary copy of *I. F. Stone's Weekly* for November 21 containing the full text (available nowhere else) of the historic and uncompromising defense of the First Amendment by the venerable Alexander Meiklejohn, dean of American philosophers, at the opening of the Hennings Committee hearings in Washington. We believe you will find it an inspiring document, and potent ammunition against the witch hunt.

This is a sample of the kind of coverage which has made *Stone's Weekly* (now starting its fourth year of publication) indispensible in the fight for civil liberties and peace. If not already a subscriber, you can use the blank on the reverse side and the enclosed business reply envelope (no postage required) for free copies of the next three issues or better yet you can subscribe now. The price is only $5 a year and we will bill you if you prefer.

I. F. STONE'S WEEKLY
301 E. Capitol St., Washington 3, D. C.

Independent and Unafraid in the Fight for Peace and Freedom

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Full Text: Prof. Alexander Meiklejohn's Historic Testimony on the First Amendment

I. F. Stone's Weekly

VOL. III, NOS. 43 & 44 NOVEMBER 21, 1955 WASHINGTON, D. C. 15 CENTS

Showdown Coming: Is Dulles or Eisenhower to Make U.S. Foreign Policy?

What Really Happened at Geneva

It may be that Dulles told his Western colleagues that if only they said "nyet" to the bitter end, they would be rewarded at the penultimate hour by a Russian surrender on the German question. If so, they have been led into a blind alley. Molotov would not budge; he was intransigeant. This is the refrain of the journalistic chorus which responds to every motion of the State Department baton. But nobody stops to consider that we, too, did not budge; that we, too, were intransigeant. We insisted that we would accept nothing else but a rearmed and reunited Germany allied with us against the Soviet bloc. A Russian rejection was expected. Would we agree to release Western Germany in order that it might join the Warsaw pact? Yet such is the imbecility to which American opinion has been reduced by our own propaganda that Walter Lippmann seems to be the only major commentator who sees the obvious. Geneva, on this basis, had to fail.

From the standpoint of world opinion, the Russians emerge with a better position. We wanted a rearmed Germany allied with the West; they, a neutralized Germany. From the standpoint of the Germans, the failure leaves them no recourse but direct negotiations with Moscow. From the standpoint of America, this may prove disastrous. The German right is friendly to a Russian deal. To harden the lines of the cold war again is to lay the groundwork for a new Russo-German entente; what this would do to the world balance of power is comparable only to the Chinese upheaval.

The Geneva balance sheet totes up against us. The Russians were ready to accept inspection if we accepted arms reduction and the outlawing of the bomb; we were serious only about that glamorous Madison Avenue phoney—aerial inspection. This would have given us a map of Russian installations, free of charge as it were, with no commitment in return. As for Item Three, the Russian proposals fell far short of the utopian, but could one expect their curtain to be raised overnight? Their proposals involved a freer interchange; these were rejected for the sake of the counter revolutionary muezzins of Radio "Free Europe." Rather than make *some* progress toward a world without barriers, the State Department prefers to see nailed down again the curtain which has been slowly rising. The Russians would be playing into the hands of their worst enemies if they turned back into isolation and the room without windows which was Stalin's Russia.

The Repercussions in Washington

Dulles fought hard against the meeting "at the summit" and has succeeded in undoing its fruits. His success in achieving a failure has released an anvil chorus here, not only in the right wing of the Republican party and in the military circles which want more spending money, but even in the "liberal" wing of the Administration. For example, that "top level administration leader" who was quoted by the Associated Press as saying that the cold war and a cold war budget are back again was Nelson Rockefeller, exploiting the turn to put in a plug against the Treasury for more aid abroad. The rightists and the military are talking jubilantly of another "hundred years' war" in which they can write their own ticket at the Budget Bureau. The outcome must lead to a showdown, and the best news of the week was Constantine Brown's column in the Washington *Evening Star* last Wednesday headlined, "Dulles May Be The Scrapegoat. Ouster Would Be Politically Expedient In Light of Failure of Geneva Talks." Brown, very much in the cold war camp, says the President's "immediate entourage" (Sherman Adams?) is hostile to Dulles. The contrasting calm on Geneva and friendlier attitude taken by Defense Secretary Wilson at his press conference last week is most significant. Wilson and Humphrey are the pro-peace core of the Administration. Is Dulles to determine policy, or Eisenhower? If Dulles, then there can be no balanced budget, no tax reduction and no peace appeal—in 1956. My own hunch is that the outcome will be the downgrading of Dulles; this failure makes it more likely that Eisenhower will run again. I believe the President deeply desirous of cementing peace, and that we will yet see a new Geneva without either Dulles or Molotov; both these "old Bolsheviks" are stale.

What About The Stevenson Candidacy?

If only Eisenhower had Stevenson's ability—or Stevenson the General's shiny stars! A General Adlai Eisenhower in the White House, leading a conservative big business party, could *really* negotiate a settlement. Stevenson, like George, would like to negotiate, but how far could he go with the Democratic party as it is, and the Republican right ready to cry "treason" at any give-and-take? So long as the Republicans are in power, they are forced to muzzle their own McCarthies and Knowlands in self-protection. Once out of power, the right will be unleashed again. The ideal solution would be another four years of Ike without Dulles or Nixon and with a Democratic Congress, led in foreign policy by George—or the same combination with Warren. But November's choices may be far from ideal.

A Different Kind of Hearing Opens Where McCarthy Long Performed

It is a pity the TV cameras could not have been focussed last Monday on Room 318 in the Senate Office Building, the famous caucus room, with its high marble walls and red drapes. There almost six years ago McCarthy rose to a sinister prominence by his charges against Owen Lattimore and the State Department. There three years later he began to terrorize the nation's intellectuals and public servants as chairman of the Senate Government Operations Committee. In the same room last year, while the entire country watched on the TV screens fascinated, he lost his battle with the Army and fell from public favor; too many, observing him at close range, saw him at last for what he was.

The scene in that room last Monday was a measure of the change which has taken place. The occasion was a new Senate investigation, but this time into violations of constitutional liberties. At the committee table, its chairman, Hennings of Missouri, was flanked by O'Mahoney of Wyoming, himself a portent. For O'Mahoney had been re-elected to the Senate after appearing as co-counsel with Thurman Arnold in the successful defense of Owen Lattimore against trumped up perjury charges growing out of the long campaign against him by McCarthy and McCarran. O'Mahoney's election and the Hennings inquiry demonstrated that it had become politically feasible to defend the Bill of Rights.

Before the cameras as the hearing opened was one of McCarthy's favorite targets, a college professor. But this one, this time, was being listened to with respect. There sat a tall thin man, with a long scholarly face and a thin fringe of hair, speaking in a cultured New England accent, of the First Amendment and its true interpretation, with an eloquence and a vibrancy amazing in a man of 83. The witness was Alexander Meiklejohn, eldest of living American philosophers, once president of Amherst, later famous for his work at Wisconsin, a follower of Kant, for whom the defense of fundamental American liberties was a categorical imperative. Needless to say, no rancorous voice dared break in to say, "But, Professor, were you now or have you ever been . . .?"

Beside him, waiting to testify next, was an old friend and friendly antagonist, the famous Zechariah Chafee of Harvard. Where Chafee, himself one of the most famous American civil libertarians, accepts the "clear and present danger" restriction on free speech, Meiklejohn is a "fundamentalist," arguing (as may be seen on the next page) that a man may say what he likes so long as it is not an incitement to crime. Chafee's statement, from which we print some excerpts, had little that is not familiar to readers of his classic work, "Free Speech in The United States" and stopped (like the book) at Pearl Harbor. A man of such wit and insight owes it to himself and the rest of us to bring himself and his book up to date; there is work to be done worthy of the Harvard professor who defended the rights of Wobblies and Socialists a generation ago, when that took nerve.

O'Connor Loses First Round

The right of a Senate committee not only to investigate the books in the government's overseas libraries but the ideas in the heads of their authors was upheld by Federal Judge Joseph C. McGarraghy last Tuesday in denying a defense motion for the acquittal of Harvey O'Connor.

The Judge, citing the Barsky and Hollywood Ten cases, held that such inquisition was a justifiable abridgment of the First Amendment. The defense contention that O'Connor was within his rights to refuse to answer whether he was a member "of the Communist conspiracy" because that was too dangerously vague was brushed aside. The Judge said "defendant had no difficulty in understanding what was meant by 'communist conspiracy' at the time of the contempt, for he refused to answer the question." Presumably, by this standard of logic, if he had answered the question, that would have proved that he did not understand it!

The Judge's ruling on the First Amendment sets the stage for a higher court test, and seems to obviate the possibility (though this is not absolutely certain) of an acquittal on some technicality.

Bi-Partisan Whitewash Being Prepared for Security Program

Months ago we pointed out that Senator Humphrey's bill for a 12-man bipartisan commission to investigate the security program was made to order for a whitewash by Brownell and J. Edgar Hoover. The appointments confirm the warning. As the ADA and the *Washington Post* were quick to point out, not a single person—"no Learned Hand, no John Lord O'Brian, no Erwin Griswold"—associated with the defense of civil liberties was appointed to the Commission.

The four men picked by "the White House," i.e. by the Attorney General, include two Administration figures who will be investigating the security program they themselves administer and a former Democratic Attorney General, McGranery, "who shares responsibility" as the *Washington Post* said "for some of the worst excesses of the security program." The four men picked by Nixon include two Senators, both right wingers, Stennis of Mississippi and Cotton of New Hampshire.

That the eight men to be picked by the Administration would be of this kind was to be expected. It is disappointing to find that the four men named by the Democrats, through the Speaker of the House, Rayburn of Texas, are no better. Rayburn picked Chairman Walter of the House Un-American Activities Committee and three nonentities. Wan, indeed, seems the hope expressed by the *Washington Post* that these men will be "relentless" in examining FBI files and security records. They seem hand-picked to make sure that they would "relent." The one hopeful observation is that this Commission represents a rear guard action; the witch hunt is on the defensive.

Suppressed Dispatch*

"London, Eng., Nov. 7 (AP)—American money indirectly provided the down payment for Communist arms Egypt is buying from Czechoslovakia, the London Daily Mail reported today in a dispatch from Saudi Arabia.

"The Daily Mail said that Egypt was short of cash when time came to make the first payment to Czechoslovakia. It was then, the newspaper said, that Egypt turned to Saudi Arabia for a loan. Saudi Arabia, in turn, borrowed the sum of $3,000,000 from the Arabian-American Oil Co. (Aramco) and sent it to Premier Nasser of Egypt.

"The report pointed out that Aramco might not have known the purpose of the loan but added 'you cannot get away from the fact that American money helped buy Communist arms.'"

*** So far as we know, this Associated Press dispatch was not published in any American paper, though it went over the AP wires.**

A memorial meeting for Eugene Debs will be held Monday night, November 28 at the Fraternal Clubhouse, 110 W. 48th Street, New York City, sponsored by the *National Guardian*, the *Monthly Review*, the *American Socialist* and this *Weekly*. James Aronson will be chairman; the speakers: W. E. B. du Bois, Leo Huberman, Bert Cochran, Clifford McAvoy, and IFS.

Prof. Alexander Meiklejohn's Historic Defense of the First Amendment

"Loyalty Does Not Imply Conformity of Opinion"

The Weekly is proud to make available here in full text the classic defense of the First Amendment with which the venerable 83-year-old Prof. Alexander Meiklejohn, dean of American philosophers, and most uncompromising of American libertarians, opened the historic hearings begun last Monday by the Hennings subcommittee of the Senate on constitutional liberties.

Mr. Chairman and Members of the Committee:

I deeply appreciate your courtesy in asking me to join with you in an attempt to define the meaning of the words, "Congress shall make no law . . . abridging the freedom of speech or of the press or the right of the people peaceably to assemble and to petition the government for a redress of grievances." Whatever those words may mean, they go directly to the heart of our American Plan of Government. If we can understand them we can know what, as a self-governing nation, we are trying to be and to do. Insofar as we do not understand them, we are in grave danger of blocking our own purposes, of denying our own beliefs.

It may clarify my own part in our conference if I tell you at once my opinion concerning this much-debated subject. The First Amendment seems to me to be a very uncompromising statement. It admits of no exceptions. It tells us that the Congress and by implication, all other agencies of the Government are denied any authority whatever to limit the Political Freedom of the citizens of the United States. It declares that with respect to political belief, political discussion, political advocacy, political planning, our citizens are sovereign, and the Congress is their subordinate agent. That agent is authorized, under strong safeguards against the abuse of its power, to limit the freedom of men as they go about the management of their private, their non-political affairs. But the same men, as they endeavor to meet the public resposibilities of citizenship in a free society, are in a vital sense, which is not easy to define, beyond the reach of legislative control. Our common task, as we talk together today, is to determine what that sense is.

Mr. Chairman, in view of your courtesy to me, I hope you will not find me discourteous when I suggest that the Congress is a subordinate branch of the Government of the United States. In saying this I am simply repeating in less passionate words what was said by the writers of the Federalist papers when, a century and three-quarters ago, they explained the meaning of the proposed Constitution to a body politic which seemed very reluctant to adopt it. Over and over again the writers of those papers declared that the Constitutional Convention had given to the People adequate protection against a much-feared tyranny of the Legislature. In one of the most brilliant statements ever written about the Constitution, the Federalist says:

"It is one thing to be subject to the laws, and another to be dependent on the legislative body. The first comports with, the last violates, the fundamental principles of good government, and, whatever may be the forms of the Constitution, unites all power in the same hands." (No. 71).

They Feared Congress

It is chiefly the legislature, the Federalist insists, which threatens to usurp the governing powers of the People. In words which unfortunately have some relevance today, it declares that "it is against the enterprising ambition of this department that the people ought to indulge their jealousy and exhaust all their precautions." And, further, the hesitant people were assured that the Convention, having recognized this danger, had devised adequate protections against it. The Representatives, it was provided, would be elected by vote of the People. Elections would be for terms brief enough to ensure active and continuous popular control. The legislature would have no law-making authority other than those limited powers specifically delegated to it. A general legislative power to act for the security and welfare of the nation was denied on the ground that it would destroy the basic postulate of popular Self-Government on which the Constitution rests.

As the Federalist thus describes, with insight and accuracy, the Constitutional defenses of the Freedom of the People against legislative invasion, it is not speaking of that freedom as an "Individual Right" which is bestowed upon the citizens by action of the Legislature. Nor is the principle of the Freedom of Speech derived from a Law of Nature or of Reason in the abstract. As it stands in the Constitution, it is an expression of the basic American political agreement that, in the last resort, the People of the United States shall govern themselves. To find its meaning, therefore, we must dig down to the very foundations of the Self-Governing process. And what we shall there find is the fact that when men govern themselves, it is they—and no one else—who must pass judgment upon public policies. And that means that, in our popular discussions, unwise ideas must have a hearing as well as wise ones, dangerous ideas as well as safe, unAmerican as well as American. Just so far as, at any point, the citizens who are to decide issues are denied acquaintance with information or opinion or doubt or disbelief or criticism which is relevant to those issues, just so far the result must be ill-considered, ill-balanced planning for the general good. It is that mutilation of the thinking process of the community against which the First Amendment is directed. That provision neither the Legislature, nor the Executive, nor the Judiciary, nor all of them acting together, has authority to nullify. We Americans have, together, decided to be politically Free.

Mr. Chairman, I have now stated for your consideration the thesis that the First Amendment is not "open to exceptions" that our American "freedom of Speech" is not, on any grounds whatever, subject to abridgement by the Representatives of the People. May I next try to answer two arguments which are commonly brought against that thesis in the courts and in the wider circle of popular discussion?

Can Speech Threaten Freedom?

The first objection rests upon the supposition that freedom of speech may on occasion threaten the security of the nation. And when these two legitimate national interests are in conflict, the government, it is said, must strike a balance between them. And that means that the First Amendment must at times yield ground. The freedom of speech must be abridged in order that the national order and safety may be secured.

In the courts of the United States, many diverse opinions have asserted that "balancing" doctrine. One of these often quoted, reads as follows:

"To preserve its independence, and give security against foreign aggression and encroachment, is the highest duty of every nation, and to attain these ends nearly all other considerations are to be subordinated. It matters not in what form such aggression comes. . . . The government, possessing the powers which are to be exercised for protection and security is clothed with authority to determine the occasion on which the powers shall be brought forth."

That opinion tells us that the "Government" of the United States has unlimited authority to provide for the security of the nation, as it may seem necessary and wise. It tells us, therefore that, constitutionally, the Government which has created the defenses of Political Freedom may break down those defenses. We, the People, who have enacted the First Amendment, may by agreed upon procedure modify or annul that amendment. And, since we are, as a government, a sovereign nation, I do not see how any of these assertions can

be doubted or denied. We Americans, as a body-politic, may destroy or limit our freedom whenever we choose. But what bearing has that statement upon the authority of Congress to interfere with the provisions of the First Amendment? Congress is not the Government. It is only one of four branches to each of which The People have denied specific and limited powers as well as delegated such powers. And in the case before us, the words, "Congress shall make no law . . . abridging the freedom of speech," gives plain evidence that, so far as Congress is concerned, the power to limit our Political Freedom has been explicitly denied.

"Balancing" Security and Freedom

There is, I am sure a radical error in the theory that the task of "balancing" the conflicting claims of security and freedom has been delegated to Congress. It is the failure to recognize that the balancing in question was carefully done when, one hundred and seventy years ago, the Constitution was adopted and quickly amended. The men who wrote the text of that Constitution knew, quite as well as we do, that the program of Political Freedom is a dangerous one. They could foresee that, as the nation traveled the ways of Self-Government, the Freedom of Speech would often be used irresponsibly and unwisely, especially in times of war or near-war, and that such talking might have serious consequences for the national safety.

They knew, too, that a large section of the voting population was hostile to the forms of government which were then being adopted. And, further, they had every reason to expect that, in a changing world, new dissatisfactions would arise and might in times of stress break out into open and passionate disaffection. All these considerations, I am saying, were as clearly and as disturbingly present to their minds as they are to our minds today. And, because of them, the First Amendment might have been written, not as it is, but as the Courts of the United States have re-written it in the war-maddened years since 1919. The Amendment might have said, "Except in times and situations involving Clear and Present Danger to the national security, Congress shall make no law abridging the Freedom of Speech." Or it might have read, "Only when, in the judgment of the Legislature, the interests of order and security render such action advisable shall Congress abridge the Freedom of Speech." But the writers of the Amendment did not adopt either of these phrasings or anything like them. Perhaps a minor reason for their decision was the practical certainty that the Constitution, if presented in that form, would have failed of adoption. But more important than such questionable historical speculation are two reasons which are as valid today as they were when the Amendment was decreed.

First, our doctrine of Political Freedom is not a visionary abstraction. It is a belief which is based in long and bitter experience which is thought out by shrewd intelligence. It is the sober conviction that, in a society pledged to self-Government, it is never true that, in the long run, the security of the nation is endangered by the freedom of the people. Whatever may be the immediate gains and losses, the dangers to our safety arising from political suppression are always greater than the dangers to that safety arising from political freedom. Suppression is always foolish. Freedom is always wise. That is the faith, the experimental faith, by which we Americans have undertaken to live. If we, the citizens of today, cannot shake ourselves free from the hysteria which blinds us to that faith, there is little hope for peace and security, either at home or abroad.

Inquisition Outlawed

Second, the re-writing of the First Amendment which authorizes the Legislature to balance security against freedom denies, not merely some minor phase of the amendment, but its essential purpose and meaning. Whenever, in our Western civilization, "inquisitors" have sought to justify their acts of suppression, they have given plausibility to their claims only by appealing to the necessity of guarding the public safety. It is that appeal which the First Amendment intended, and intends, to outlaw. Speaking to the Legislature, it says, "When times of danger come upon the nation, you will be strongly tempted, and urged by popular pressures, to resort to practices of suppression such as those allowed by societies unlike our own in which men do not govern themselves. You are hereby forbidden to do so. This nation of ours intends to be free. 'Congress shall make no law . . . abridging the freedom of speech.' "

Men Do Not Like Dissent

"Human beings do not instinctively desire to live in a community where freedom of speech prevails. Instead, they long for a unified society. Even sophisticated men feel a strong exhiliration when they march in a procession which keeps perfect step with everybody singing in unison. Distaste is a common initial reaction to anybody who is very different from the general run. It is natural for us to feel hostility toward anybody who expresses unfamiliar opinions or views which we intensely dislike."

—Zechariah Chaffee, Jr., before the Hennings Inquiry

The second objection which must be met by one who asserts the unconditional Freedom of Speech rests upon the well-known fact that there are countless human situations in which, under the Constitution, this or that kind of speaking may be limited or forbidden by legislative action. Some of these cases have been listed by the courts in vague and varying ways. Thus libels, blasphemies, attacks upon public morals or private reputation have been held punishable. So, too, we are told that "counselling a murder" may be a criminal act, or "falsely shouting fire in a theatre, and causing a panic." "Offensive" or "provocative" speech has been denied legislative immunity. "Contempt of court," shown by the use of speech or by refusal to speak, may give basis for prosecution. Utterances which cause a riot or which "incite" to it may be subject to the same legal condemnation. And this listing of legitimate legislative abridgments of speech could be continued indefinitely. Their number is legion.

In view of these undoubted facts, the objection which we must now try to meet can be simply stated. In all these cases, it says, inasmuch as speaking is abridged, "exceptions" are made to the First Amendment. The Amendment is thus shown to be, in general, "open to exceptions." And from this it follows that there is no reason why a Legislature which has authority to guard the public safety should be debarred from making an "exception" when faced by the threat of national danger.

The Fallacy About "Exceptions"

Now the validity of that argument rests upon the assumed major premise that whenever, in any way, limits are set to the speaking of an individual, an "exception" is made to the First Amendment. But that premise is clearly false. It could be justified only if it were shown that the amendment intends to forbid every form of governmental control over the act of speaking. Is that its intention? Nothing could be further from the truth. May I draw an example from our own present activities in this room? You and I are here talking about Freedom within limits defined by the Senate. I am allowed to speak only because you have invited me to do so. And just now everyone else is denied that privilege. But further, you have assigned me a topic to which my remarks must be relevant. Your schedule, too, acting with generosity, fixes a time within which my remarks must be made. In a word, my speaking, though "free" in the First Amendment sense, is abridged in many ways. But your speaking, too, is controlled by rules of procedure. You may, of course, differ in opinion, from what I am saying. To that freedom there are no limits. But, unless the chairman intervenes, you are not allowed to express that difference by open speech until I have finished my reading. In a word, both you and I are under control as to what we may say and when and how we may say it. Shall we say, then, that this Conference, which studies the principle of Free Speech, is itself making "exceptions" to that principle?

I do not think so. Speech, as a form of human action, is subject to regulation in exactly the same sense as is walking, or lighting a fire, or shooting a gun. To interpret the First Amendment as forbidding such regulation is to so misconceive its meaning as to reduce it to nonsense.

The principle here at issue was effectively, though not clearly, stated by Mr. Justice Holmes when, in the *Frohwerk* case, he said:

"The First Amendment, while prohibiting legislation against free speech as such, cannot have been, and obviously was not, intended to give immunity to every form of language. . . . We venture to believe that neither Hamilton nor Madison, nor any other competent person, ever supposed that to make criminal the counselling of a murder would be an unconstitutional interference with free speech."

Those words of the great Justice, by denying that the First Amendment intends to forbid such abridgments of speech as the punishing of incitement to murder seem to me to nullify completely the supposed evidence that the amendment is "open to exceptions." They show conclusively the falsity of the "exception" theory which has been used by the courts to give basis for the "danger" theory of legislative authority to abridge our Political Freedom. If, then, the "danger" theory is to stand it must stand on its own feet. And those feet, if my earlier argument is valid, seem to be made of clay.

The Positive Meaning of The First

Mr. Chairman, in the first section of this paper I spoke of the negative fact that the First Amendment forbids the Legislature to limit the Political Freedom of the People. May I now, surveying the same ground from its positive side, discuss with you the active powers and responsibilities of free citizens, as these are described or taken for granted in the general structure of the Constitution as a whole? If I am not mistaken, we shall find here the reason why the words of the great proclamation are so absolute, so uncompromising, so resistant of modification or exception.

The purpose of the Constitution is, as we all know, to define and allocate powers for the governing of the nation. To that end, three special governing agencies are set up, and to each of them are delegated such specific powers as are needed for doing its part of the work.

Now that program rests upon a clear distinction between the political body which delegates powers and the political bodies, legislative, executive, and judicial, to which powers are delegated. It presupposes, on the one hand, a supreme governing agency to which, originally, all authority belongs. It specifies, on the other hand, subordinate agencies to which partial delegations of authority are made. What, then, is the working relation between the supreme agency and its subordinates? Only as we answer that question shall we find the positive meaning of the First Amendment.

First of all, then, what is the supreme governing agency of this nation? In its opening statement the Constitution answers that question. "We the People of the United States," it declares, "do ordain and establish this Constitution . . ." Those are revolutionary words which define the freedom which is guaranteed by the First Amendment. They mark off our government from every form of despotic polity. The legal powers of the People of the United States are not granted to them by some one else—by kings or barons or priests, by legislators or executives or judges. All political authority, whether delegated or not, belongs constitutionally, to us. If any one else has political authority, we are lending it to him. We, the People, are supreme in our own right. We are governed directly or indirectly, only by ourselves.

One Power Not Delegated

But now what have We, the People, in our establishing of the Constitution done with the powers which thus inhere in us? Some of them we have delegated. But there is one power, at least, which we have not delegated, which we have kept in our own hands, for our own direct exercise. Article I, section 2, authorizes the people, in their capacity as "electors," to choose their Representatives. And that means that We, the People, in a vital sense, do actively govern those who, by other delegated powers, govern us. In the midst of all our assigning of powers to legislative, executive, and judicial bodies, we have jealously kept for ourselves the most fundamental of all powers. It is the power of voting, of choosing—by joint action, those representatives to whom certain of our powers are entrusted. In the view of the Constitution, then, We the People, are not only the supreme agency. We are, also, politically, an active electorate—a fourth, or perhaps better, a first branch which, through its reserved power governs at the polls. That is the essential meaning of the statement that we Americans are, in actual practice, politically, a free people. Our First Amendment freedom is not merely an aspiration. It is an arrangement made by women and men who vote freely and, by voting, govern the nation. That is the responsibility, the opportunity, which the Constitution assigns to us, however slackly and negligently we may at times have exercised our power.

It follows from what has just been said that, under the Constitution, we Americans are politically free only insofar as our voting is free. But to get the full meaning of that statement we must examine more closely what men are doing when they vote, and how they do it.

The most obvious feature of activity at the polls is the choosing among candidates for office. But, under our election procedures, with their party platforms and public meetings, with the turmoil and passion of partisan debate, the voters are also considering and deciding about issues of public policy. They are thinking. As we vote we do more than elect men to represent us. We also judge the wisdom or folly of suggested measures. We plan for the welfare of the nation. Now it is these "judging" activities of the governing people which the First Amendment protects by its guarantees of freedom from legislative interference. Because, as self-governing women and men, We the People, have work to do for the general welfare, we make two demands. First, our judging of public issues, whether done separately or in groups, must be free and independent—must be our own. It

What About "Communist Front" Organizations?

"It may be argued, however, that the so-called 'Communist front organizations' present an entirely new problem because they have objectionable purposes and include objectionable persons in their membership. . . .

"The membership situation is much the same now as it has always been. Propagandist organizations are not likely to be made up of men and women with conventional ideas. . . . The organizations opposed to slavery had members who urged violations of law, such as rescuing fugitive slaves and transporting them to Canada on the Underground Railway. Some of them even favored or participated in the attempt of John Brown to start a slave-rising in Virginia. Time and again the whole labor movement has been denounced as lawless because some unionists undoubtedly engaged in violence.

"It is sometimes assumed that the moderate members of an organization always have an obligation to oust the extremists or else resign themselves. But this is by no means plain. Throughout the history of this country, the propagandist organizations which I have been describing were engaged in a hard fight against determined opponents. Their chances of winning this fight would clearly have been weakened if they had also waged an internal war with their own extremists or if moderates had got out and stopped supporting the cherished purpose of the organization. . . .

" . . . there is a tremendous temptation to make the presence of extremists the excuse for outlawing an organization when the real reason for getting rid of it is not the fear of the extremists but the hatred of the legitimate purposes."

—Zechariah Chaffee, Jr., before the Hennings Inquiry

must be done by us and by no one else. And, second, we must be equally free and independent in expressing, at the polls, the conclusions, the beliefs, to which our judging has brought us. Censorship over our thinking, duress over our voting, are alike forbidden by the First Amendment. A legislative body, or any other body, which, in any way, practices such censorship or duress, stands in "contempt" of the sovereign people of the United States.

But, further, what more specifically, are the judging activities with which censorship and duress attempt to interfere? What are the intellectual processes by which free men govern a nation, which, therefore, must be protected from any external interference? They seem to be of three kinds.

The Mechanisms of Free Choice

First, as we try to "make up our minds" on issues which affect the general welfare, we commonly though not commonly enough, read the printed records of the thinking and believing which other men have done in relation to those issues. Those records are found in documents and newspapers, in works of art of many kinds. And all this vast array of idea and fact, of science and fiction, of poetry and prose, of belief and doubt, of appreciation aand purpose, of information and argument, the voter may find ready to help him in making up his mind.

Second, we electors do our thinking, not only by individual reading and reflection, but also in the active associations of private or public discussion. We think together, as well as apart. And, in this field, by the group action of congenial minds, by the controversies of opposing minds, we form parties, adopt platforms, conduct campaigns, hold meetings, in order that this or that set of ideas may prevail, in order that that measure or this may be defeated.

And third, when election day finally comes, the voter, having presumably made up his mind, must now express it by his ballot. Behind the canvas curtain, alone and independent, he renders his decision. He acts as sovereign, one of the governors of his country. However slack may be our practice that, in theory, is our freedom.

What, then, as seen against this Constitutional background, is the purpose of the First Amendment, as it stands guard over our freedom? That purpose is to see to it that, in none of these three activities of judging shall the voter be robbed, by action of other, subordinate branches of the government, of the responsibility, the power, the authority, which are his under the Constitution. What shall be read? What he himself decides to read. With whom shall be associate in political advocacy? With those with whom he chooses to associate. Whom shall be oppose? Those with whom he disagrees. Shall any branch of the government attempt to control his opinions or his vote, to drive him by duress or intimidation into believing or voting this way or that? To do this is to violate the Constitution at its very source. We, the People of the United States, are self-governing. That is what our Freedom means.

Mr. Chairman, this interpretation of the First Amendment which I have tried to give is, of necessity, very abstract. May I, therefore, give some more specific examples of its meaning at this point or that?

Not The Citizen Alone

First, when we speak of the amendment as guarding the freedom to hear and to read, the principle applies, not only to the speaking or writing of our own citizens, but also to the writing or speaking of every one whom a citizen, at his own discretion, may choose to hear or to read. And this means that unhindered expression must be open to non-citizens, to resident aliens, to writers and speakers of other nations, to anyone, past or present, who has something to say which may have significance for a citizen who is thinking of the welfare of this nation. The Bible, the Koran, Plato, Adam Smith, Joseph Stalin, Gandhi, may be published and read in the United States, not because they have, or had, a right to be published here, but because we, the citizen-voters, have authority, have legal power, to decide what we will read, what we will think about. With the exercise of that "reserved" power, all "delegated" powers are, by the Constitution, forbidden to interfere.

What Free Debate Means

"Now suppose that legitimate purposes of the organization on one side happen to coincide with the view of active supporters of the Soviet Union. If the government makes that fact a reason for crippling those organizations in various ways, then those on the other side will pretty much have everything their own way. Insofar as there are errors in the arguments they present, it will be very difficult for those errors to be combatted by reason when the government silences a large number of potential opponents. Thus the danger of unwise decisions on public issues is increased. What kind of a boxing match would be it where the referee was constantly tripping up one of the fighters?"

—Zechariah Chaffee, Jr., before the Hennings Inquiry

Second, in the field of public discussion, when citizens and their fellow thinkers "peaceably assemble" to listen to a speaker, whether he be American or foreign, conservative or radical, safe or dangerous, the First Amendment is not in the first instance, concerned with the "right" of the speaker to say this or that. It is concerned with the authority of the hearers to meet together, to discuss, and to hear discussed by speakers of their own choice, whatever they may deem worthy of their consideration.

Third, the same freedom from attempts at duress is guaranteed to every citizen as he makes up his mind, chooses his party, and, finally, casts his vote. During that process, no governing body may use force upon him, may try to drive him or lure him toward this decision or that, or away from this decision or that. And for that reason, no subordinate agency of the government has authority to ask, under compulsion to answer, what a citizen's political commitments are. The question, "Are you a Republican?" or "Are you a Communist?", when accompanied by the threat of harmful or degrading consequences, if an answer is refused, or if the answer is this rather than that, is an intolerable invasion of the "reserved powers" of the governing People. And the freedom thus protected does not rest upon the Fifth Amendment "right" of one who is governed to avoid self-incrimination. It expresses the constitutional authority, the legal power, of one who governs to make up his own mind without fear or favor, with the independence and freedom in which self-government consists.

And fourth, for the same reason, our First Amendment freedom forbids that any citizen be required, under threat of penalty, to take an oath, or make an affirmation as to beliefs which he holds or rejects. Every citizen, it is true, may be required, and should be required, to pledge loyalty, and to practice loyalty, to the nation. He must agree to support the Constitution. But he may never be required to *believe* in the Constitution. His loyalty may never be tested on grounds of adherence to, or rejection of, any *belief*. Loyalty does not imply conformity of opinion. Every citizen of the United States has Constitutional authority to approve or to condemn any laws enacted by the Judiciary, any principles established by the Constitution. All these enactments which, as men who are governed, we must obey, are subject to our approval or disapproval, as we govern. With respect to all of them, we, who are free men, are sovereign. We are "The People." We govern the United States.

Mr. Chairman, I have tried to state and defend the assertion that Constitutional guarantee of Political Freedom is not "open to exceptions." Judgment upon the theoretical validity of that position I now leave in your hands.

But, as between conflicting views of the First Amendment, there is also a practical question of efficiency. May I, in closing, speaking with the tentativeness becoming to a non-lawyer, offer three suggestions as to the working basis on which decisions about Political Freedom should rest?

First, the experience of the courts since 1919 seems to me to show that, as a procedural device for distinguishing forms of speech and writing and assembly which the amendment does protect from those which it does not protect, the "clear and present danger" test has failed to work. Its basic practical defect is that no one has been able to give it dependable, or even assignable meaning. Case by case, opinion by opinion, it has shifted back and forth with a variability of meaning which reveals its complete lack of Constitutional basis. In his opinion confirming the conviction of Eugene Dennis and others for violation of the Smith Act, Judge Learned Hand reviewed the long series of judicial attempts to give to the words "Clear and Present" a usable meaning. His conclusion reads, in part, as follows:

"The phrase 'clear and present danger' . . . is a way to describe a penumbra of occasions, even the outskirts of which are indefinable, but within which, as is so often the case, the courts must find their way as they can. In each case they must ask whether the gravity of the 'evil,' discounted by its improbability, justifies such an invasion of free speech as is necessary to avoid the danger."

And to this bewildering interpretation of the words, "clear and present," he adds: "That is a test in whose application the utmost differences of opinion have constantly arisen, even in the Supreme Court. Obviously it would be impossible to draft a statute which should attempt to prescribe a rule for each occasion; and it follows, as we have said, either that the Act is definite enough as it stands, or that it is practically impossible to deal with such conduct in general terms."

Those words, coming from the penetrating and powerful mind of Learned Hand show how intolerable it is that the most precious, most fundamental, value in the American plan of Government should depend, for its defense, upon a phrase which, not only has no warrant in the Constitution, but has no dependable meaning, either for a man accused of crime or for the attorneys who prosecute or defend him or for the courts which judge him. That phrase does not do its work. We need to make a fresh start in our interpreting of the words which protect our Political Freedom.

Is "Advocacy" Protected?

Second, as we seek for a better test, it is, of course, true that no legal device can transform the making of decisions about Freedom into a merely routine application of an abstract principle. Self-government is a complicated business. And yet, the "no-exception" view which I have offered seems to me to promise a more stable and understandable basis for judicial decision than does the 1919 doctrine which the courts have been trying to follow. For example, the most troublesome issue which now confronts our courts, and our people, is that of the speech and writing and assembling of persons who find, or think they find, radical defects in our form of government, and who devise and advocate plans by means of which another form might be substituted for it. And the practical question is, "How far, and in what respects, is such revolutionary planning and advocacy protected by the First Amendment?"

It is, of course, understood that if such persons or groups proceed to forceful or violent action, or even to overt preparation for such action, against the government, the First Amendment offers them, in that respect, no protection. Its interest is limited to the freedom of judgment-making,—of inquiry and belief and conference and persuasion and planning and advocacy. It does not protect either overt action or incitement to such action. It is concerned only with those political activities by which, under the Constitution, free men govern themselves.

From what has just been said it follows that, so far as speech and writing are concerned, the distinction upon which the application of the First Amendment rests is that between "advocacy of action" and "incitement to action." To advocacy the amendment guarantees freedom, no matter what may be advocated. To incitement, on the other hand, the amendment guarantees nothing whatever.

This distinction was sharply drawn by Justice Brandeis when, in the *Whitney* case, he said,—

"Every denunciation of existing law tends in some measure to increase the probability that there will be violations of it. Condonation of a breach enhances the probability. Expressions of approval add to the probability. Propagation of the criminal state of mind by teaching syndicalism increases it. Advocacy of law-breaking heightens it still further. But even advocacy of violation, however reprehensible morally, is not a justification for denying free speech where the advocacy falls short of incitement and there is nothing to indicate that the advocacy would be immediately acted on."

Only Incitement Barred

Those words, I think, point the way which decisions about our Political Freedom can, and should, follow. An incitement, I take it, is an utterance so related to a specific overt act that it may be regarded and treated as a part of the doing of the act itself, if the act is done. Its control, therefore, falls within the jurisdiction of the Legislature. An advocacy, on the other hand, even up to the limit of arguing and planning for the violent overthrow of the existing form of government, is one of those opinion-forming, judgment-making expressions which free men need to utter and to hear as citizens responsible for the governing of the nation. If men are not free to ask and to answer the question, "Shall the present form of our government be maintained or changed?" If, when that question is asked, the two sides of the issue are not equally open for consideration, for advocacy, and for adoption, then it is impossible to speak of our Government as established by the free choice of a Self-Governing People. It is not enough to say that the People of the United States were free one hundred and seventy years ago. The First Amendment requires, simply and without equivocation, that they be Free now.

Third, and finally, if we say, as this paper has urged, that, in many situations, speech and writing and assembly may be controlled by legislative action we must also say that such control may never be based on the ground of disagreement with opinions held or expressed. No belief or advocacy may be denied freedom if, in the same situation, opposing beliefs or advocacies are granted that freedom.

If, then, on any occasion in the United States, it is allowable to say that the Constitution is a good document, it is equally allowable, in that situation, to say that the Constitution is a bad document. If a public building may be used in which to say, in time of war, that the war is justified, then the same building may be used in which to say that it is not justified. If it be publicly argued that conscription for armed service is moral and necessary, it may be likewise publicly argued that it is immoral and unnecessary. If it may be said that American political institutions are superior to those of England or Russia or Germany, it may, with equal freedom, be said that those of England or Russia or Germany are superior to ours. These conflicting views may be expressed, must be expressed, not because they are valid, but because they are relevant. If they are responsibly entertained by any one, we, the voters, need to hear them. When a question of policy is "before the house," free men choose to meet it, not with their eyes shut, but with their eyes open. To be afraid, of any idea, is to be unfit for self-government. Any such suppression of ideas about the common good, the First Amendment condemns with its absolute disapproval. The freedom of ideas shall not be abridged.

This text was rushed to the printer's last Monday at the close of Prof. Meiklejohn's testimony in the belief that this eloquent defense of pure "fundamentalist" American doctrine should be available for the widest possible distribution. Extra copies may be purchased in bulk orders of 1,000 or more at 5 cents a copy, and at 10 cents for lesser quantities. Every organization concerned with civil liberty ought to put a copy into the hands of every member. Please telegraph your orders.

Capitol Roundup: Virginia Legislators Blame Gunnar Myrdal

U. S. and Soviet Journalists Find A Common Bond

The Soviet journalists got a friendly reception at the National Press Club here last week. The exchange of questions and answers wasn't very profound, but it was well calculated to provide a feeling of good fellowship, notably the prize final question from the U. S. side, "How do you fellows pad an expense account?" Most of the Soviet journalists wear their hair long and wavy, with a cowlick over their foreheads, like an earlier generation of newspapermen, who acted as if they only covered stories in order to keep themselves alive while they wrote sonnets after hours. . . .

The report last week-end of the Virginia Commission on Public Education blames the Supreme Court's school decision on "a lengthy treatise edited by Gunnar Myrdal, a European sociologist of slight experience in the United States." The report unanimously recommends amendment of the State Constitution to permit the payment of tuition in private schools so no pupil need be "integrated" against his will. . . . At the same time the members seem to feel they were very brave and "liberal" because they did not (as racist "radicals" suggested) recommend abolition of the public school system altogether.

A pleasant feature of the elections was the rout of the racist forces (described in the October 31 issue of the *Weekly*) in Arlington across the river from here. But the white liberals there, like those in South Africa, are not openly for integration; they merely want to defend the public school system and somehow "adjust" painlessly to the new court ruling. . . . Even some Southern papers seem to be shocked by the failure to indict the admitted kidnappers of Emmett Till. . . . Senator Stennis told an audience in Jackson, Miss., on November 10, Negroes should be told they must accept segregated schools or see the public school system abolished. . . . Thought U. S. Senators took an oath to uphold the laws and the Constitution?

The greatest enemies of the Negro have been his own apathy, his rich humor, his forgiving nature, his eagerness to live and be let alone. . . . But the Till case is arousing the Negro as never before, giving the minority-supported NAACP a wider base than it ever had. . . . Dr. T. R. M. Howard of Mississippi spoke before a packed Vermont Avenue Baptist church here last Sunday night and the writer asked him afterward, "In your years in Mississippi, has a white man ever helped you or secretly expressed sympathy?" The answer was "No." . . . To hear him, one of the brave men of our time, a Moses of his people, was a deeply moving experience. . . .

Trial of six persons indicted for sedition in Louisville with Carl Braden was postponed until May 14 when they appeared in court last Monday. Their cases were postponed to wait the outcome of the appeal filed by Braden from the 15-year sentence given him last December. The outcome will also be affected by the Steve Nelson case, on which the Supreme Court was hearing argument as we went to press. . . .

Henry A. Wallace's speech to the Iowa Farm Bureau Federation in Des Moines last Tuesday, his first major public address in many years, was Wallace at his best—good humored, non-partisan and refreshingly analytical after the demagogy which marks most current political discussion of the farm problem. He advocated the "soil bank" idea instead of rigid supports, i.e. Federal subsidy to take unneeded land out of production. . . . The *Weekly* bares its head at the passing of Bernard De Voto, whose famous "Easy Chair" in *Harper's* took on the FBI and many other not-so-easy liberal issues in the course of his long career. In his last, in that magazine's November issue, De Voto said he was on many subversive lists and commented, "Nomination to them is the diagnostic test of decency for everyone who has a public forum."

What Most Book Reviewers Missed

Acheson Attacks Brownell

"The Attorney General's attitude is unhappily typical of the authoritarian mind at all times and places. If the state is faced with internal danger of any sort, the response lies in repression and the secret police. It is thought that dangers rooted in ideas can be repressed as burglars are repressed. If burglars are shown to enter more often through back doors and side doors than through front doors, then arrest all who enter through back and side doors. But, one protests, this will result in the arrest principally of innocent householders. The answer recalls us sternly to the path of duty. Shall we open the doors to burglars. Those who suggest this either do not understand the problem and the danger, or they are burglars, or their apologists and dupes."

—Former Secretary of State Dean Acheson in his new book, "A Democrat Looks At His Party," satirizing Attorney General Brownell's defense of the FBI secret informant system. Acheson's discussion of "The State and the Individual" deserves respectful salute: even now, out of office, it took courage to write.

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80TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 2410

AUTHORIZING FOR A LIMITED PERIOD OF TIME THE ADMISSION INTO THE UNITED STATES OF CERTAIN EUROPEAN DISPLACED PERSONS FOR PERMANENT RESIDENCE

JUNE 18 (legislative day, JUNE 17), 1948.—Ordered to be printed

Mr. FELLOWS, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany S. 2242]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2242) entitled "An Act to authorize for a limited period of time the admission into the United States of certain European displaced persons for permanent residence, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following: *That, this Act may be cited as the Displaced Persons Act of 1948.*

SEC. 2. When used in this Act the term—

(a) "Commission" means the Displaced Persons Commission created pursuant to this Act;

(b) "Displaced person" means any displaced person or refugee as defined in Annex I of the Constitution of the International Refugee Organization and who is the concern of the International Refugee Organization.

(c) "Eligible displaced person" means a displaced person as defined in subsection (b) above, (1) who on or after September 1, 1939, and on or before December 22, 1945, entered Germany, Austria, or Italy and who on January 1, 1948, was in Italy or the American sector, the British sector, or the French sector of either Berlin or Vienna or the American zone, the British zone, or the French zone of either Germany or Austria; or a person who, having resided in Germany or Austria, was a victim of persecution by the Nazi government and was detained in, or was obliged to flee from such persecution and was subsequently returned to, one of

these countries as a result of enemy action, or of war circumstances, and on January 1, 1948, had not been firmly resettled therein, and (2) who is qualified under the immigration laws of the United States for admission into the United States for permanent residence, and (3) for whom assurances in accordance with the regulations of the Commission have been given that such person, if admitted into the United States, will be suitably employed without displacing some other person from employment and that such person, and the members of such person's family who shall accompany such person and who propose to live with such person, shall not become public charges and will have safe and sanitary housing without displacing some other person from such housing. The spouse and unmarried dependent child or children under twenty-one years of age of such an eligible displaced person shall, if otherwise qualified for admission into the United States for permanent residence, also be deemed eligible displaced persons.

(d) "Eligible displaced person" shall also mean a native of Czechoslovakia who has fled as a direct result of persecution or fear of persecution from that country since January 1, 1948, and (1) who is on the effective date of this Act in Italy or the American sector, the British sector, or the French sector of either Berlin or Vienna, or the American zone, the British zone, or the French zone of either Germany or Austria, and (2) who is qualified under the immigration laws of the United States for admission into the United States for permanent residence, and (3) for whom assurances in accordance with the regulations of the Commission have been given that such person, if admitted into the United States, will be suitably employed without displacing some other person from employment and that such person, and the members of such person's family who shall accompany such person and who propose to live with such person, shall not become public charges and will have safe and sanitary housing without displacing some other person from such housing. The spouse and unmarried dependent child or children under twenty-one years of age of such an eligible displaced person shall, if otherwise qualified for admission into the United States for permanent residence, also be deemed eligible displaced persons.

(e) "Eligible displaced orphan" means a displaced person (1) who is under the age of sixteen years, and (2) who is qualified under the immigration laws of the United States for admission into the United States for permanent residence, and (3) who is an orphan because of the death or disappearance of both parents, and (4) who, on or before the effective date of this Act, was in Italy or in the American sector, the British sector, or the French sector of either Berlin or Vienna or the American zone, the British zone or the French zone of either Germany or Austria, and (5) for whom satisfactory assurances in accordance with the regulations of the Commission have been given that such person, if admitted into the United States, will be cared for properly.

SEC. 3. (a) During the two fiscal years following the passage of this Act a number of immigration visas not to exceed two hundred and two thousand may be issued without regard to quota limitations for those years to eligible displaced persons as quota immigrants, as provided in subsection (b) of this section: Provided, That not less than 40 per centum of the visas issued pursuant to this Act shall be available exclusively to eligible displaced persons whose place of origin or country of nationality has been de facto annexed by a foreign power: Provided further, That not more than

two thousand visas shall be issued to eligible displaced persons as defined in subsection (d) of section 2 of this Act.

(b) Upon the issuance of an immigration visa to any eligible displaced person as provided for in this Act, the consular officer shall use a quota number from the immigration quota of the country of the alien's nationality as defined in section 12 of the Act of May 26, 1924 (U. S. C., title 8, sec. 212), for the fiscal year then current at the time or, if no such quota number is available for said fiscal year, in that event for the first succeeding fiscal year in which a quota number is available: Provided, That not more than 50 per centum of any quota shall be so used in any fiscal year: Provided further, That eligible displaced orphans may be issued special nonquota immigration visas, except that the number of such special nonquota immigration visas shall not exceed three thousand.

SEC. 4. (a) Any alien who (1) entered the United States prior to April 1, 1948, and (2) is otherwise admissible under the immigration laws, and (3) is a displaced person residing in the United States as defined in this section may apply to the Attorney General for an adjustment of his immigration status. If the Attorney General shall, upon consideration of all the facts and circumstances of the case, determine that such alien is qualified under the provisions of this section, the Attorney General shall report to the Congress all of the pertinent facts in the case. If during the session of the Congress at which a case is reported, or prior to the end of the session of the Congress next following the session at which a case is reported, the Congress passes a concurrent resolution stating in substance that it favors the granting of the status of permanent residence to such alien the Attorney General is authorized, upon receipt of a fee of $18.00, which shall be deposited in the Treasury of the United States to the account of miscellaneous receipts, to record the admission of the alien for permanent residence as of the date of the alien's last entry into the United States. If prior to the end of the session of the Congress next following the session at which a case is reported, the Congress does not pass such resolution, the Attorney General shall thereupon deport such alien in the manner provided by law: Provided, That the number of displaced persons who shall be granted the status of permanent residence pursuant to this section shall not exceed 15,000. Upon the grant of status of permanent residence to such alien as provided for in this section, the Secretary of State shall, if the alien was a quota immigrant at the time of entry, reduce by one the immigration quota of the country of the alien's nationality as defined in Section 12 of the Immigration Act of May 26, 1924, for the fiscal year then current or the next succeeding fiscal year in which a quota number is available, but not more than 50 per centum of any quota shall be used for this purpose in any given fiscal year: Provided further, That quota deductions provided for in this section shall be made within the 50 per centum limitations contained in section 3 (b) of this Act.

(b) When used in this section the term "Displaced Person residing in the United States" means a person who establishes that he lawfully entered the United States as a non-immigrant under section 3 or as a nonquota immigrant student under subdivision (e) of Section 4 of the Immigration Act of May 26, 1924, as amended, and that he is a person displaced from the country of his birth, or nationality, or of his last residence as a result of events subsequent to the out-break of World War II; and that he cannot return to any of such countries because of persecution or fear of persecution on account of race, religion or political opinions.

SEC. 5. Quota nationality for the purposes of this Act shall be determined in accordance with the provisions of Section 12 of the Immigration

Act of 1924 (43 Stat. 160–161; 8 U. S. C. 212) and no eligible displaced person shall be issued an immigration visa if he is known or believed by the consular officer to be subject to exclusion from the United States under any provision of the immigration laws, with the exception of the contract labor clause of section 3 of the Immigration Act of February 5, 1917, as amended (39 Stat. 875–878; 8 U. S. C. 136), and that part of the said Act which excludes from the United States persons whose ticket or passage is paid by another or by any corporation, association, society, municipality, or foreign government, either directly or indirectly; and all eligible displaced persons and eligible displaced orphans shall be exempt from paying visa fees and head taxes.

SEC. 6. The preferences provided within the quotas by Section 6 of the Immigration Act of 1924 (43 Stat. 155–156; 47 Stat. 656; 45 Stat. 1009; 8 U. S. C. 206), shall not be applicable in the case of any eligible displaced person receiving an immigration visa under this Act, but in lieu of such preferences the following preferences, without priority in time of issuance of visas as between such preferences, shall be granted to eligible displaced persons and their family dependents who are the spouse or the unmarried dependent child or children under twenty-one years of age, in the consideration of visa applications:

(a) First. Eligible displaced persons who have been previously engaged in agricultural pursuits and who will be employed in the United States in agricultural pursuits: Provided, That not less than 30 per centum of the visas issued pursuant to this Act shall be made available exclusively to such persons; and Provided further, That the wife, and unmarried dependent child or children under twenty-one years of age, of such persons may, in accordance with the regulations of the Commission, be deemed to be of that class of persons who have been previously engaged in agricultural pursuits and who will be employed in the United States in agricultural pursuits.

(b) Second. Eligible displaced persons who are household construction, clothing, and garment workers, and other workers needed in the locality in the United States in which such persons propose to reside; or eligible displaced persons possessing special educational, scientific, technological or professional qualifications.

(c) Third. Eligible displaced persons who are the blood relatives of citizens or lawfully admitted alien residents of the United States, such relationship in either case being within the third degree of consanguinity computed according to the rules of the common law.

SEC. 7. Within the preferences provided in section 6, priority in the issuance of visas shall be given first to eligible displaced persons who during World War II bore arms against the enemies of the United States and are unable or unwilling to return to the countries of which they are nationals because of persecution or fear of persecution on account of race, religion or political opinions and second, to eligible displaced persons who, on January 1, 1948, were located in displaced persons camps and centers, but in exceptional cases visas may be issued to those eligible displaced persons located outside of displaced persons camps and centers upon a showing, in accordance with the regulations of the Commission, of special circumstances which would justify such issuance.

SEC. 8. There is hereby created a Commission to be known as the Displaced Persons Commission, consisting of three members to be appointed by the President, by and with the advice and consent of the Senate, for a term ending June 30, 1951, and one member of the Commission shall be designated by him as chairman. Each member of the Commission shall

receive a salary at the rate of $10,000 per annum. There are hereby authorized to be appropriated such sums of money as may be necessary to enable the Commission to discharge its duties. Within the limits of such funds as may be appropriated to the Commission or as may be allocated to it by the President, the Commission may employ necessary personnel without regard to the Civil Service laws or the Classification Act of 1923, as amended, and make provisions for necessary supplies, facilities, and services to carry out the provisions and accomplish the purposes of this Act. It shall be the duty of the Commission to formulate and issue regulations, necessary under the provisions of this Act, and in compliance therewith, for the admission into the United States of eligible displaced orphans and eligible displaced persons. The Commission shall formulate and issue regulations for the purpose of obtaining the most general distribution and settlement of persons admitted under this Act throughout the United States and their Territories and possessions. It shall also be the duty of the Commission to report on February 1, 1949, and semiannually thereafter to the President and to the Congress on the situation regarding eligible displaced orphans, eligible displaced persons and displaced persons. Such report shall also include information respecting employment conditions and the housing situation in this country, the place and type of employment, and the residence of eligible displaced orphans and eligible displaced persons who have been admitted into the United States pursuant to the provisions of this Act. At the end of its term the Commission shall make a final report to the President and to the Congress.

SEC. 9. Every eligible displaced person, except an eligible displaced person who shall have derived his status because of being the spouse or an unmarried dependent child under twenty-one years of age of an eligible displaced person, who shall be admitted into the United States shall report, on the 1st day of January and on the 1st day of July of each year until he shall have made four reports to the Commission, respecting the employment, place of employment, and residence of such person and the members of such person's family and shall furnish such other information in connection with said employment and residence as the Commission shall by regulation prescribe: Provided, That if such person enters the United States within 60 days prior to either the 1st day of January or the 1st day of July, the first report need not be made until the next date on which a report is required to be made. Such report shall be made to the Commission during its term and thereafter to the Attorney General. Any person who willfully violates the provisions of this section shall, upon conviction thereof, be fined not to exceed $500, or be imprisoned not more than 6 months.

SEC. 10. No eligible displaced person shall be admitted into the United States unless there shall have first been a thorough investigation and written report made and prepared by such agency of the Government of the United States as the President shall designate, regarding such person's character, history, and eligibility under this Act. The burden of proof shall be upon the person who seeks to establish his eligibility under this Act. Any person who shall willfully make a misrepresentation for the purpose of gaining admission into the United States as an eligible displaced person shall thereafter not be admissible into the United States. No eligible displaced orphan or eligible displaced person shall be admitted into the United States under the provisions of this Act except in pursuance of the regulations of the Commission, but, except as otherwise

expressly provided in this Act, the administration of this Act, under the provisions of this Act and the regulations of the Commission as herein provided, shall be by the officials who administer the other immigration laws of the United States. Except as otherwise authorized in this Act, all immigration laws, including deportation laws, shall be applicable to eligible displaced orphans and eligible displaced persons who apply to be or who are admitted into the United States pursuant to this Act.

SEC. 11. After June 30, 1948, no preference or priority shall be given to any person because of his status as a displaced person, or his status as an eligible displaced person, in the issuance of visas under the other immigration laws of the United State.

SEC. 12. The Secretary of State is hereby authorized and directed to immediately resume general consular activities in Germany and Austria to the end that the German and Austrian quotas shall be available for applicants for immigration visas pursuant to the immigration laws. From and after June 30. 1948 and until July 1, 1950, notwithstanding the provisions of section 12 of the Immigration Act of May 26, 1924, as amended, 50 per centum of the German and Austrian quotas shall be available exclusively to persons of German ethnic origin who were born in Poland, Czechoslovakia, Hungary, Romania or Yugoslavia and who, on the effective date of this Act reside in Germany or Austria.

SEC. 13. No visas shall be issued under the provisions of this Act to any person who is or has been a member of, or participated in, any movement which is or has been hostile to the United States or the form of government of the United States.

SEC. 14. Any person or persons who knowingly violate or conspire to violate any provision of this Act, except section 9, shall be guilty of a felony, and upon conviction thereof shall be fined not less than $500 nor more than $10,000, or shall be imprisoned not less than two or more than ten years, or both.

And the House agree to the same.

FRANK FELLOWS,
E. WALLACE CHADWICK,
ED GOSSETT,
LOUIS E. GRAHAM,
FRANK L. CHELF,
Managers on the Part of the House.

CHAPMAN REVERCOMB,
JAMES O. EASTLAND,
FORREST C. DONNELL,
Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2242) to authorize for a limited period of time the admission into the United States of certain European displaced persons for permanent residence, and for other purposes, submit the following statement in explanation to the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

In a free exchange of opinions and arguments the conferees endeavored to compose the numerous differences of the measures passed by their respective Houses.

The compromise bill would admit into the United States for permanent residence up to a maximum of 220,000 displaced persons, and it is the confident expectation of the conferees that the enactment of this legislation will be regarded by other countries and particularly by the members of the International Refugee Organization as an inducement to further recognition of their obligations to accept a relative share of the displaced persons. This legislation has proceeded upon the assumption that other nations will soon accept for resettlement a proportionate number of displaced persons, and that by doing so they will cooperate with the United States in expediting the closing of the camps and terminating the emergency.

It is further the consensus of the conferees that the language of the proviso to section 3 (a) of the bill providing for a special priority for displaced persons "whose place of origin or country of nationality has been de facto annexed by a foreign power" has been used exclusively for the purpose of the definition of a certain class of eligible displaced persons and that it cannot and shall not be understood or interpreted as implying any recognition on behalf of the Government of the United States of the territorial status in eastern Europe.

The main differences between the House amendments and the bill as agreed to in conference are noted below, except for changes made necessary by reason of agreements reached by the conferees and clarifying changes made in order to perfect the legislation.

The "cut-off" date of December 22, 1945, for certain of the displaced persons has been agreed upon as representing the concept that persons displaced from their countries of origin during the war should be offered now immediately resettlement opportunities.

The consent of the Senate conferees has been obtained for the 15,000 displaced persons residing in the United States to be offered the opportunity to obtain the status of permanent residents subject to final approval by the Congress of recommendations made in that respect by the Attorney General.

The special preference accorded to persons engaged in agricultural pursuits is prompted by the desire for general basic distribution of persons admitted pursuant to the bill and also because the housing situation is much less acute in the rural areas.

The special preference granted under section 3 (a) is prompted by the fact that nationals of countries and provinces made de facto parts of the U. S. S. R. represent the real "hard core" of the displaced persons in view of the fact that their repatriation is highly improbable because of the political situation prevailing in their countries and places of origin.

The Senate conferees agreed to two House amendments (*a*) admitting up to 2,000 recent refugees from Czechoslovakia provided that they are at the date of the enactment of the bill in the zones specified therein, and (*b*) admitting nonquota up to 3,000 eligible displaced orphans provided that satisfactory assurances have been given that such orphans if admitted into the United States will be cared for properly.

The Senate conferees have also agreed to those sections of the House amendment which provide that all visas issued under the bill, except visas issued for eligible displaced orphans, should be properly charged to quotas, as established by the existing law.

The House conferees have agreed to an amended version of a section of the Senate bill which would make 50 percent of the German and Austrian quotas available from and after June 30, 1948, and until July 1, 1950, for persons of German ethnic origin who were born in Poland, Czechoslovakia, Hungary, Rumania, or Yugoslavia.

The various differences between the measures passed by both Houses pertaining to the administration of the bill were composed so as to insure the proper enforcement of the law, a suitable resettlement of displaced persons all over the United States, its Territories and possessions, and by preserving all safeguards with respect to exclusion of subversives and by providing for proper assurances that new immigrants shall not become public charges.

The managers on the part of the House believe that this is the best displaced-persons bill upon which the conferees could agree and that if any legislation upon this subject is to be enacted, it is incumbent upon the House to give its approval to the compromise bill as reported.

FRANK FELLOWS,
LOUIS E. GRAHAM,
E. WALLACE CHADWICK,
FRANK L. CHELF,
ED GOSSETT,
Managers on the Part of the House.

○

of the Chairman in cases where private bills designed to waive a ground for exclusion have been introduced for the purpose of uniting or preventing separation of families. However, no such exemption may be granted unless the author of the bill has secured and filed with the Committee full and complete documentary evidence in support of his bill.

6. Private bills which have been pending in any of the previous Congresses shall be scheduled for consideration with the least possible delay, and priority for consideration shall be given to bills which have been introduced earliest in any of the past Congresses.

7. Consideration of private bills designed to adjust the status of aliens unlawfully in the United States shall not be deferred due to nonappearance at Subcommittee hearings of the author of the bill or persons authorized to represent him.

8. Bills tabled by the Committee shall not be reconsidered unless new evidence is introduced showing a material change of the facts previously known to the Committee.

9. No private bill shall be considered by the Subcommittee unless substantial proof is presented that there is no administrative remedy available in the case covered by the pending bill. Mere inconvenience to the alien who is required to depart from the United States to obtain a visa readily available, except a visa under section 203 (a) (1) of the Immigration and Nationality Act, or to utilize other administrative remedy shall not be deemed to justify the enactment of special legislation.

HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

SUBCOMMITTEE NO. 1

(JURISDICTION OVER LEGISLATION ON IMMIGRATION AND NATIONALITY)

EIGHTY-THIRD CONGRESS

RULES OF PROCEDURE

MEMBERS OF COMMITTEE

EIGHTY-THIRD CONGRESS

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KENNETH B. KEATING, N. Y.
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EMANUEL CELLER, N. Y.
FRANCIS E. WALTER, Pa.

WALTER M. BESTERMAN,
Legislative Assistant.

RULES OF PROCEDURE

1. The meeting of the Subcommittee shall be held on Monday of each week at 9:45 a. m., unless otherwise ordered by the Chairman.

2. All meetings of the Subcommittee shall be public except on the order of the Chairman or a majority of the members present.

3. A quorum of the Subcommittee shall consist of three members.

4. (*a*) No consideration shall be given to any private bill until a report from the proper Department has been secured.

(*b*) Requests for reports on private bills from the Departments shall be made only upon a written request addressed to the Chairman of the Committee on the Judiciary by the author of such bill.

(*c*) In cases of aliens who are physically in the United States at the time of the introduction of the private bill, no reports shall be requested from the Departments unless the author of the bill informs the Chairman regarding the date and place of the alien's entry into the United States, his immigration status at that time (visitor, student, exchange student, seaman, stowaway, illegal border crosser, etc.), and the alien's age, place of birth, address in the United States, and the whereabouts of his nearest relatives (spouse, children, parents).

(*d*) The Subcommittee shall not address to the Attorney General communications designed to defer deportation of beneficiaries of private bills who have entered the United States as stowaways, or deserting seamen, or by surreptitiously entering without inspection through the land or sea borders of the United States.

5. Upon the completion of the filing of all evidence pertinent to the case, private bills shall be scheduled for Subcommittee and Committee consideration in the chronological order of their introduction. Exemption from this rule and from rule 4(*a*) may be granted in the discretion

LETTERS

Pacific Citizen 4/20/73

Japanese from Peru

Editor:

Bill Hosokawa's column (PC, Feb. 16) on the U.S. renaissance of the Mitsutaro Tawara family of Peru deserves a World War II footnote.

Plunged into war, the U.S. found itself short of hostages for an expected one-for-one exchange of diplomatic prisoners. To solve this dilemma, the State Department called upon a willing Government of Peru. Peru obligingly supplied the hostages by exiling to the U.S. about three hundred Peruvians of Japanese descent (Mr. Tawara among them) who were interned at Crystal City, Texas.

To the consternation of State Dept., Mr. Wayne Collins, attorney and senior counsel for No. Calif, ACLU while attempting to preserve some semblance of due process for other expatriates and internees at Crystal City chanced upon these involuntary exiles. Collins reminisces about that call he made when he demanded of the Justice Department, "What the hell are the Peruvians doing here?" and the aide who answered the phone, conscience stricken, gasped, "God, he's found them!" So much for war-time lysis of civil liberties.

At the conclusion of the war, the Immigration Department, not to be outdone, sought to deport these homeless Peruvians. With macabre humor, it charged these exiles with illegal entry! Wayne Collins successfully fought the deportation. Bill Hosokawa's magnanimous description of the resulting government decision permitting these Peruvians to stay as "benevolent" hardly fits the fact.

For understandable reasons, war-time JACL compromised principles for what it believed to be in the best interest of the majority (and the inevitable). This policy drew sharp criticism from Wayne Collins and JACL found it more comfortable to ignore its chief critic. Can JACL name any one person who has done more for the Nisei and the cause of justice than Wayne Collins? In the name of the same justice, is it not time for JACL to swallow its collective pride and give proper recognition, so richly deserved, to Collins?

H. QUINTUS SAKAI
Walnut Creek, Calif.

Hayakawa Column

Echoes of Japan After V-J Day

Dr. S. I. Hayakawa, distinguished semanticist president of San Francisco State College, write weekly column for The Examiner.

(The following is one of two columns written for Chicago Defender in 1945, a few months after mail c munications between Japan and the U.S. had been established following the Japanese surrender. My fa and mother, now 86 years old, live in Yamanashi C Japan. Father's 1945 letter was from Osaka, where he then in the export and import business. In this 25th a versary month after V-J day, it is interesting to rea comments and to reflect on how far we have come in short quarter century.)

The following are excerpts from a letter from father in Japan. A few weeks ago, I had the pleasu reporting that he and my mother and my two sisters, are all in Japan, are alive and well.

TOWARDS THE END of March, 1945, my father s Mother and the younger of my two sisters moved int country to get away from the bombings. Father rema in the city — his home is near Osaka. After that dat says, "conditions became worse and worse day by and our life for the next five months was nothing but and desperation, trying to escape from perpetual hell death and destruction.

Hayakawa

"American aerial attacks were so plete that 90 percent of all cities of Ja with populations over 30,000 were bui and destroyed. You can imagine the co tions: 10 million people without hou clothing, or food."

The Japanese public, Father says, had no way of knowing how the war was going. "The hostilities ended on August 15, and we got rid of the danger of death by bomb attacks. But living conditions could not improve in a short time. The truth was concealed by our military government, and even when conditions were at their worst, the nation was told that we were winning the war. We were told to stand and bear all hardships in order to win.

"WE DID NOT GRUMBLE if our homes burned, rations became less and less to the point of starvation. But when Japan surrendered and the real situation became clear before us for the first time, the whole nation was stunned. Desperation, consternation, and anger followed.

"People were no longer obedient, law - abiding lambs. Distrust of soldiers and government officials and wrath against war leaders burst out all over the country. Social order was broken. Everyone ran to attend to his own needs for food and clothing. Control of prices, distribution routes, etc., were in a mess. Black markets opened, inflation started, and prices of commodities went up by leaps and bounds.

"During the war one could not buy anything except government rations, which gave 300 grams of rice a day and very little salt and soy sauce, a little vegetable once or twice a week, and no meat or fish for months.

"But strange to say, now we can buy almost anything at the black market if you pay the price. Such prices are beyond the reach of ordinary citizens. Only wealthy people and those who became rich in war industries can afford to enjoy such food. I am neither, and most salaried men are in the same position.

"MANY WHO ARE cornered by starvation are going into the new occupations of gangsterism and hold-ups. I am trying to picture the true conditions, but can never show you a glimpse of it with limited pages and my poor knowledge of words. In short, the majority of the city population is near starvation, social order is broken, law is disregarded, virtue and refinements are non- existent, and all are hungry beasts on the very point of breaking out into rioting. City life is extremely dangerous at present.

"Under such circumstances I believe General MacArthur is facing real difficulty in trying to educate the country for democracy. Japan never enjoyed true democracy and freedom for the people. Feudalism is in the nation's blood, flesh, and bones. They do not know what is the real taste of democracy although they are now shouting the slogans of democracy. Most would rather get 100 grams more of rice a day. The desire and aspiration for democracy must begin after their belly is filled."

I shall quote more of my father's letter next week.

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Examiner 8/11/70

Hayakawa Column

The Sansei and Black Panthers

Dr. S. I. Hayakawa, distinguished semanticist and president of San Francisco State College, writes a weekly column for The Examiner.

Young long-haired radicals shook up the comfortable middle-class delegates at the Japanese-American Citizens League in Chicago recently with angry speeches and a film on the wartime relocation of West Coast Japanese in 1942. Learning of these events, I could not help being impressed again by the powerful impact that the Negro has had on American culture throughout the nation's history.

Let me explain. From slavery days onward, Negro dance and its accompanying music have influenced generations of white minstrel shows and blackface skits. Negro ragtime swept the country in the early years of this century. Right after World War I came the Jazz Age and its huge impact on college youth in the 20's. In the 30's and 40's there was the rediscovery of New Orleans style band music and Chicago style boogie woogie. More recently there has been the conquest of American youth by traditional rhythm and blues. It is almost axiomatic that Americans, especially when young, derive an important part of their culture from the American Negro.

THIS TIME AROUND the big source of inspiration for white youths is not Leadbelly or Ellington or Cab Calloway or Charlie Parker, but the Black Panthers. Look at the white radicals around Berkeley and UCLA. Many of them are simply playing Black Panther, with their scowling looks, clenched fist salute, obscene language, hair in a fuzzy mop, the Afro print shirts. One group calls itself the White Panthers. The radicals among the Sansei (third generation Japanese are Sansei; the immigrants are known as Issei; the second generation as Nisei) are typically from families of merchants, executives and professional men. Like white youth of the same social class the radical or SDS-type Sansei are verbally gifted, with a tremendous sense of the importance of their opinions and even more of their moral judgements. They have no questions about racism or Vietnam, only answers. They are so fully assimilated into white culture that they do exactly what white youths of the same social class do — they also play Black Panther.

Hayakawa

IN ONE RESPECT the yellow Panthers have an advantage over the White Panthers. Instead of simply protesting white racism, they can claim to be a victim of it. This turns out to be a little difficult to do. Japanese-Americans are in college in greater numbers relative to their population than any other ethnic group. In college they get most of the prizes and scholarships. On graduation they are eagerly sought by employers.

Not being able to show that they themselves are victims of white racism, they work themselves into a rage about the 1942 relocation. If you try to tell them that it all happened long ago, they glower at you and insist that it's likely to happen again any minute.

What infuriates t heradical Sansei most of all is his parents who, despite the raw injustice of the wartime relocation, lived through it patiently, fought with honor for their country in World War II, and came home to study and work hard and prosper — so that their children could go to college. It humiliates them to think that their parents submitted to the relocation instead of, as they imagine the Black Panthers would have done, shooting it out with the authorities.

THIS EMOTION accounts for the odd campaign of radical Sansei to compel Bill Hosokawa of the Denver Post to change the title of his history of Japanese in America from "The Quiet Americans" to something more militant-sounding. The book reveals the courageous and dignified way in which Japanese-Americans, calling on the finest moral resources of their background culture, accepted their impossible situation and kept their faith in America during the whole savage war between the land of their adoption and the land of their ancestors.

So little do the radical Sansei understand the Japanese cultural identity, which they claim they are asserting by their Black Panther behavior, that they are actually ashamed of their parents and grandparents! (Warning: I'm talking about radical Sansei, not all Sansei.)

The triumph of the Black Panthers is that they have done again what Negroes have done so successfully before. They have established a life-style — a style of dress and speech and gesture and self-dramatization — for other Americans, including whites and Asians and Mexican-American Brown Berets, to emulate.

Pity, therefore, the little Oriental girl of the Asian-American Political Alliance at UCLA or San Francisco State, looking in the mirror at her long and black but hopelessly straight hair, realizing sadly that it just can't be arranged Afro style.

Right on!

A Belated World War II Surrender

Tokyo

An intelligence officer of the Imperial Japanese Army still on active service 29 years after the end of World War II finally surrendered yesterday on an island in the Philippines.

According to reports from Manila, Second Lieutenant Hiroo Onoda was formally ordered yesterday to lay down his arms by former Major Taniguchi Yoshiomi of the Imperial Japan Army (now defunct) before being conducted to a Philippine Air Force hospital on Lubang Island, 75 miles southwest of Manila, for a medical checkup.

Asked at a news conference what he felt when he learned yesterday that World War II had ended in 1945 and that Japan had been defeated, Onoda paused and said: "Victory or defeat, I have done my best."

He said he gave himself up because he was ordered to by his former commander, Taniguchi.

"I am a soldier. I have to follow order. Without an order, I cannot come out," Onoda said.

The surrender ceremony took place at a lawn in front of the bachelor officers'

Back Page Col. 6

D. B. Rancudo 3/11/1974

BELATED SURRENDER

From Page 1

quarters, illuminated by a Japanese television floodlight. The area was packed with about 150 reporters and military personnel, including a 30-man honor guard for Onoda.

Flanked by Japanese Ambassador Toshio Urabe and Akihisa Kashiwai of the Japnese Welfare Ministry, Onoda approached Philippine Major General Jose Rancudo. He snapped a salute, then handed over his Samurai sword, its handle wrapped in white cloth and blade rusting in a leather scabbard.

Rancudo took the sword, and then returned it to Onoda.

Ex-Major Taniguchi, now a bookshop owner in Kyushu, southwest Japan, arrived with a government mission from Tokyo early last week in the latest of several postwar attempts to locate the army straggler.

Yesterday was Onoda's 52nd birthday and by the pre-1945 calendar by which he still goes, Imperial Army Day.

For nearly 30 years, Onoda has faithfully performed the intelligence duties for which he was dispatched to Lubang Island in December, 1944, after three months' training in guerrilla warfare. The tide had already begun to turn against Japan in the Pacific war as one Japanese-held area after another was taken by the allies.

Onoda and 240 other reserve officers were in the middle of their training when U.S. General Douglas MacArthur and his troops landed on Leyte in the Pacific.

Onoda and three others were ordered by Taniguchi, instructor at the Nakano intelligence school, to stay alive on Lubang at all costs, even if all the Japanese forces stationed there were wiped out.

He was still at work making observations when American B-52 bombers passed over Lubang en route for Vietnam.

Onoda would still pass military muster: his uniform is neat after 29 years, his bearing upright, the breech block on his rifle still shines.

Onoda's training in jungle survival served him in good stead.

UPI Telephoto

YOUNG HIROO ONODA
Intelligence officer

He and three companions in his group remained hidden when U.S. troops took Lubang in 1945 in fighting that left half of the 75-man Japanese contingent dead.

The rest surredered after learning that the emperor of Japan had issued an imperial edict ordering Japanese soldiers to lay down their arms. Onoda also apparently saw the pamphlets with the edict scattered over the jungle, but suspected them as an enemy trap.

He also beleved that three official search parties from Japan in postwar years were traps to lure him out of the jungle.

In October, 1972, Onoda was spotted by a Philippine constabulary patrol that shot dead the last surviving companion in his group, Sergeant Kozuka Kinshicki. Last month his presence on the island was confirmed by a young Japanese traveler, Suzuki Norio, who came across the straggler while camping in the mountains of Lubang.

When told of the news at her home in Wakayama near Osaka yesterday afternoon, Onoda's 88-year-old mother said she had never stopped believing that her son was still alive, despite a military report of his death.

She said that it was "Yamato-Damashii" (the true Japanese spirit) that had made her son obey orders for 30 years. Crowds gathered outside the Onoda family house, shouting "banzai" all afternoon.

Manchester Guardian

'Cease fire'--29 years late

United Press International

LUBANG ISLAND (Philippines) — The stooped Japanese officer, tattered clothes hanging from his bony body, snapped to attention, saluted sharply and handed over his rusty Samurai sword.

"Victory or defeat, I have done my best," Lt. Hiroo Onoda, a World War II holdout for nearly three decades, said as he emerged from the Philippine jungles and surrendered.

The straggler presented his sword to Maj. Gen. Jose Rancudo last night at a Philippine Air Force outpost on Lubang Island. He then flew to Manila and met today with President Ferdinand Marcos.

'I'm happy for the Japanese people for the recovery of this brave Japanese soldier," Marcos, the Philippines' **most-decorated** World War II hero, said during his televised meeting with Onoda.

The president noted the problems of modern life and said "It's our hope that on your return to civilization you will not find it so confusing and perilous that you would rather find yourself back in the jungle."

Onoda, who surrendered on his 52nd birthday, was the second Japanese World War II straggler to be found alive in the Pacific. Sgt. Shoichi Yokoi was discovered in January, 1972, in the jungles of Guam.

The five-foot, three-inch officer said he had stayed in the jungle because of orders from his former commander, Maj. Yoshimi Taniguchi, to refuse to surrender even if the Japanese army were destroyed.

Onoda came to the attention of Philippine authorities in October, 1972, when he and another Japanese holdout clashed with a five-man police patrol.

His companion, Pfc. Kinsh Ichi Kozuka, was killed in the fighting, but Onoda escaped and eluded authorities during an ensuing, five-month search.

Taniguchi, 63, the holdout's former commander, finally traveled to the Philippines and posted "cease-fire orders" throughout Lubang Island last week in a move to get Onoda to surrender.

"I am a soldier," Onoda said in explaining why he

HIROO ONODA
Early in WWII

Top: Hiroo Onoda holds his Samurai sword to newsmen after his long-deferred surrender. Below, his 80-year-old mother in tears on learning he's still alive.

AP Wirephoto

Hiroo Onoda displayed his samurai sword after th surrender ceremony

d until yesterday to nder. "I have to follow s. Without an order, I ot come out."

oda said he had lived he last 30 years on bananas, coconut and other native fruits. He said he was sick only twice, suffering fever because of working too hard.

What about the future? "I have had no time to think it over yet," he said.

S.F.Examiner—Page 3
☆☆☆ Mon., Nov. 19, 1973

Return of anti-Nisei bias seen

Associated Press

SAN DIEGO — Thirty years after the West Coast concentration camps, a new anti-Japanese era in the United States could be coming, warns Bill Hosokawa, associate editor of the Denver Post.

"A combination of swiftly increasing Japanese affluence and the shortage of things we both covet is an economic rivalry that cannot but reflect unfavorably on the relations between Japan and the United States," Hosokawa said in a speech.

"Like it or not, the manner in which Japanese-Americans are regarded by their fellow Americans, even today, is influenced by the temperature of this nation's relations with Japan."

Hosokawa said while it's possible for a newly arrived Irishman or German to be regarded as an unhyphenated American within a few years, "somehow, to the round blue eyes of many of our fellow Americans, those of us of Asian origin, even though we have been here for generations, are really still foreigners."

Hosokawa spoke Saturday night to the local Japanese-American Citizen League.

14 San Francisco Chronicle
Mon., Nov. 12, 1973 N

'We were Americans, and that was the model we had; we had glee club and Boy Scouts'

A Family's Life Behind Wire

By Beverly Stephen

There was a time when eanne Wakatsuki Houston ould deftly sidestep inquirs about her life in Manzan-, the Japanese internent camp near Death Vally in Southern California.

If, at a social gathering, meone said, "Oh, were u in one of those camps? hat was it like?" she disissed it by saying, "Oh, it sn't so bad."

This, she says, is typical of e reluctance of Japanese-nericans to discuss that e during World War II en 110,000 Japanese peoe were removed from the st Coast by the Army and located in inland camps.

But her privacy was finaland firmly invaded about o and one-half years ago en her nephew, then a dent at UC-Berkeley, me and asked her to tell n about Manzanar. Though had been born in the mp, his parents did not nt to discuss it with him.

During their conversation, she wept, recalling the shame and guilt her people felt but also the many touching instances of kindness and humanity inspired by life in the camp.

"It was then that I began to think about a book," she said. "I felt we owed it to the Sansei (third generation Japanese - Americans). "I tried to write it but I just didn't have the craft, so I turned to my husband" (James Houston, a novelist and creative writing instructor at the University of California at Santa Cruz). Jointly they produced "Farewell to Manzanar."

The book is the story of Mrs. Houston's own family's internment for three and one-half years from the time she was seven years old until she was 11. But the book also portrays the lifestyle of the camp—how, in effect, the camp became a small American town behind barbed wire. "We were Americans and that was the model we had. We had glee club, Boy Scouts," she recalled.

The Manzanar camp in 1943: The camp, in effect, became a small American town behind barbed wire

Jeanne Wakatsuki Houston, with the aid of her writer husband, James, wrote about the Wakatsuki family's internment

Mrs. Houston says she does not feel bitter about the experience. "Of course we must remember the injustice in terms of history," she said. "But now the only things that remain in Manzanar are the lovely rock gardens the Japanese built. That's what should be remembered — the human response.

"There were great instances of humanity on both sides," she said, recalling the caucasians who came to teach or work in the camps. "You know, there isn't a Japanese who wouldn't recognize the face of Louis Frizzell, who played the pharmacist in 'The Summer of '42.' He ran our glee club and did all the musical plays," she said, smiling.

Or the teacher in Santa Cruz who was hired by the FBI to make mug shots of the Japanese in that mp.

She couldn't bear to do it that so she called the ilies in and made lovely ily portraits," Mrs. uston said, adding that treasures her family rtrait from the camp.

The idea of a concentran camp conjures up abuse d what not and it just sn't that way," Mrs. ouston said.

"Near the end of the internment many of the people did not want to leave. They were afraid of the hate they would find outside. And most knew they had to start over from economic zero," she said.

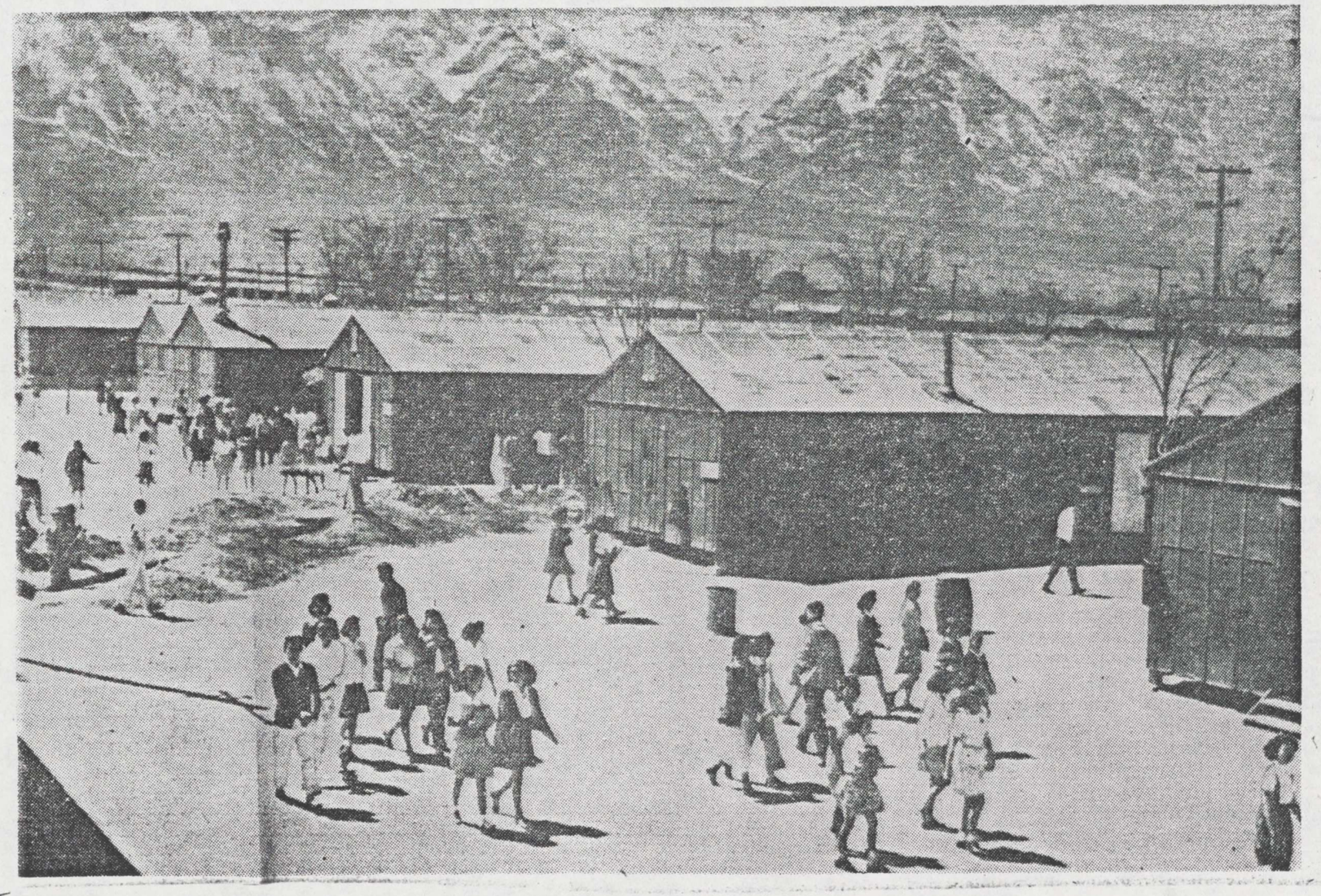
"Much of our response is due to the Japanese temperament," she said. "It happened. It's water under the bridge. But don't dwell on the negative things, it'll just drag you down.

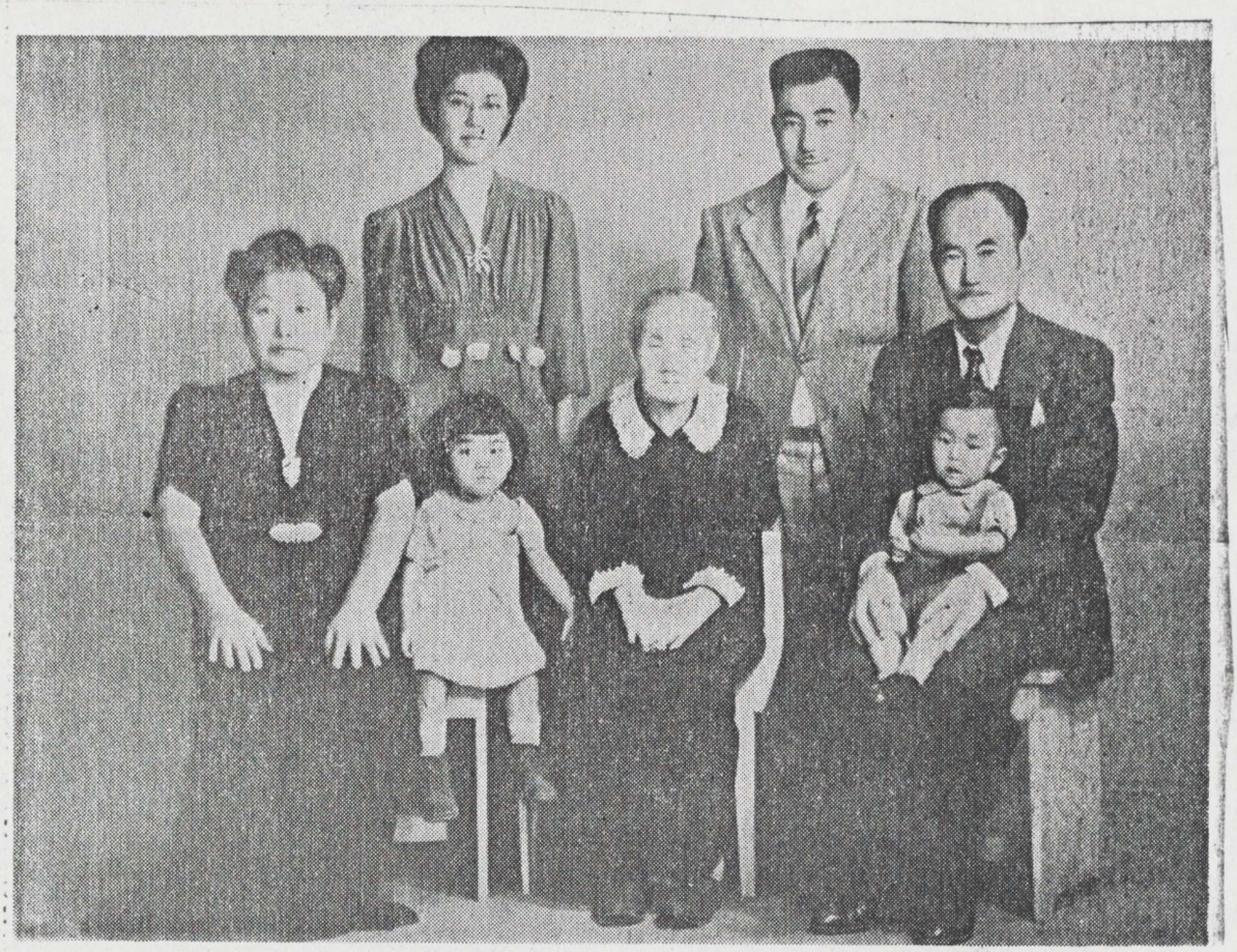
"There was a tremendou desire to succeed and prove that we were loya Americans. That's what th 442 — the all-Japanese arm unit — was about," she said.

Some of the reaction to the camp experience has shown p in more mundane ways. Five or ten years ago Japnese paid cash for every thing — car, house, boat — because when they went into the camps things they were paying for on time were confiscated," she noted.

Manzanar is now a state historical landmark and the Houstons visited it while researching the book. "When I was in the camp it was so isolated it could have been on the moon. It just stunned me that we could really drive there from Los Angeles in three hours."

She had never gone back to Manzanar until she began the book. Now she feels that she has finally faced and dealt with her childhood experience of internment. She hopes that her book will bring the episode to life for today's young Japanese who want to know what their parents went through and for the Caucasians who want to know what day to day life in the camps was like.





A teacher at UC-Santa Cruz was hired by the FBI to take mug shots of those interned at Manzanar, but she couldn't bear to do it like that, and so, instead, she took family portraits, like the one above of the Wakatsukis; the families thought at the time the photographs were a gift from the government

The 'Quiet Americans'

By Dexter Waugh

Edison Uno slowly raises his hand, looking intently at the 15 students seated before him. His class in Japanese American Studies has been in session about two hours, and he is about to make a point by posing a question.

It is evening and the lights shine brightly on the yellow walls of this classroom on the San Francisco State College campus.

"Name some Japanese-American community leaders," says Uno. He makes an encouraging gesture with his hand, but there is no response.

"Come on, somebody name some Japanese Americans who are familiar names. Are there any names that immediately spring to mind?"

Another silence. A student mumbles "Edison Uno." Uno makes an impatient movement. "Well, you are," says another student, cautiously. There is general agreement from the other students. But this is getting away from the point he is about to make, and Uno wants other names.

"Hayakawa," a student says with a self-conscious snicker. The name of S.I. Hayakawa, president of this very college, is an obvious name, but these students — mostly young Asians — hesitate to mention it without a snicker. Uno, however, takes the suggestion seriously.

Canadian

"No, Hayakawa is a Canadian Japanese. He is not indigenous," he says, adding, "mention Hayakawa, and you polarize the Japanese community."

Finally, someone mentions the Senator from Hawaii Daniel Inoye. Somebody else quickly recalls the congress-

'When a nail sticks above the floor you knock it down.'

woman, Patsy Mink. A third student remembers Tommy Kono, the Olympic weightlifter.

"That's only three," says Uno, holding up his hand, fingers outspread. "Why are there no leaders? Because Japanese traditionally don't want to take any risks. There's an old Japanese saying, when a nail sticks above the floor, you knock it down," and Uno stamps his foot.

The name of Edison Uno can also polarize the Nisei community. A member of the 1970 San Francisco Grand Jury and one of its most outspoken critics; a former member of the S.F. Crime Committee; and an activist within his own community, he likes to quote an Englishman, Edmund Burke: "All that is necessary for evil to triumph is for good men to do nothing."

Characteristics

In an effort to find out why Japanese are known as "quiet Americans," and why there are no leaders, Uno asks his students to examine the traditional Japanese characteristics that helped sustain them through hard times and discrimination when they first arrived here:

"**Enryo**" — reserve, holding back, don't rock the boat; "**haji**" — don't bring shame to the family, community, or race; "**on**" — obligation and loyalty.

"These are all fine qualities," Uno tells his students. "But the question is, when are you passive, or when should you have that sense of obligation or loyalty?

"Do you let them dominate you in democratic society when, by your silence, you may be betraying your own conscience?"

The student generation possesses these characteristics, but Uno notes it is "becoming more vocal, active and responsible for looking after the needs of others. They (the students) are not so self-centered, not so materialistic as their Nisei parents."

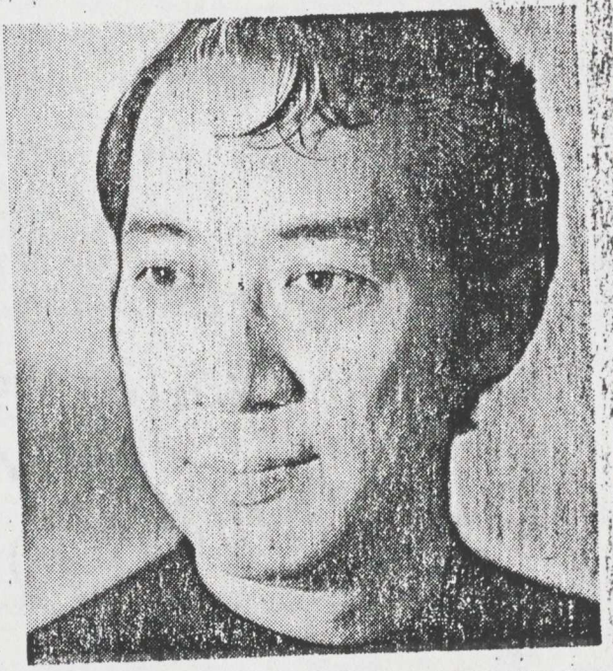
Goal

His ultimate goal is to get his students involved in community activities. "That is probably the essence of participatory democracy," he said. "Education should function toward that end, making people aware of their role in society."

To bring students to this point, however, means first developing an awareness, "a healthy self image, a sensitivity to their own culture and to other cultures in society."

James Hirabayashi, chairman of the SFS Ethnic Studies Department, of which Japanese American Studies is only one component, say this is, in fact, the aim of Ethnic Studies courses.

"One of the main reasons for Ethnic Studies in the first place was because the traditional educational system has had a tendency to view the ethnic groups and make judg-



WANTS STUDENTS INVOLVED IN COMMUNITY
Edison Uno—his name can polarize, too

ments on them from the perspective of the dominant society.

"I think it is much healthier for this society to recognize the different life experiences people have. For people to really make a substantial contribution they must first of all understand who they are from their perspective, and begin to work out ways in which the articulation of this understanding can be made to contribute to the total functioning of the general society."

Hirabayashi challenges a fear that Ethnic Studies classes serve to segregate non-whites by emphasizing their individual cultures, preventing assimilation into the dominant society.

"Assimilation to what? Do you want me to assimilate to Sunset values and experiences, to Pacific Heights values, or Texas values, or New York values? What the hell do you mean?

Recognition

"The integration of American society ought to be built upon a recognition of these different life styles. We should try to mold a society that integrates these kinds of things, rather than drums them out."

In his class, Uno focuses on the most dramatic common experience of the Nisei — the World War II incarcera-

'This was the first time I ever talked to my Parents...'

tion of 110,000 West Coast Japanese into "relocation camps."

The evacuation as a historical event comes as a surprise to most of Uno's students, who failed to learn of it by reading the traditional American history books. "It's unbelievable something like that happened in the U.S.," said one of Uno's white students.

Did the Japanese protest the evacuation, which Uno believes was a deprivation of their constitutional rights? For the most part, no. "Shikatagani," was the typical response at the time. It is another fine old Japanese characteristic, roughly meaning, "it can't be helped."

Closer Together

As one result, the study of the evacuation has served to bring the Nisei parents and Sansei offspring closer together. "Last semester," says John Minamoto, one of Uno's two student assistants, "the kids had an opportunity to interview their parents about the evacuation. You'd hear them time and again: 'this was the first time I ever talked to my parents . . . for four hours, I talked to my parents and I never knew they had to go through that stuff.' And some of them would break down while telling the class their experiences.

"I remember one kid, he got up in front of the class, and said, 'my parents were dirt farmers, they lived in tar paper shacks, and they think camp was the best thing that happened to them because it got them out of all that. They are in better economic condition now, and I just never knew what they had to go through to get here.'

"Man, tears almost came to his eyes."

The Historical Relocation Camp

Special to The Examiner

LONE PINE — The desolate desert area near here known as Manzanar may seem a strange spot to be declared a California Historical Landmark.

But it is here, nestled among the sagebrush of the Owens Valley, that 10,000 Japanese-Americans were incarcerated for the duration of World War II.

Until recently most Japanese wanted to forget the bitter experience of being torn from their homes and jobs, sometimes from their loved ones, and forced to live in one of 10 such "relocation centers."

New Idea

But a pilgrimage to Manazanar today by hundreds of Japanese signals a change in attitude.

According to San Francisco's Edison Uno, who took part in the pilgrimage, "Many of us felt we were like the victim of a rape — you don't talk about those things. Because it's a very damaging psychological experience, we have a sense of guilt and shame when we really shouldn't. We should be as proud as those who fought and died for our country."

The only visible reminder today of the barracks of Manzanar, located just off Highway 395, is the white stone monument erected in 1943 by the Japanese as a memorial to those who had died in the camp.

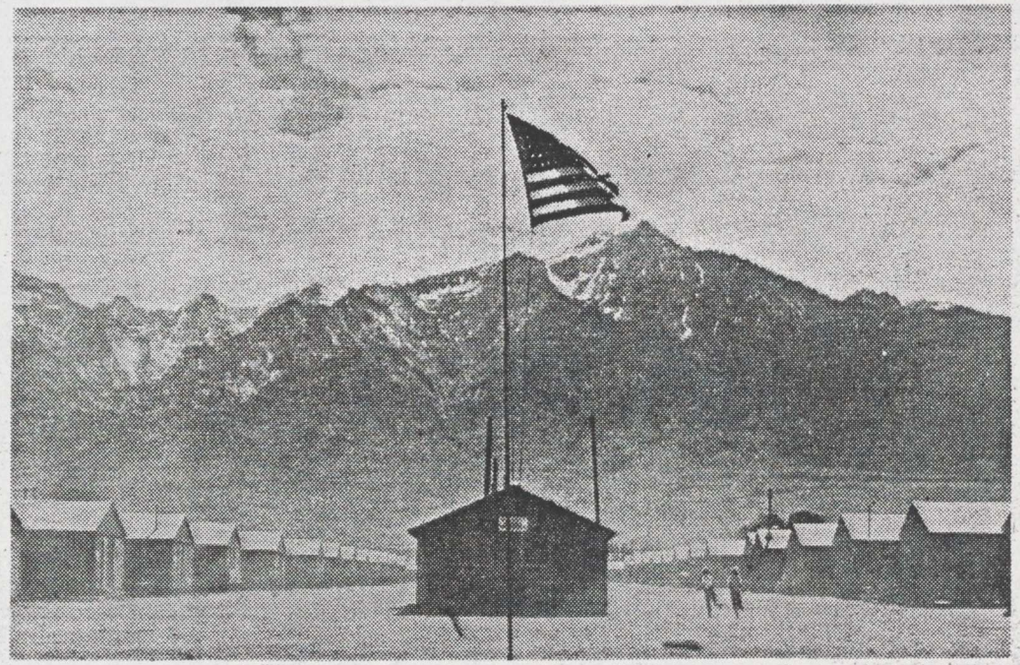
Reminder

Part of the reason for the pilgrimage, organized by the Japanese-American Citizens League of Southern California was to remind Japanese and Americans of other races of what happened 30 years ago.

"The story of our evacuation is not in the history books," said Karl Yoneda, a retired San Francisco longshoreman who was interned at Manzanar, and who made the trek back.

"In encyclopedias the only mention of concentration camps, and that is what these were, refer to those in Germany and the Soviet Union. But these were concentration camps because of the way we were incarcerated without any hearing or trial."

Yoneda manned the tables at the de Young Museum during a recent photographic exhibit of life in the camps. "Ninety percent of the people (who visited the exhibit) said, 'did this really happen?'"



The bleak, windswept World War II internment camp at Manzanar

—Examiner Photo

More than 110,000 Jappanese who were living on the West Coast were rounded up and sent into the camps during the hysteria over "spies and saboteurs" which followed Japan's bombing of Pearl Harbor.

But many of today's young Japanese — called Sansei, or "third generation"—were either too young to remember life in the camps or were born after the experience.

"We want them to get some sort of feeling of what it was actually like being there," said Uno. "It's a legacy that their parents will be leaving them."

eopardy

the only presently effective ion against unlawful police r.

Eighth Amendment's right to ble bail has also been undercut by ninistration's preventive detention ich authorizes the imprisonment cts, not because of what they have t because of what it is predicted ight do at some future time. the statute has been used only imes in its ten-month history (and obviously, not a critical weapon in -enforcement arsenal), the im- s of preventive imprisonment future predictions are frightening mplate.

te these setbacks to liberty in ears, it would be wrong to con- as many radicals have asserted — have become a repressive society, that we are on the road to g one. We are still among the d least repressive societies in the of the world. It would also be o assume — as some politicians ued — that attempts to erode the Rights are unique to the Nixon tration. All administrations seek d the power of Government at the of constitutional safeguards.

is widely felt by lawyers and civil ns that the Bill of Rights is in danger today than it has been in decades. This administration has sly set out to weaken the powers ther branches of Government. It meaned the Supreme Court by ing for appointment some lawyers nly apparent qualifications have orough distaste for the provisions ll of Rights. It has encouraged the of repression. Finally, and more important, there seems to d of repression, of intolerance, in

American people seem to have lost f the vigilance that we have ally exercised in defending our ghts. We owe it to ourselves and children to see that our noble nt with liberty — our Bill of — is kept strong as we enter into d century of nationhood.

ation?

sex discrimination goes on by ent and its regulated industries to ACLU quite busy. For example, rans' Administration requires all of childbearing age (twenty about thirty- eight) to obtain a certificate that they cannot bear or to sign an affidavit stating that practicing birth control under the on of a doctor, before the V.A. their income into consideration age applications.

s, divorcees, and separated re perhaps in the worst position credit records are never ed in their own names during the . Thus, it is the husband who fine credit when a couple is

Left to Right: Howard Jewel — ACLU-NC Chairman; Masao Satow — National Director JACL; Edison Uno — Co-chairman JACL Committee to Repeal Detention Camp Legislation; Jay Miller — ACLU-NC Executive Director.

Award Acceptance Speech

Following are acceptance remarks of Edison Uno, Co-Chairman of the National Committee To Repeal The Emergency Detention Act, made at the June 4 presentation of the first Alexander Meiklejohn Civil Liberties Award to the Japanese American Citizens League.

"This is indeed an auspicious occasion and an honor for me to accept the first annual Alexander Meiklejohn Civil Liberties Award on behalf of the Japanese American Citizens League.

"For those of you who may not recall the memories of the past 30 years when 110,000 Japanese, two-thirds of them were American citizens, were subject to the grossest injustices and deprivations of civil rights, it was the ACLU who had the courage to publicly oppose our wartime treatment.

"It was the ACLU who protested the internment of 913 aliens and citizens from Hawaii in the Spring of 1942 and was successful in having them returned from Camp McCoy to their island homes.

"It was the ACLU who posted the bail and provided legal counsel to Fred Korematsu when he protested the Evacuation.

"It was the ACLU who obtained the release of 375 evacuees from the stockades in Tule Lake Relocation Camp in the Spring of 1944.

"It was the ACLU who actively supported the return of evacuees to their West Coast homes in 1945.

"It was the ACLU who filed for the reinstatement of 4,322 U.S. citizens who renounced their citizenship under government duress.

"And it was the ACLU who supported and provided legal advice in the Evacuation claims cases in the 1950s.

"I could go on and on as to the history of what your organization has done for all persons of Japanese descent. Our struggle has been your struggle and we are eternally grateful to your membership.

especially since the sentiments of this administration and Congress were unlikely to repeal any type of repressive legislation in view of the agitation of student activists, political dissentients, and anti-war protesters.

"The repeal of detention camp legislation was the inspiration of one individual. The determination and dedication of this one person was the key to the successful legislative process. The fact that one person, with one objective, worked with unceasing energy and vigor made the repeal campaign a classic example that participatory democracy can work. I regret that I cannot personally pay tribute to the one individual who deserves the credit for making this all possible and who changed history by his courage. Our country, our society, and all people are greatly indebted to this one individual, the co-chairman of the JACL repeal committee, Ray Okamura of Berkeley. He is not with us tonight because he dislikes recognition.

"I cannot accept this award without also giving credit to the many committee members who gave so generously of their time and effort, they were the backbone of the campaign effort. Without their support we would have failed. We wish to acknowledge the co-authors of the repeal bills, Senator Daniel Inouye and Congressman Spark Matsunaga and to thank the ACLU and hundreds of other organizations and individuals who were effective in their support, both locally and nationally.

"In conclusion, I would like to remind all of us that the repeal of Title II was merely a symbolic victory. For we know too well that there was no Title II in 1942 when by Executive Order 9066 we were incarcerated in American concentration camps.

"We may have eliminated the statutory provisions for detention camps, but we must always remember it takes eternal vigilance to improve Democracy and we must struggle to eliminate the camps of

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inued on Page 8

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"I could go on and on as to the history of what your organization has done for all persons of Japanese descent. Our struggle has been your struggle and we are eternally grateful to your membership.

"We are also very appreciative for this special recognition for the successful campaign to repeal Title II of the Internal Security Act of 1950, the statutory provisions which would have revived detention camps in America. On September 25, 1971 the President signed the repeal bill which the JACL initiated four years ago. We were told at that time by experienced Congressional authorities that the repeal of Title II "could not be done" especially since the sentiments of this administration and Congress were unlikely to repeal any type of repressive legislation in view of the agitation of student activists, political dissentients, and anti-war protesters.

"The repeal of detention camp legislation was the inspiration of one individual. The determination and dedication of this one person was the key to the successful legislative process. The fact that one person, with one objective, worked with unceasing energy and vigor made the repeal campaign a classic example that participatory democracy can work. I regret that I cannot personally pay tribute to the one individual who deserves the credit for making this all possible and who changed history by his courage. Our country, our society, and all people are greatly indebted to this one individual, the co-chairman of the JACL repeal committee, Ray Okamura of Berkeley. He is not with us tonight because he dislikes recognition.

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"In conclusion, I would like to remind all of us that the repeal of Title II was merely a symbolic victory. For we know too well that there was no Title II in 1942 when by Executive Order 9066 we were incarcerated in American concentration camps.

"We may have eliminated the statutory provisions for detention camps, but we must always remember it takes eternal vigilance to improve Democracy and we must struggle to eliminate the camps of poverty, ignorance, unemployment, sub-standard housing, poor health care, and the psychological concentration camps of fear, hate, racism, and oppression.

"In the living spirit of the great Alexander Meiklejohn who left us a legacy of civil liberties and human dignity, the Japanese American Citizens League accepts this honor as an inspiration to continue the fight for freedom, equality, and justice. Thank you."

4/4/58 - At Ofc. SO - HU. - KM. - MMC.

Kornet's memorandum dated to MMC. 5/7/58
"The Calif. Daily News" showing
① Judge Goodman's decision
② Ted Kojo's article re "Defense Case"
③ TLDC. Ad. inviting [illegible] to join suit.

HU. - KM. & TM. said TLDC had already held a meeting re such matter

家と云へば半農が數へる位の寒

したのは、逍遥長）もまだ二十であつた。城の水が迫り、お城群をなして飛び

と居城とすること は上野、下軍と戰ひ、入つては風流に戰陣の勞苦を忘れんと勉めてゐた。

「我庵は松原つづき海近く富士の高嶺を、軒端にぞ見る」との有名な歌は此居城江戸城が自慢で歌つたもの『露おかぬ方もありけり夕立の空より廣き、武藏野の原』は其昔の草原武藏野を詠んだものである。

江戸城は後上杉、北條、德川代々等の居城となつた

ライバー

五百弗と共に

昨夜から行方不明

ー場の空があり、現金二千五百弗が郵便袋からぬき取られてあるので、或は强盜の仕業ではないかと憂慮されてゐたが、ホワイトの妻君の話によると最近、經濟上の事で大變ウオリーしてゐたとの事で、行方不明となつた夕方に下町で出會ふ

ックス、ドのホワイト は水曜午後ターン街物を運んだ時間後にて、ツラつてゐる、早速應と云ふ、

說教福田師直りは奉納映畫賑々しく催さ促一同は露木殿の準備を整るが日程左の練合せの上出おかげ頂かれ度いと。

七日(金)朝より教會內外掃除

八日(土)午前中餅つき、吉備樂練習、午後八時より宵祭執行

九日(日)午前十時 サンデースクール

午前十一時青年會禮拜

△日本の栗栖大藏大臣は今後五ケ年計畫で日本の財政復興を思ひ立ち奮鬪努力すると發表しました、氏の目的は千九百卅年から同卅四年に亘る當時の好景氣程度に漕つけると云うわけです是非其成功を祈ります。

×

△陸軍中將グローブス氏は戰時中原子爆彈製造主任でしたが最近シカゴ市で演說を試みソ聯程スパイの多い國はない戰時中自分が一番苦心したのは獨逸のスパイ取締よりもソ聯のスパイ監視に幾倍かの苦心をしたそして、ソ聯は米國の同盟國であつたに拘らず、事實上敵對行爲をつづけてゐたと發表しました。

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△君代師匠と言へば在米同胞間、一人として知らぬ者はない程有名で又長唄界の元老であります、あの慈愛深いお母樣其儘の平和のお顏が御師匠の人柄の姿を寫してゐます。在米同胞社會の爲につくした功勞はこれを政治、外交、實業、教育、宗教方面の人々にのみ制限せず、藝術の爲に其一生を捧げた君代御師匠のよふなかたへも、わかちたいと思ひます。

ましたが、孝行な娘達が老たる、慈愛の母を取卷いて老後を慰めて上げる氣分で此演奏が行はれる事を信じ記者は感慨無量であります師弟の關係は恰も母と子との關係であります、吾加哇は此老師匠に敬意を拂う爲にも一人でも多數の日本人諸君が此謝恩の意味で催されると考へられる母の日に高野山の會場に出かけて此催しを盛んにして上げて下さる事を心からお願ひ申上げます、開催日は明土曜日と其翌日の母の日と兩夜であります。

御禮

私儀

羅府出發の際は遠路御見送り被下且過分の御餞別を戴き誠に難有厚く御禮申上候尙ほ留守中は何卒宜敷御願申上候

五月七日

ガーデナ

山根貫一

告

市民權恢復希望者

本會はツルレーキ市民權擁護團の依頼に依り市民權拋棄者の恢復(市民權)を希望される方々に對しカリン辯護士事務所に同目的に加盟申込の手續を致します。尙有効期間は九十日以內(判決當日四月廿九日から起算)と限定されてゐますから至急申込みをおすゝめ致します。

市內都ホテル第二一五號室

五月七日

羅府日系人協議會

East Bay Nisei Wins Long Fight for U. S. Citizenship

Hiroshi Okada, East Bay Nisei who has been trying to return to his native country since the end of World War II, was able to lay claim to his citizenship again yesterday.

The 40 year old optician won his fight when Federal Judge George B. Harris signed a memorandum order upholding Okada's contention he was being illegally detained in Japan.

Okada, born in California of non-citizen parents, was in Japan at the outbreak of World War II and was drafted into the Japanese army.

Except for a brief appearance here at immigration hearings, he has not been able to return to his home in San Leandro since the early part of 1941.

The State Department, acting through the United States Attorney's office, maintained Okada had expatriated himself by not formally protesting being drafted in Japan.

PENNEWS

S F Examiner 7/18/53

Rafu Shimpo 6/12/1953

Rule voting in foreign polls no bar to US rights

SAN FRANCISCO, (AP).—The 9th U.S. Circuit Court of Appeals says a man may vote in a foreign election and still retain his United States citizenship, when the voting has been done "under duress."

The two to one decision was handed down yesterday in the case of George Takehara, 27-year-old resident of Osaka, Japan, who was born in Firwood, Wash.

Federal District Judge Alger Fee in Portland denied Takehara's application to visit the United States in 1950 as an American citizen because he had voted in the Japanese elections of 1947.

Judge Fee held that taking part in the Japanese political life forfeited Takehara's citizenship.

The Court of Appeals decision ordered the case returned to Judge Fee for corrective action.

Takehara declared that he had voted in the Japanese election only because he was ordered to do so by his parents and because he feared loss of his ration card if he did not.

Judges Walter L. Pope and William Healy concurred in the opinion. Judge Homer T. Bone dissented.

War II, when he served in Europe.

Nisei Woman Regains Her Citizenship

Federal Judge George B. Harris restored the citizenship of Shizuy Sugino, 32, Los Angeles-born school teacher yesterday.

Miss Sugino lost her citizenship on order of the U. S. consul in Tokyo on the ground she voted in Japanese elections in 1946-47.

Her attorney, William Ferriter, argued Miss Sugino was under the impression that the elections were sponsored by the U. S. Army and that failure to vote would mean loss of her job. S F Chronicle 4/24/53

NO. 3201

Hokubei Mainichi 11/3(

SMOKING ROOM

ORATORICAL CONTEST

Last Saturday we listened to ni earnest teenagers express the thoughts on the general topic, "Am a Teenager." And the amazi part about it was that no one d plicated the idea of another. Ea of the speakers gave expression a phase of the topic not covered b another.

We are sure the judges must ha had a difficult time in making the selections.

But we were almost certain eve before the announcement that th first place winner would be Tomm Nakagawa. As we listened, his pr sentation—the earnest and sincer way he spoke giving conviction, the ideas he expressed—struck t most deeply.

It is too bad that all could n win.

The second annual Oratorical co test, sponsored by the Parent A sociation of Troop 12, Boy Scou of America, was highly successfu not only in terms of the numbers speakers participating but becaus of the cooperation of the man churches and youth agencies.

Michi Onum

No. 595 Sunday July 4,1948 Nichi Bei Times

Washington, July 3 President Truman Friday signed legislation authorizing the U.S. attonney general to adjudicate claim arising from the evacuation of Japanese Americans from West Coast military areas, Alaska and Hawaii after Pearl Harbor.....

..... A limit on fees which attorneys may charge successful claimants was set at 10 per cent by the law and penalties were set for xxxxxxxxn violating this provision.

FULL TEXT OF EVACUATION CLAIMS ACT

No. 672 Nichi Bei Times October 5, 1948

Q. Who may file for evacuation claims?

A. Under the law, any person of Japanese ancestry who suffered loses as a "reasonable and natural consequences" of the so-called exclusion orders of 1942 affecting Hawaii, Alaska, the western sections of Washington and Oregon, all of California and the southwestern portion of Arizona.

Above taken from:

Series of questions and answers on evacuation claims prepared by Edward J. Ennis, Special JACL-ADC counsel, and released as a public service by the Washington Office of the JACL Anti Discrimination Committee.

Since Sept. 30, 1948, when this series began, 138 questions dealing with every aspect of the law have been answered.

When precedents for the determination of claims are established, and regulations and rules for the processing and payment of claims are announced by the U.S. Department of Justice, the Washington Office will resume this service.

If any claimant is interested in the complete series of questions and answers, it is suggested that he contact his nearest JACl Chapter.

FEE CHARGES FOR CLAIMS SET 10 PCT.

Washington, Aug. 5 -- All persons who assist evacuees in the processing of claims are allowed only 10 per cent of the claims paid as fees, according to an interpretation of the recently adopted evacuation claims act, Public Law 886, given this week by justice department officials.

These officials expressed the opinion that the intent of Congress was to protect the evacuee against any exploitation and that the use of the term "attorney" was to be construed broadly as meaning any and all individuals who give counsel or aid, rather than to be confined to the narrow interpretation of practicing attorneys alone.

The question was brought up with the justice department officials by Edward J. Ennis, legal counsel for the JACL Anti-Discrimination committee, and Mike Masaoka, national JACL-ADC director.

BROAD INTERPRETATION

If the term "attorneys" in the law meant only lawyers admitted to the bar, the point was raised whether non-attorneys such as accountants, legal interpreters or advisors and other layman could charge more than 10 per cent prescribed by the law.

Section 5 of the law reads as follows:

"The attorney general, in rendering an award in favor of any claimant, may as a part of the award determine and allow reasonable attorneys' fees, which shall not exceed 10 per centcum of the amount allowed, to be piad out of, but not in addition to, the amount of such award.

"Any attorney who charges, demands, receives or collects for services rendered in connection with such claim any amount in excess of that allowed under this section, if recovery be had, shall be guilty of a misdemeanor, and shall upon conviction thereof, be subject to a fine of not more than $2000 or imprisonment for not more than one year, or both."

Received by
Nichi Bei Times

WASHINGTON NEWS RELEASE

Washington October 7, 1948

Evacuation Claims Questions and Answers Series II

4. Q. Who should file claims?

A. Only the legal owners of the property lost or damaged. The question whether a claim survives the death of the person who owned the property at the time of loss or damage is being studied.

From Rafu Shimpo of August 5, 1948 Thursday Issue No. 13,453.

DEFINE "ATTORNEY" AS ONE WHO FILES CLAIMANTS" FORM

Washington.

Among the many sections of the recently enacted Evacuation claims law whose interpretation is subject to clarification is one dealing with the so called 10 percent limitations on attorney's fees.

Another is the question as to whether the terms "attorneys" is limited to those laywers who have been admitted to the bar.

"Section 5 of Public Law 886 discloses: "The Attorney General, in rendering an award in favor of any claimant, may as a part of the award determine and allow reasonable attorney's fees, which shall not exceed 10 per centum of the amount allowed, to be paid out of, but not in addition to, the amount of such award.

"Any attorneys who charges, demands, receives, or collects for services rendered in connection with such claims any amount in excess of that allowed under this section, if recovery be had, shall be guilty of misdemeanor, and shall upon conviction thereof be subject to a fine if not more than $2,000 or imprisonment for not more than one year or both"/..

The ADC asked the Justice Dept their interpretation of the word "attorney" and questioned whether other persons, such as accountants, legal interpretators, or advisers, and other laymen could charge more than 10 percent prescribed by law.

Official declared that in this case where evacuees are to get aid in filing claims, any individual or firm which helps them in processing the applications "must be classified as "attorneys" too".

The Justice Dept emphasized that the intent of Congress was to protect victims against any exploitation and that the use of the term "attorney" was to be construed broadly as meaning any and all individuals who give counsel or aid.

U. S. EMBASSY HERE ISSUES WARNING TO DUAL NATIONALS

A warning to all American citizens who hold dual citizenship that they may lose their American citizenship unless they comply with the provisions of the United States Immigration and Nationality Act, was issued by the American Embassy in Tokyo, yesterday.

The Embassy called attention to the fact that Section 350 of the Act, having to do with this problem, takes effect on December 24, 1955, and with some few specified exceptions will automatically rescind citizenship rights at that time unless certain actions are taken by the individuals concerned.

Some of the reasons for which exemption are allowed include employment with the U.S. Government, or with an American firm, full time studies, ill health, and extend also to the spouse and children of persons residing abroad for one of these reasons, and to certain veterans of the United States Armed Forces.

Section 350 applies only to American citizens who acquired dual nationality at birth and who have continuously remained dual nationals.

Persons who might be affected by the provisions of the section are advised to consult with the American Embassy or the Consulate of the district in which they reside as early as possible.

AMERICAN CIVIL LIBERTIES UNION - NEWS

FREE SPEECH
FREE PRESS
FREE ASSEMBLAGE

"Eternal vigilance is the price of liberty."

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Court Action Due in Renunciation Cases

After six months' delay sought by the government, the habeas corpus suits brought by the Nisei who renounced their citizenship under duress will finally go on for a hearing before Federal Judge A. F. St. Sure in San Francisco on May 13. At that time, Thomas M. Cooley II, director of the Alien Enemy Control Unit of the Department of Justice, will move the court to strike from the mass habeas corpus petition the letter of Abe Fortas, former Secretary of the Interior, who admits "It was primarily due to the pressure of the (subversive) organizations that over 80 per cent of the citizens eligible to do so applied for renunciation of citizenship . . . " It has been stipulated by counsel that the government will file a formal answer to the petition a week after the motion to strike is heard.

About 400 renunciants are still in custody. All of them are now held at the Crystal City, Texas, internment center. Incidentally, 31 more renunciants have joined the mass suit being handled privately by attorney Wayne M. Collins of San Francisco.

Among the renunciants recently released was Miss Yukiye Teshiba of Los Angeles, one of the trio who filed an independent suit challenging the government's renunciation program among the Nisei, but who later switched to the mass suit after spending time in a San Francisco jail. The only one of the trio still detained is Henry Mittwer, who has been transferred to the Crystal City

After Kidnaping Peruvian Japanese U. S. Now Seeks To Deport Them To Japan As Illegal Entrants

Virtually kidnapped by the U. S. government and brought into this country for internment, scores of Japanese who resided in Peru face deportation to Japan as illegal entrants into the United States. The United States characterized them as illegal entrants because when they entered as "immigrants" they were not in possession of valid immigration visas, nor did they have passports. If these people are illegal entrants, then it should be remembered that they did not come here willingly; and that the United States government participated in the illegality and indeed was responsible for it.

Most of the Japanese-Peruvians were arrested by officers of the Peruvian government in January or June of 1943 and, without hearings of any kind, handed over to officers of the U. S. government at their request. They were then placed on U. S. transports, guarded by U. S. warships, and transferred to a Panama internment camp for a brief stay before being shipped to internment camps in the United States.

Sixty-five Japanese, some of whom entered Peru in the early 1900s, and most of whom entered Peru after 1910, are presently interned at the Santa Fe, New Mexico, internment camp.

born in this country. Practically all of these people are Roman Catholics.

The U. S. State Department has admitted that none of the Peruvians are "dangerous to hemispheric security." In a letter directed to the group at Crystal City, under date of April 9, Jonathan B. Bingham, Chief Alien Enemy Control Section of the State Department, declared: "As you know, the Peruvian Government has indicated that it is opposed to the return to Peru of any of the internees who are Japanese citizens. Through its Embassy in Lima the Government of the United States has expressed the view that all of the internees who appear not to be dangerous to hemispheric security (this applies to the entire Japanese group) should in fairness be permitted to return to Peru. The Peruvian Government indicated that it was unwilling to change its position in principle, and the Department of State is not now in a position to take the matter up with the Peruvian Government once again."

The refusal of the Peruvian government to allow its former Japanese residents to return can perhaps be understood in the light of that government's confiscation of the properties of Japanese nationals. The Union is informed that on December 8, 1945, a law was enacted applying

only one of the trio still detained is Henry Mittwer, who has been transferred to the Crystal City internment center.

The Justice Department has advised the Union that a small group of Japanese aliens who are still detained as "dangerous enemy aliens," and who failed to obtain hearings, will shortly be granted hearings by a special hearing board.

High Court Rules Pacifists May Be Naturalized

Over-ruling the famous 5-4 decisions in the McIntosh-Bland cases of 1931, and the 6-3 decision in the Rosika Schwimmer case of 1929, the U. S. Supreme Court on April 22, in a 5 to 3 decision, ruled that an alien does not have to be willing to bear arms to defend this country in order to be admitted to citizenship.

The ruling was made on the appeal of James Louis Girouard, of Stoneham, Mass. He was born at Monton, New Brunswick, Canada, and is a member of the Seventh Day Adventist Church. Girouard is willing to perform non-combatant service in the Army, but he is unwilling to bear arms.

The question about willingness to bear arms appears nowhere in the Nationality Act of 1940. It was introduced into the naturalization petition form in 1924 by Commissioner Crist of the Naturalization Service, upon the request of several "patriotic" groups.

Justice Douglas, writing for the court, declared that the oath required of aliens "does not in terms require that they promise to bear arms." Nor has Congress expressly made any such finding a prerequisite to citizenship, he pointed out. "To hold that it is required is to read into the (Nationality) act by implication. But we could not assume that Congress intends to make such an abrupt and radical departure from our traditions unless it spoke in unequivocal terms."

Chief Justice Stone and Justices Reed and Frankfurter dissented. Justice Jackson took no part in the case.

Union Dues Raised To $3 Per Year

At the April meeting of the Executive Committee of the ACLU of Northern California, it was voted to increase the annual membership dues from $2 to $3. The annual dues includes a subscription to the "News" at $1.00 per year.

tered Peru after 1940, are presently interned at the Santa Fe, New Mexico, internment camp. Twenty of the 65 are bachelors. Three are widowers, but the remaining 42 have wives and generally children in Peru. Twenty-seven of the wives are Peruvians, while 15 are Japanese. The 45 have an average of three children, or an aggregate of 145, who are all citizens of Peru. Indeed, seven of the children are serving in the Peruvian army. Although their families are residing in Peru, it is proposed to deport these men to Japan, because the Peruvian government does not wish to accept them.

In addition to the Japanese-Peruvians at Santa Fe, New Mexico, there are said to be some 46 families at the Crystal City internment center. The Union is informed that 100 families accepted voluntary repatriation to Japan. Some of the Crystal City Peruvians, having lost all of their property in Peru, would prefer to remain in the United States. Many of them now have children

anese nationals. The Union is informed that on December 8, 1945, a law was enacted applying such confiscated property to claims by the Peruvian government.

In answering the claims of the U. S. government that they entered illegally, the Peruvians have pointed out that they came into the United States at a port of entry, and that they were inspected by immigration and customs inspectors. Obviously, too, their entry was pre-arranged between the governments of Peru and the United States.

The Peruvians have sought legal counsel, and the Union is informed that attorney Wayne M. Collins of San Francisco will represent the group presently at Santa Fe, and possibly most of those at Crystal City. The Immigration Service late last month said it still hoped to return most of the Peruvian Japanese to Peru, particularly those cases in which the wives and children are Peruvians.

ACLU Not Involved in New Left-Wing "Civil Rights" Move

A meeting was held in Detroit on April 27-28 to form a new federation for civil rights in order to create greater unity in the fight against what the signers of the call term "fascism." The proposal was originally made by the Chicago Civil Liberties Committee which last year withdrew its affiliation from the ACLU under pressures arising from controversies in the committee. The announcement by the Committee says that its proposal for "a new national civil rights federation" was "finally agreed to by the National Federation for Constitutional Liberties, International Labor Defense, and the Michigan Civil Rights Federation." These are all left-wing groups whose policies differ sharply at many points from those of the ACLU. The ACLU therefore was not invited, and was not represented.

School Segregation Case Appealed

Four Orange County, California, school districts, who on February 18 were enjoined by Federal Judge Paul J. McCormick from discriminatory practices against pupils of Mexican descent, have appealed the decision to the Ninth Circuit Court of Appeals in San Francisco. The Southern California branch of the A.C.L.U. will now intervene as friend of the court.

ACLU PROTESTS ROTTEN CONDITIONS IN CAMP SHOEMAKER BRIG

The American Civil Liberties Union of Northern California has protested to the Secretary of the Navy against the treatment accorded Trice E. Knight, who was held at the Camp Shoemaker brig for about 90 days while awaiting court martial on desertion charges.

Knight is an 18-year-old boy. He was placed in **solitary confinement** in a cell six feet by eight feet and lighted by a 150-watt bulb 24 hours a day. After the case came to public attention, the white bulb was replaced with a blue one. The cell has no bunks and prisoners sleep on a mattress which is placed on the floor.

The Union said it was concerned not only with the question of why the boy was denied a speedy trial, but also with his confinement under such outrageous conditions.

Lily White D.A.R. Opens Constitution Hall to Negro Artists

After barring Marian Anderson and pianist Hazel Scott from Constitution Hall, the DAR has finally succumbed to criticism and resignations and has extended use of the hall to Negro artists. On June 3, the Tuskegee, Ala., Institute choir will be allowed to use the hall "entirely without cost".

ACLU to Aid Appeal from Decision vs. New Jersey Anti-Injunction Law

An appeal by the United Electrical Workers, CIO, against the recent decision of Vice Chancellor John O. Bigelow declaring New Jersey's anti-injunction statute unconstitutional will be aided by the American Civil Liberties Union. The CIO group has announced that it will appeal Chancellor Bigelow's decision in a Newark picketing case to New Jersey's highest court, the Court of Errors and Appeals, and to the U. S. Supreme Court if necessary. Participation by the ACLU in the appeals will be settled after conference between interested groups.

Vice Chancellor Bigelow held unconstitutional a section of the New Jersey law enacted in 1941, which is modeled on the federal Norris-LaGuardia Act, and prohibits the issuing of injunctions against picketing where there is no "fraud or violence." The voided section also upheld the right of workers to refuse to work, to join a union and to demand a closed shop. Chancellor Bigelow based his decision on the fact that the law appeared to deprive injured parties of their right to sue for damages resulting from labor pactices, and because the legislature had no power to pass a law preventing the courts from providing protection for "those entitled to it under established principles of equity."

According to the Civil Liberties Union, Vice Chancellor Bigelow's decision "goes far beyond the limits necessary to insure access of non-strikers and others to struck plants, a right which we have always supported. We do not contest his power to issue injunctions in support of this right, but we do contest his decision outlawing valuable and established labor legislation." The Chancellor's decision was handed down in authorizing injunctions restraining picketing at Westinghouse plants in Newark and Bloomfield, and a Phelps-Dodge Copper Company plant in Elizabeth, New Jersey.

Chancellor Bigelow's action bears out a widely publicized warning to strike leaders by the American Civil Liberties Union, in January, pointing out that if pickets continued to bar access to struck plants by force, the "inevitable effect will be resort to the courts for injunctions. Even the statutes protecting labor's legitimate rights from injunctions may thus be endangered."

Att'ys Urged To Recommend Probation For War Objectors

United States attorneys all over the country were urged to recommend probation for conscientious objectors "still being brought into federal courts at the rate of about one a day", in a circular letter from the American Civil Liberties Union on April 15. Signed by three ACLU attorneys, the letter says that "there is no such necessity as in war-time to buttress morale by substantial sentences for objectors who refuse to be drafted," and noted that the Department of Justice has already indicated that shorter sentences are in order.

The signers said they were acting "not as partisans of conscientious objectors but as lawyers concerned for the fair treatment of conscience". Noting that even during the war in "several hundred cases" judges had placed objectors on probation to work of national importance, the letter said that this procedure is even more appropriate now that no practical purpose is served by imprisoning men whose conduct is clearly prompted by "conscientious motives" rather than "draft dodging".

The letter said that a large proportion of the men still being tried for refusal to accept military service were Jehovah's Witnesses who demand status as ministers, but who are mostly willing to accept assignment on probation to any work that does not interfere with their "witnessing" in public places in off hours. Signing the letter sent to all U. S. attorneys were Arthur Garfield Hays, counsel for the ACLU; Ernest Angell, chairman of the ACLU's National Committee on Conscientious Objectors; and Julien Cornell, counsel for the Committee.

Ruling Due on Renunciant's Eligibility to Travel Between Hawaii and Mainland

The American Civil Liberties Union of Northern California has requested a ruling from the Immigration Service as to whether a person of Japanese ancestry residing in this country, who renounced his United States citizenship, would be eligible to return to the mainland after proceeding to Hawaii and remaining there as a resident. The District Director for the San Francisco District has referred the matter to his Central Office in Philadelphia for a decision. Awaiting the ruling is a young lady whose fiance is residing in Hawaii for the next few years.

Carriers Balk at Lifting Nisei Travel Restrictions

Hawaiian transportation companies are balking at obeying an order of the Immigration Service to cease requiring American citizens of Japanese ancestry to get "certificates of citizenship" before leaving the Hawaiian Islands for the U. S. mainland. Among the travellers to the mainland, orientals alone must still establish their citizenship to the satisfaction of the carriers before they can secure transportation. As a result, further representations will be made to the Immigration Service by the A.C.L.U. to end the discrimination against citizens of oriental ancestry.

One transportation company has announced that while it is no longer requiring certificates of citizenship, it is inspecting birth certificates "as a point of service" and will recommend certificates of citizenship where the birth certificate may not be considered adequate proof on the mainland. It appears that the Immigration Service in San Francisco will not recognize Hawaiian birth certificates that were not issued at the time of birth, but many years after birth on the basis of affidavits. The carrier defends its action on the ground that the law imposes a $1000 penalty on him for transporting illegal entrants. The Immigration Service says it cannot recall a case in which the carrier has been fined.

Pan-American Airways says it will refer questionable cases to the immigration authorities before selling tickets to the mainland.

The Immigration law permits inspection of all persons travelling between our island possessions, and between our island possessions and the mainland. Whereas, all persons travelling from the Territory of Hawaii to the mainland must be inspected by the Immigration Service, persons entering from the Territory of Alaska are not subject to such inspection.

Last month, the A.C.L.U. received a letter from T. B. Shoemaker, Deputy Commissioner of the Immigration Service, which said in part:

"We have received a report from our District director at San Francisco covering his investigation of this matter, and he has been advised to follow the procedure indicated below: (1) Advise transportation companies in Hawaii, in writing, that there is no requirement in the law or regulations on the part of this service that any citizen obtain a certificate of citizenship in order to proceed to the mainland or elsewhere. (2) Further advise such companies that the procedure for the

statutes protecting labor's legitimate rights from injunctions may thus be endangered."

PUERTO RICAN HOUSE OF REPS. HAILS ACLU SUPPORT

Following publication in Puerto Rico of the text of a recent letter to President Truman from the American Civil Liberties Union urging him to veto a Puerto Rican bill for a plebiscite on the Island's political future, the Puerto Rican House of Representatives adopted a resolution expressing their "deep appreciation" to the Union. In a cable to Arthur Garfield Hays, who signed the Union's letter, Ernesto Ramos Antonini, speaker of the House, said in part:

"The House of Representatives of Puerto Rico at its meeting this day adopted a resolution to express its deep appreciation to you for the strong support that you as a member of the American Civil Liberties Union have given to our right of self-determination by sending President Truman a message on March 15 urging on him immediate approval of two bills of the Senate of Puerto Rico referred to the White House after they were vetoed by Governor Tugwell."

A bill is pending in Congress to permit the Puerto Ricans to vote on their future status. The action of the Island legislature sought to anticipate Congressional action and was therefore vetoed. The ACLU took the position that a prompt expression by the voters of Puerto Rico should aid Congress in determining policy. A delegate from the Puerto Rican legislature is due in Washington to endeavor to bring the long-standing issue to a head.

BOSTON CIVIL LIBERTIES GROUP SCORES CENSORSHIP BY BOOK PUBLISHER

Refusal of Doubleday Doran and Co., New York publisher of "Memoirs of Hecate County", by Edmund Wilson, to send copies to Boston for sale in that city was scored as "censorship" by the Massachusetts Civil Liberties Union last week. "It's still censorship, whether initiated by the Watch and Ward Society, the local book dealers or by the publishers", Miss Mary Elizabeth Sanger, secretary of the Boston group said. Doubleday Doran were reported unwilling to try bucking Boston censorship with the Wilson book on account of passages giving a detailed account of a love affair. This is the first instance of a publisher's censoring his own book.

in Hawaii for the next few years.

School Buses May Haul Parochial Students

The Fourth District Court of Appeals in Fresno recently affirmed a lower court decision that public school buses may transport pupils of parochial schools. The suit was filed by Victor Bowker of Porterville in January, 1944. An appeal will be taken to the California Supreme Court.

THOMAS L. STOKES: The whole procedure of setting up a congressional committee to ferret out "un-Americanism" is unwise and dangerous. It gives license for the exercise of passion and prejudice to persecute anybody whose views differ from those prevailing on the committee.

NO DEPORTATION PARTY SCHEDULED IN JAPANESE HARDSHIP CASES

Alien Japanese who are faced with deportation as illegal entrants in so-called hardship cases were thrown into a state of panic last month when some of them suddenly received notices that they would be deported on April 17. Subsequently, the Central Office of the Immigration Service indicated it had been unable to arrange transportation, so the deportations were again postponed. As we go to press, the District Office of the Immigration Service has advised us that they have received no information to arrange a deportation party to Japan.

In the event that any of the alien Japanese are taken into custody for deportation, it is proposed to bring legal action in their behalf. In the meantime, legislation is pending in Congress which would grant relief in hardship cases.

Japanese Deportations Due

FLASH!!! A deportation party is leaving Seattle for Japan on May 13. The Immigration Service has just informed the Union that the party will be limited to able-bodied adult males. No married men will be taken. NO HARDSHIP CASES WILL BE INCLUDED IN THE PARTY!

On May 6, another deportation party is leaving San Pedro for Japan. Included in that party will be Peruvian Japanese who are single or who have Japanese wives but no children.

It is anticipated that legal action will be filed on behalf of most of the foregoing persons.

ceed to the mainland or elsewhere. (2) Further advise such companies that the procedure for the issuance of such certificates is solely for the convenience of the citizens themselves and that any such citizen, when about to travel to the mainland or elsewhere, may obtain such a certificate if he elects to do so, but, on the other hand, is free to depart without such a certificate. (3) Furnish the press at Honolulu with copies of the foregoing notifications."

Deputy Commissioner Shoemaker's letter was in answer to a query by the ACLU based on reports that Americans of Japanese ancestry in Hawaii, including war veterans, had been prevented from leaving for the mainland until they had obtained certificates of citizenship.

SUPREME COURT UPHOLDS GEORGIA NEGRO PRIMARY VOTE

By refusing on April 1 to review the decision of lower federal courts granting Negroes the right to vote in Georgia Democratic primaries, the U. S. Supreme Court put the final seal on litigation over the issue. A Georgia federal district court last year ruled that Negroes should be permitted to vote, on the ground that the Democratic primary is the only real election in Georgia. It was upheld by the Circuit Court in New Orleans on March 6. The Supreme Court's refusal has the effect of sustaining the lower courts. The case came to the high court on appeal by three Georgia election officials against a suit by Primus E. King, a Negro who was awarded $100 damages in the district court after he was barred from voting in a primary in 1944. The case was handled by counsel for the National Association for the Advancement of Colored People.

BOOK NOTE

Nationalities and National Minorities by Oscar I. Janowsky of the faculty of the College of the City of New York, MacMillan Co.

Although Professor Janowsky deals wholly with national minorities in Europe, his treatment of the minority problem has an immediate relevance to the general world problem of minorities now confronting the United Nations. In addition, it is of special significance in the United States where so many of the European peoples are represented by vigorous nationality organizations. Professor Janowsky's book is a plea for the principle of federalism in a multi-national state and economic unity.

Army Court Martial System To Be Overhauled

A nine man civilian commission to overhaul the Army's court martial procedure was appointed by War Secretary Patterson on March 25. The Army court martial system has been criticized in both houses of Congress and by private agencies, partly on the ground that enlisted men are tried only by their superiors; and that officers have sometimes received preferential treatment for similar crimes. Heading the new commission which will meet in Washington this month is Dean Arthur T. Vanderbilt of New York University law school, former President of the American Bar Association. The American Civil Liberties Union has received scores of complaints of injustices by courts martial, and will make representations to the commission for reforms in procedure long advocated to extend to enlisted men the protection accorded defendants in civilian courts.

Firemen May Talk, New York's Highest Court Decides

A gag rule forbidding New York City firemen to discuss their working conditions in public, imposed by former Fire Commissioner Patrick Walsh during the LaGuardia administration, was recently thrown out by the New York Court of Appeals in Albany. The Court of Appeals, highest state court, reversed two lower courts which had sustained the gag rule under which John P. Crane, president of the Uniformed Firemen's Association, was punished in 1944 by being exiled to Staten Island, fifteen miles from his home.

The Walsh gag rule was issued in the middle of a dispute between the Firemen's Association and the Fire Commissioner about wages and hours, and forbade the firemen to make any further pronouncements on their working conditions "or anything else". It was opposed in the lower courts and before the Court of Appeals by the American Civil Liberties Union as depriving firemen of their constitutional right to freedom of speech, and reducing them to "the level of abject slaves of a benevolent departmental despotism." The Court of Appeals relied in part on the fact that the New York Legislature "has unequivocally declared that no citizen shall be deprived of the right of appeal to the Legislature, or to any public officer, board, commission or other public body for the redress of grievances on account of employment in the civil service of

The Truth About The Mass Terror And Murders In Columbia, Tennessee

In Columbia, Tenn., 28 Negroes have been charged with attempted murder and three others have been charged with "attempt to commit a felony", as an outgrowth of the shocking mass terrorism that occurred there late last February. They are scheduled for trial early this month.

The public has received only meager press reports of what happened, and these accounts have been highly inaccurate. According to press stories, a Negro woman and her son were arrested for assaulting a white man, after which the town's Negroes rioted, wounding six white persons and one Negro. Seventy Negroes were arrested. In restoring order, the homes of Negroes were raided by law enforcement officers and 300 weapons were confiscated. State Guard reinforcements appeared "after a burst of gunplay in the Maury county jail in which two Negroes were killed by highway patrolmen." Now, let's see what really happened in Columbia, Tenn.

On Monday, February 25, 1946, at about 10 A.M., Mrs. Gladys Stephenson went to the Castner-Knot Electric Appliance store in Columbia, Tenn., to see about a radio which was being repaired. With her went her 19-year-old son. Mrs. Stephenson complained to William Fleming about a faulty repair job. Fleming became abusive, and, when Mrs. Stephenson objected to the abuse, he slapped and kicked her. Thereupon, Mrs. Stephenson's son hit Fleming, who fell through the store's plate glass window. Fleming wasn't injured, but a crowd collected. The mother and her son were slapped and punched, and a policeman clubbed the boy. They were finally taken to jail and released on $3500 bond each. The bondsman was just in time, because shortly after their release an armed mob stormed the jail demanding that the Stephensons be turned over to them.

The town's Negroes barricaded themselves in their homes, turned off the lights and stood ready to protect themselves. Bands of white men, fully armed, roamed the streets adjoining the Negro section. Several cars tore through the darkened area pumping shots into the houses. Then a car, carrying a group of city policemen and showing no illumination, drove slowly into the tense, blacked-out section. The Negroes, certain that the mob was finally moving in

At dawn on Tuesday morning, 500 State patrolmen and guardsmen in full battle dress, armed with tommy-guns, automatic rifles and machine guns, lay down a barrage, battle fashion. Then the houses were rushed. The frightened people were clubbed and jabbed. Screaming children running wildly for their mothers were sent sprawling. The Negroes were marched off to the jail while mop-up squads emptied the homes of hunting rifles and ancient relics.

In the business section, the police and guardsmen, working in platoons, smashed through the shop windows, chopped down the doors. The streets were soon littered with furniture hurled out of windows. In a poolroom the cloth was slashed on all of the tables. A doctor's office was smashed, the medical furniture chopped beyond repair. Surgical instruments, drugs, and valuable clinical apparatus were wantonly destroyed or stolen. In the offices of the Atlanta Life Insurance Company the uniformed vandals left a hopeless shambles after carefully destroying all files and records. In a funeral parlor, draperies were cut up, chandeliers and all other lighting fixtures were ripped from their sockets. The pulpit was hacked and the light over the Bible smashed with a well placed gun stock. The hate-ridden orgy was topped off with a huge KKK scrawled in white chalk across one of the chopped caskets. Cash registers in all of these establishments were rifled.

The Negro prisoners were held incommunicado for days, some for more than a week, while a three-man "board of investigation" sifted the evidence to decide which persons should be charged with crime. Z. Alexander Loody, Negro attorney of Nashville, and Maurice Weaver, white attorney of Chattanooga, were employed for them by the National Association for the Advancement of Colored People. Officials refused Weaver the right to see the prisoners and to be present when they were questioned.

On Thursday, February 28, two of the prisoners, William Gordon and James Johnson, were shot to death in the jail. The official explanation was that Gordon had grabbed a gun from the confiscated weapons stacked in the room and fired it, giving Deputy R. T. Darnell a slight flesh wound in the left arm. No one has explained why prisoners were in a room where there were loose

of any public officer, board, commission or other public body for the redress of grievances on account of employment in the civil service of the state or any of its civil divisions or cities."

The Uniformed Firemen's Association announced that Mayor O'Dwyer's new Fire Commissioner, Frank J. Quayle, has "made it plain" that the right of free speech would not now be denied any member of the Fire Department.

PRES. TRUMAN CLARIFIES STAND ON POLL TAX: FAVORS FEDERAL ACTION

Gratification was expressed to President Truman by the American Civil Liberties Union last month following an interview on April 11 in which the President stated his support of federal legislation to abolish the poll tax as a condition for voting in federal elections. The ACLU had previously written the President expressing alarm over reports that he had said at an interview in Chicago on April 6 that he favored "state action".

In his later interview the President said: "I have not changed my position on the federal anti-poll tax legislation. I am still in favor of federal legislation. I voted for cloture on this issue in the Senate and I would do so again if I were a Senator. However, I also favor state action. There is no contradiction between federal and state action on this matter." In writing the President the ACLU said it was "gratified by reports that we were in error in imputing to you lack of support of the federal bill."

Senators Urged To Kill "Women's Equal Rights" Amendment

The constitutional amendment to grant equal rights to women now scheduled for an early vote in the Senate was recently opposed in letters to all members of the Senate by the American Civil Liberties Union. The ACLU said it was 100% in favor of giving women equal rights, but that the proposed amendment actually would not accomplish that result, and would jeopardize "valuable social and labor legislation." The Senators were told that the best way to obtain equal rights for women was by the itemized method of "specific bills for specific ills," such as the pending bill granting equal pay. The letter was signed by former Judge Dorothy Kenyon of New York City, chairman of the Union's Committee on Women's Rights, and Dr. John Haynes Holmes, chairman of the Board of Directors.

the tense, blacked-out section. The Negroes, certain that the mob was finally moving in against them, waited. And then someone shouted hysterically, "Here they come!" Scattered shots rang out. No one knows who fired the shots but they were aimed at the dark car moving through a dark street. Although there were no serious wounds four of the policemen were hit with buckshot. According to the sheriff, a cordon of state patrolmen and helmeted state guardsmen were thrown about the section so that no one could enter or leave.

SUIT SEEKS NATURALIZATION FOR FATHERS OF NISEI SERVICEMEN

The Southern California branch of the A.C.L.U. last month filed a suit in the U. S. District Court challenging the refusal of the District Director of Immigration and Naturalization to process petitions for naturalization of three alien Japanese, Shosuke Nitta, Gensuke Masuda and C. Kendo, whose sons served in the U. S. Army. All three of the men have lived in this country more than 40 years.

If the court rules in favor of the Japanese, it will upset the law that has been applied for the past 25 years, which has excluded orientals from the privilege of naturalization. Recently, the first break in the law was secured when Congress extended immigration and naturalization privileges to Chinese, and a bill is now pending in the Senate Immigration Committee, which has already been adopted by the House, establishing an immigration quota for East Indians and permitting them to be naturalized.

DANGER OF RACIAL DISCRIMINATION IN URBAN REDEVELOPMENT PLANS

The San Francisco branch of the N.A.A.C.P. has adopted a resolution endorsing the principle of urban redevelopment legislation, but pointing to certain dangers that may result in freezing Negroes out of the proposed new housing in the Fillmore District. Included in the resolution are the following demands:

"That substantial amounts of low rent, public or private, housing be included within the area to be redeveloped;

"That preferential rights be given to displaced persons to reoccupy the redeveloped area; and,

"That the Redevelopment Agency guarantee in all purchase, sale, lease, or rental of property acquired that there shall be no segregation or discrimination."

wound in the left arm. No one has explained why prisoners were in a room where there were loose guns lying around, nor why the prisoners could not be subdued without killing them, nor what methods of questioning were used which could drive helpless prisoners (against whom there were no serious charges) to so desperate and hopeless an extremity.

The legal defense is in the hands of the N.A.A.C.P. Contributions towards the defense may be sent to the organization at 20 West 40th Street, New York 18, N. Y. Checks should be made payable to NAACP Legal Defense and Education Fund.

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ERNEST BESIG .....Editor
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State Medical Board Loath to Give Information of Its Work

Recently the ACLU requested the State Board of Medical Examiners to furnish it certain information as to the number of applicants for physicians and surgeons licenses who have been granted or denied such licenses during each of the past five years. In particular, the Union wanted to secure data on the applicants who had practiced ten years in other states, and who are therefore required to take an oral examination. The reason for the inquiry was that the Union had received complaints that the latter applicants are frequently rejected without a fair inquiry into their qualifications.

Here is the amazing answer to the Union's inquiry of April 10, as contained in a letter signed by Dr. Frederick N. Scatena, Secretary-Treasurer of the Board, under date of April 22:

"The matter concerning statistical data, in my estimation, has no bearing on the subject mentioned in the fifth paragraph of your letter. However, these statistics are available, and at the May meeting of the California Medical Association, Doctor Frank Otto, President of the Board of Medical Examiners, will give a talk before the Association, and in this talk will give the data you request." That was all.

The statistics may be "available," but Dr. Scatena is obviously doing his best to make it difficult for the Union to secure them.

In the same letter, Dr. Scatena also states that "an applicant who has kept himself abreast of the times and informed on all changes in medicine has had no difficulty in passing the oral examination. Those who have failed, we believe, have done so because they have taken the examination too lightly and have not prepared themselves sufficiently for the examination." The Union would be more ready to accept these statements if the Board was not so reluctant in sharing information about its activities.

Plan Legal Aid For 17 Cited For Contempt By House

With contempt citations voted by the House against seventeen officers of one group that refused to produce records for the House Un-American Committee and scheduled for vote against officers of two other groups the American Civil Liberties Union last month turned its attention to legal aid for the cited officers, whose cases will now be brought into court by the U. S. District Attorney. The ACLU had previously appealed to liberal congressmen in two circular letters to vote down the contempt citations against officers of the Joint Anti-Fascist Refugee Committee, the Council on American-Soviet Friendship, and the National Federation on Constitutional Liberties, on the ground that the House Un-American Committee had no business trying to investigate contributors to the three groups.

The citation against officers of the Refugee Committee for refusing to submit their books and records to the House Un-American Committee passed the House by a 292-56 vote on April 16. ACLU intervention in any eventual court proceedings against the citations will contend they are out of order on the ground that the House Un-American Committee was empowered by Congress to investigate only "Un-American" groups, and therefore had no power to subpoena records of organizations which had not been found to be "Un-American."

In its circular letters to congressmen the ACLU said "we are as zealous as any member of the House to maintain its prerogatives but trust that you will share the view that the Committee exceeded its mandate in demanding books and records of these organizations. The history of this Committee and of its predecessor makes it evident that the submission of names of contributors would be followed by harassment of the contributors themselves. The inevitable publication of their names in the Committee records would impute to them a wholly unjustified Un-Americanism. We submit that the Committee's activities in these respects are contrary to the principle of the form of government guaranteed by our Constitution. May we urge that you vote against the contempt citations"?

OUSTERS OF WATSON, LOVETT, AND DODD APPEALED TO HIGH COURT

The constitutionality of the Congressional ouster in 1943 of three federal employees for alleged subversive activities will be determined

Philippine CLU Protests Amendments To Indep. Act

A cablegram from the Philippine Civil Liberties Union, protesting against provisions in the bills pending in Congress for relations with the Philippines after independence next July was released by the American Civil Liberties Union last month. The Philippine Union scored High Commissioner Paul V. McNutt's role as allegedly representing "selfish interests" and opposed his continuation in that office. The cablegram in full reads:

"Tydings and Bell bills simultaneously introduced in Congress providing for amendment to Philippine Independence Law would if enacted constitute greatest betrayal in Philippine-American relations. These measures provide retention by United States of all properties vested in it on July 4, 1946 and authorize acquisition of additional properties even after independence for use of the United States government or any of its agencies or instrumentalities. These would in effect emasculate Philippine independence. Disregarding loyalty and sacrifices of Filipinos during war they would foist upon Filipinos a mock Republic reminiscent of Japanese puppet government here.

"We cannot believe Tydings-Bell bills reflect opinion of American people whose fairness is unquestioned. Rather we believe these proposals inspired by American imperialists intending to make Philippines their exclusive hunting preserve. Conspiracy of silence in shrouding presentation of these bills shocking. High Commissioner McNutt's ominous silence on Tydings-Bell bills and efforts to make Filipinos believe these are for their benefit identified himself with selfish interests. We believe McNutt's' continuance in office prejudicial to Philippine-American relations."

The Philippine group is headed by Judge Jesus Barrera of Manila, and is associated with the ACLU. The ACLU has directed its legislative representatives in Washington to report on the effect of the proposed amendments on Philippine independence and sovereignty, with a view to action in Congress.

FBI TO BE SUED FOR LAWLESS ACTS FOLLOWING SUPREME COURT DECISION

Officers of the federal government are liable to damage suits in the federal courts if they violate the constitutional rights of citizens, according to

selves sufficiently for the examination." The Union would be more ready to accept these statements if the Board was not so reluctant in sharing information about its activities.

ACLU Investigating Contempt Conviction of G. L. K. Smith

The Chicago Division of the American Civil Liberties Union has been asked to investigate the conviction and sixty-day sentence of G. L. K. Smith, leader of the America First Party, on contempt of court charges in Chicago on April 8. The local group has been asked to find out if the contempt charge was justified under Illinois law, and to support an appeal if it appears that Smith's rights of free speech have been abridged.

Smith was convicted of contempt by Municipal Judge John V. McCormick on the basis of a press release issued by Smith during the trial of his associate, Arthur W. Terminiello, suspended Catholic priest, on disorderly conduct charges. The release was distributed by a press agent during a court recess. The agent was also cited and will be sentenced on his return to Chicago. The release held that the prosecution "has no leg to stand on," and called it a "cold-blooded persecution."

The ACLU is also sending observers to Smith's pending trial on disorderly conduct charges growing out of a riot at a Smith meeting on February 7 last in Chicago. Attitude of the Chicago Division of the ACLU is that they "abhor" Smith's ideas, but will defend his rights because "you can't have free speech for some people and not for others."

Says THE NEW YORKER: We disagree, in a small particular, with Owen D. Young about free speech and the radio. "Freedom of speech for the man whose voice can be heard a few hundred feet is one thing," he told Rollins College students. "But freedom of speech for the man whose voice may be heard around the world is another." We think they are identical. For although the radio has a million ears (and therefore a million times greater reception of ill-advised sounds), it also has a million times greater power of skepticism, analysis, prejudice, and inattention. The beauty of speech which is free is that it is self-annihilating, whether in tiny amounts or great amounts; and the menace of speech which is not free is that it is self-perpetuating, like a cellarful of rats.

DODD APPEALED TO HIGH COURT

The constitutionality of the Congressional ouster in 1943 of three federal employees for alleged subversive activities will be determined by the U. S. Supreme Court. The appeal to the Supreme Court was made by the U. S. Justice Department at the request of the House Appropriations Committee, which attached a rider to an appropriation bill in 1943 specifically providing that no salaries be paid the three men. Both President Roosevelt and the Justice Department maintained that the rider was unconstitutional.

The three concerned, Robert Morss Lovett, former secretary of the Virgin Islands, Goodwin B. Watson and William E. Dodd, both with the Federal Communications Commission, continued in their jobs in order to bring a test suit in the U. S. Court of Claims, which last November awarded them back salaries without passing on the constitutionality of the rider. Their suit was supported by the American Civil Liberties Union.

The Justice Department told the Supreme Court that it was acting at the request of the House Appropriations Committee, although it still considers the rider unconstitutional. The three men are represented by attorney Charles A. Horsky, of Washington, who is also Washington counsel for the American Civil Liberties Union.

Immigration Service Discriminates Against Wives of Nisei Servicemen

A Nisei has appealed to the A.C.L.U. of Northern California in behalf of his brother, Sergeant Robert Kitajima of Alameda, who has been denied permission to bring his wife into the U. S. from Canada.

Last December, Congress passed a law allowing servicemen to bring their alien wives into the United States. Sergeant Kitajima married a Japanese Canadian girl, fully expecting that he would be permitted to bring her to California with him. Instead, the Immigration Service informed him that while Congress made no exception in the law, they would interpret it to mean that Congress did not intend to alter its previous policy of excluding all Asiatics except Chinese. Moreover, the Sergeant's wife has been denied entry as a visitor.

Lieut. Makoto Kimura finds himself in the same predicament. Fortunately, the problem is not a pressing one with him because he is about to embark on a 16-month stretch with the U. S. occupation forces in Japan.

FOLLOWING SUPREME COURT DECISION

Officers of the federal government are liable to damage suits in the federal courts if they violate the constitutional rights of citizens, according to a decision of the U. S. Supreme Court on April 1 in an appeal by Arthur L. Bell of Los Angeles. Bell and several officials of "Mankind United", a semi-religious group in California, have been trying to sue the Federal Bureau of Investigation ever since FBI agents raided their homes and arrested them without warrants in December, 1942. They appealed to the Supreme Court after the lower federal courts threw out their suits on the ground that they had no jurisdiction.

In its decision the Supreme Court held that federal courts are obliged to hear any claim made in good faith that agents of the federal government have violated a citizen's constitutional rights, and sent the case back to the Federal District Court in Los Angeles for hearing as to whether Bell is actually entitled to damages. The Supreme Court pointed out that it had never ruled as to whether "federal courts can grant money recovery for damages said to have been suffered as a result of federal officers violating the Fourth and Fifth Amendments", granting protection from unreasonable searches and imprisonment without due process of law. It left this question up to the District Court, merely ruling as to jurisdiction.

MEMBERSHIP APPLICATION

American Civil Liberties Union
of Northern California
216 Pine Street
San Francisco 4, Calif.

(Please check appropriate blank or blanks)

1. Please enroll me as a member.....
(Annual dues, $3. Membership dues includes subscription to the "American Civil Liberties Union—News" at $1 a year.)

2. I pledge $.....per month.....or $.....per yr.
3. Please enter my subscription to the NEWS, $1 per year).....

Enclosed please find $..... Please bill me.....

Name.....

Street.....

City & Zone.....

.....Occupation.....

247 Japanese Want Citizenship Restored

Japanese who renounced American citizenship during the war but now seek to have it restored were augmented by 247 residents of Tule Lake Segregation Center yesterday.

They filed petitions for writs of habeas corpus in Federal Court with the aid of the Northern California section of the American Civil Liberties Union.

The case was set for hearing before Federal Judge A. F. St. Sure on March 19, along with 1002 others. Most of the petitioners were detained at Tule Lake, but some were at Bismark, N. D., and Santa Fe, N. H.

S. F. Chronicle March 5, 1946 pg 3

NISEI DAMAGES UP TO CONGRESS

7/30 - S.F. News.

Senate Approves Evacuation Redress

By United Press

WASHINGTON, July 30.—Settlement of claims arising out of the biggest organized population movement in U. S. history depends on House action on a Senate-approved measure affecting all wartime evacuees from West Coast military areas. There was possibility of opposition by California congressmen.

The bill would authorize President Truman to appoint a three-man commission to settle possible claims from the 110,000 persons evacuated by the War Department order from Alaska, Hawaii and Western states after Pearl Harbor. The orders subsequently were declared unconstitutional by the Supreme Court.

SAVED IN SENATE

President Truman asked for speedy passage. The bill came near foundering in the Senate yesterday on the objections of Senator Homer Ferguson (R., Mich.).

He withdrew them after Senator Pat McCarran (D., Nev.), the author, accepted amendments removing the proposed commission from jurisdiction of the Interior Department and making the bill applicable to evacuees other than Japanese-Americans.

Senator McCarran's report said loyalty of Japanese-Americans was indicated by the war record of Nisei combat units and the lack of a single espionage act proved against them.

The report said claims were expected to arise out of their necessarily speedy departure from West Coast homes, involving, in some cases, hasty disposal of property or loss of it.

KNOWLAND ACCEPTS

Senator William Knowland (R., Cal.) opposed the measure in its original form, but raised no objections when the Senate passed the amended bill by unanimous consent.

It was the last bill passed by the Senate before members agreed to take up the anti-poll tax bill, a recognized filibuster magnet.

FRANCISCO NEWS — S.F. News, March 4, 1946 pg 7

MMITTEE STREAMLIN

and represented a "luxury and waste of manpower."

It recommended that the Senate's 33 standing committees be organized into 16 and that the House's 48 be consolidated into 18.

It proposed that each Senator be limited to membership on two standing committees and each representative to one major committee assignment. At present, it said, many Senators serve on as many as 10 committees with some House members on as many as six or more.

Committee chairmanships are jealously guarded privileges in Congress and the proposal to reduce their number was certain to meet strong opposition, especially among Southern Democrats. One member of the reorganization committee said this one recommendation alone endangered the entire report.

But it did not only recommend

247 Tule Japs Want to Stay

Names of 247 more Japanese residents of the Tule Lake Relocation Center have been added to the 1002 who seek release from detention and deportation, on grounds they renounced American citizenship only under fear and duress imposed by a pro-Japanese underground movement at the camp.

The new group includes 62 persons under 21, Ernest Besig, director of the Northern California office of the American Civil Liberties Union, said today.

The 247, as well as 171 Japanese at camps in South Dakota and Nex Mexico, have joined a pending suit seeking cancellation of their renunciation of citizenship, and an injunction to restrain the Justice Department from deporting them to Japan.

Mr. Besig said that Wayne M. Collins, attorney for the group who has the support of the A. C. L. U. here, has filed amendments to the original complaint, charging that the Japanese are the victims of duress by the Government and seditious groups.

S. F. Examiner March 5, 1946, pg 10

Japs Sue to Win Back Citizenship

Duress by the Government, peonage and slavery, and pressure by seditious groups were charged in supplemental suits filed in Federal district court yesterday by Japanese seeking cancellations of their renunciations of citizenship.

At the same time, 247 Japanese-American residents of the Tule Lake Center and 171 from the Bismarck, N. D., and Santa Fe, New Mex., internment camps joined 1,002 others in seeking freedom on writs of habeas corpus.

Trees Topped

S. J. News

Saturday, October 20, 1945

V.F.W. GREETS NISEI VETS

By United Press

PORTLAND, Ore., Oct. 20.—A welcome to Japanese-American soldiers who have fought in any branch of the United States armed forces on foreign soil or foreign seas was extended today by the 41st Division Post No. 3049 of the Veterans of Foreign Wars.

The Nisei soldiers was praised by Veterans of World War I, since many of them had fought against the Japanese with the 41st Division in the war against Japan.

Members urged that Nisei be permitted to enjoy "all the benefits to which other American soldiers, sailors or marines are entitled."

Daily, Except
and Legal Holidays.

SAN FRANCISCO LAW JOURNAL
VOL. CXXXIX. No. 1

Judge Goodman Grants Writ Freeing Jap-Americans Held for Deportation

Granting writs of habeas corpus in four consolidated cases, which, incidentally, will affect several hundred other applicants, Federal Judge Louis E. Goodman ruled yesterday that Japanese-Americans interned at the outbreak of war can not be classified as "alien enemies" and accordingly deported.

All petitioners are West Coast residents, many from San Francisco, who were removed to Tule Lake shortly after the Japanese Government's attack on Pearl Harbor.

While interned, the Japanese, Nisei and non-Americans as well, were allegedly questioned as to their allegiance to the United States. Government officials claimed that several hundred of American citizenship pledged allegiance to the Japanese Government and agreed to deportation.

However, at the end of hostilities, the Japanese brought suit through Attorney Wayne Collins to prevent deportation and the issue before Judge Goodman was whether the Alien Enemy Act of 1798 is sufficiently inclusive to authorize deportation of Japanese-Americans.

Judge Goodman's decision follows:

Applicants, all of whom are native born residents of the United States of Japanese ancestry, in the above two applications for writ of habeas corpus, assert that they are unlawfully held in custody by officers of the Department of Justice of the United States for removal and deportation to Japan.

By return filed to the applications, Irving F. Wixon, District Director of the Immigration and Naturalization Service of the Department of Justice of the United States for the Northern District of California, admits that the applicants are in custody for the purpose of removal and deportation to Japan as alien enemies of the United States, pursuant to the authority of the Alien Enemy Act of 1798, and Presidential Proclamations and Regulations of the Attorney-General issued thereunder.

Contemporaneously with the filing of the applications for the writ of habeas corpus, applicants filed actions in equity in this court, wherein they sought cancellation of alleged renunciations of American citizenship made by them, while in custody, pursuant to 8 USCA Sec. 801 (i), upon the ground, inter alia, that such renunciations of citizenship were made under duress and hence are void. It is not alleged anywhere in the habeas corpus proceedings that applicants expatriated themselves in any other manner or under any

(Continued on Page Six)

Judge Goodman Grants—

(Continued from Page One)

other provision of law than Sec. 801 (i).

Motions of respondent to strike and dismiss in the equity and habeas corpus were argued before Judge St. Sure and, in July 1946, granted.

The applications for the writ and the equity cases involve the determination of important issues of law which are of first impression.

The applications for the writ of habeas corpus bespeak priority of attention and I am ready to decide them, but will defer filing a written opinion setting forth my reasons for decision.

For reasons which will hereafter be given upon the decision of the equity cases, I am of the opinion that the detained applicants are not alien **enemies** within the provisions of the Alien Enemy Act of 1798 and hence may not be detained for removal or deportation from the United States, pursuant to said Act.

Certain contentions of applicants as to the invalidity of the alleged renunciations of citizenship in the equity cases are also urged in support of the applications in the habeas corpus proceedings. It is not necessary to now determine these contentions because I would rule that applicants are not alien **enemies** whether the alleged renunciations are valid or invalid.

It is asserted in the return of Director Wixon that many of the applicants were and have been disloyal to the United States. But this is not a ground for deportation under the Alien Enemy Act of 1798, except as to persons who **are** alien enemies under its provisions.

The applications for the writ of habeas corpus of all the applicants named are therefore granted.

S.F. Examiner 7/1/47

Writ Halts Jap Deportation

325 Won Temporary Stay in U. S. Court

Three hundred and twenty-five west coast American born Japanese who renounced their American citizenship, and then changed their minds, yesterday won a temporary stay of deportation to Japan in a ruling by Federal Judge Louis E. Goodman, of San Francisco.

In handing down the ruling Judge Goodman said:

"The detained applicants are not alien enemies within the provision of the enemy alien act of 1798 and hence may not be detained for removal or deportation from the United States.

"It is asserted by Immigration Director Irving F. Wixon that many of the applicants were and have been disloyal

NO APPOINTMENT NE

S.F. Call-Bulletin 6/30/47

U. S. Court Frees Interned Japs

Some 325 West Coast Japanese, interned since the start of World War II and held for deportation as alleged alien enemies, today won their freedom with the granting of writs of habeas corpus by Federal District Judge Louis E. Goodman.

The Japanese in question have been held at Crystal City, Tex., and Seabrook Farms, N. J.

The Japanese affected had renounced their United States citizenship during the war under duress and intimidation from Japanese nationalistic groups which were active at Tule Lake Relocation Center, it was charged in the suit for the writs which were filed by Ernest Besig, director of the American Civil Liberties Union here.

S.F. News 6/30/47 p. 4

U. S. Court Sets 325 Nisei Free

Habeas Corpus Writ Honored

Federal Judge Louis E. Goodman ordered today the release on a habeas corpus writ of 325 American-born Japanese from the detention in which they have been held since early in the war.

He said he would decide later whether the 325 and several thousand others already released have lost their United States citizenship. The 325 are in "relaxed detention" at Crystal City, Tex., and Seabrook Farms, N. J.

The American Civil Liberties Union here greeted the habeas corpus as a step toward success in its long fight to prevent the group from deportation as enemy aliens. The group and the A. C. L. U. have maintained, in a suit filed late in 1945, that the American-born Japanese, then hold at Tule Lake, renounced their American citizenship because of duress exerted by Japanese nationalistic internees.

More than 5000 internees were originally affected by the suit. Of these, about 1500 went voluntarily to Japan. The Department of Immigration and Naturalization planned to deport the remainder.

Judge Goodman said the American-born internees were not deportable under the Alien Enemy Act of 1798. Their renunciation of American citizenship did not make them Japanese, he said.

If his later decison determines that the group has actually renounced American citizenship, the entire body of more than 5000 will become "stateless" persons, he said, who can not be deported, and who will have the protection of American law but not the rights of citizenship.

If the judge should rule that their renunciation is invalid, because of the duress, the American citizenship claimed by the group will be affirmed and the 1500 who went to Japan can choose to return to this country, he said.

BESIG CHEERED

Ernest Besig, director of the A. C. L. U., which has carried on the long fight for the internees, said today:

"We think this helps correct our worst wartime mistake." He said he felt that if the Americans of Japanese descent had not been interned as enemies during the war they would never have renounced their citizenship. Aggressive Japanese nationals in the Tule Lake camp are said to have used threats to induce the renunciations.

S.F. CHRONICLE
OCT. 9,1951

CCCCAAB

Top Reds

Hearing on Nisei Case Is Denied

WASHINGTON, Oct. 8 (AP) — The Supreme Court today denied a hearing to approximately 4000 persons of Japanese ancestry residing on the West Coast who seek official declarations that they are U. S. citizens.

All of them were born in this country. While held in relocation centers during World War II they signed renunciations of American citizenship. Their attorneys asserted these renunciations were signed because of coercion by Government agents.

The U. S. District Court in San Francisco agreed with the attorneys, ordered the renunciations canceled, and declared the persons to be U. S. citizens. This action was appealed to the U. S. Circuit Court in San Francisco by the Justice Department, where the finding of coercion was asserted by the Government to be "clearly erroneous."

The Circuit Court ruled in favor of the Justice Department.

A companion appeal filed in the Supreme Court by 122 other Nisei also was refused by the high tribunal today.

The 122 also signed denunciations and the Government issued orders for their removal to Japan, under an alien enemy act in 1798.

The Nisei contested validity of the removal orders in U. S. District Court in San Francisco. The District Court ruled in their favor, finding the renunciations did not make them alien enemies but at most stateless persons. The Circuit Court reversed this ruling.

The Supreme Court's refusal to hear the two appeals means that the cases now go back to the U. S. District Court.

In the case of the 122 Nisei, the Circuit Court said the District Court should take evidence on the nationality laws of Japan and decide if they might be asserted to affect native born U. S. citizen residents. Dropping of removal proceedings against this group would end this case, however.

In the case of the group of around 4000 Nisei, each must now prove, individually to the District Court why he renounced his U. S. citizenship, and especially whether it was done voluntarily or under duress.

新報 THE RAFU

NO. 14,331 TUESDAY, JUNE 26, 1951 242 SO. SAN PEDRO ST., LOS

SHIMPO 羅府

ANGELES 12, CALIF. MADISON 9-2231 ESTABLISHED 1903

Jurist rules strandee was 'cooperative' in '46 voting

A strandee who voted in the Nipponese general elections of 1946, under the mistaken belief that she was cooperating with the this country, does not lose her United States citizenship by so voting.

This was the latest ruling by Federal District Court Judge William M. Bryne, this time in the case of Kasumi Nakashima who was represented by attorneys A. L. Wirin and Fred Okrand.

Judge Byrne ruled, stating in part:

"In these Japanese voting cases the conditions as well as the nature of the government existing in Japan at the time are of great importance.

"The elections were ordered by Gen. MacArthur under the new law guaranteeing the vote to women. An intensive campaign was conducted by the occupation authorities to stimulate participation in the elections and to encourage all the inhabitants to take part in the democratic process.

"Those who worked at cross purposes were considered to be in sympathy with the officials who had been purged by the occupation authorities. The radio pronounced that the world was watching the Japanese elections and that those who refrained from voting were enemies of the people." Judge Byrne thus reviewed the testimony.

The jurist concluded that Miss Nakashima feared that she would acquire a reputation of uncooperativeness and thereby endanger her opportunity to return to the United States.

Ninth District Circuit Court rules Seattleite must be deported

SAN FRANCISCO. — A lower court decision was reversed by the Ninth District Circuit Court of Appeals on the citizenship case of Mrs. Mariko Kuniyuki, a native of Seattle, which means that the war widow will have to be deported to Japan.

The appellate court ruled that the wartime strandee had voted in six Nipponese elections, and as the result she is no longer an American citizen.

Mrs. Kuniyuki, who was in Tokyo during World War II, was prevented by the State Dept. from registering as a national of this country because of her polling.

Federal District Judge Pierson Hall of Los Angeles had held last year that the woman had been induced to vote by Gen. MacArthur's Headquarters and the Occupation Forces in Japan. However, the higher court indicated it was immaterial that she had not intended to lose her nationality by voting.

Assistant U.S. Attorney John Belcher said last week that she will be deported although it was quite possible that further appeal to the U.S. Supreme Court for a hearing, on the case may be filed by her attorneys.

Mrs. Kuniyuki was taken to Nippon by her parents when she was two years old and did not return to the United States until she was 24. Then she remained here only eight months and returned to Japan where she married. Her husband was killed in the war in 1944.

Wayne: Laura et

新報 The RAFU

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ing which might make you mad.

Tex

SHIMPO 羅府

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ANGELES 12, CALIF. TELEPHONE: VANDIKE 1185 ESTABLISHED 1903

Renunciants await ruling

Renunciant test cases sponsored by the American Civil Liberties Union slated in the San Francisco Court of Appeals on January 27 may effect the status of over 5000 former Tule Lakers, attorneys A. L. Wirin and Fred Okrand stated today.

The suits were appealed by the government after rulings by two Federal Court judges in Los Angeles had ordered renunciations set aside and citizenships restored to approximately 5000 onetime Nisei internees.

The Court of Appeals is urged in Wirin's brief that since great injustice has been born by the evacuees during the war, their action was not of free choice.

In addition to test cases from the Tule Lake renunciants, a suit by Albert Yuichi Inouye is to be heard.

Inouye renounced his citizenship before he became 20 years. Federal judges have ruled that no cancellation of U.S. rights is considered legal when a person is under 21 years of age.

Inouye, once a resident of Manzanar, has since volunteered and is presently serving in the U.S. Army.

POLICE CLARIFY BANNING OF BOOK

Passages in Translation of War Novel Held Obscene, Lacking in Discretion

The officials of the Morals Sub-section, Security Section of the Tokyo Metropolitan Police reaffirmed to the Nippon Times Thursday their policy of banning the Japanese translation of Norman Mailer's "The Nake and the Dead." As soon as investigation of the case is completed, the officials "plan" to send the case over to the prosecutor's office.

In the meantime Kaizosha, publishers of the book in question, have been ordered to submit the copies to the authorities "of their own accord."

The police officials made it clear that there was no political motivation behind the ban. Some critics have charged that the ban was a revival of the prewar suppression of publication. Some others have stated that the action might give the rest of the world an impression that the Japanese were "against anti-war literature."

Without disputing the literary merits of the controversial work, police officials emphasized that the only thing they objected to was some of the words and phrases which they believe are definitely obscene.

"We object to the translation," they said. "We wish the translator had used a little more discretion and tact in rendering those vulgar words."

They moreover stated that if those words were found in any other Japanese publications, they, too, would certainly be subject to ban.

Those who have read the original of the book in English, however, told the Nippon Times that "the original was just as shocking as the Japanese version of it," implying that the translation was faithful to the original.

The most objectionable words in "The Naked and the Dead" are the Japanese equivalents in the vulgar language of monosyllabic expressions of Anglo-Saxon origin referring to sex, sexual practices and metabolic processes.

First Concert Scheduled

The first concert of the second series by the Symphony Concert Association will be heard on Sunday, February 26 at 3 p.m. at Hi-

TROPHIES GIVEN TO BOY SCOUTS

Kyodo

At a ceremony Wednesday evening at the Mainichi Hall, in observance of the birthday of the late Lord Robert Baden-Powell, founder of the movement, a friendship trophy donated by two American social workers, Misses H. Butterfield and J. M. Zimmerman, and a silver trophy donated by H. M. Fish of the Caltex Oil Company, were presented to the Japan Boy Scout Federation. Left to right: (front row) Mr. Fisher; Katsuji Yamaguchi, Tokyo Scout Director; Terukuni Yonemura; Michiharu Mishima, chairman for Japan; Tamotsu Murayama, chairman for Tokyo; (back row) John Mittwer, Yokohama troop committee chairman; M. B. Steig, Kanto Civil Affairs Section; Tsunemitsu Asai.

NINAGAWA TALKS ON 'MARCH CRISIS'

Says Smaller Enterprisers Should Not Be Made to Bear Sacrifices Alone

Director-General Torazo Ninagawa of the Smaller Enterprise Agency declared that the "crisis" for smaller enterprisers has become so serious that now is the time to consider ways of setting the aftermath of the "crisis."

Dr. Ninagawa Wednesday afternoon addressed, in the Tokyo Chamber of Commerce and Industry, a gathering of 300 smaller enterprisers on the "March crisis."

Dr. Ninagawa is to retire from the office shortly on account of his "March crisis" theory, which the Government and the Democratic Liberal Party bitterly attacked as running counter to their policy.

He stated that he could not understand the intentions of some quarters in trying to deny the existence of the "March crisis."

If these circles consider the present economic distress as the natural results of defeat, "why should smaller enterprises alone bear the sacrifices involved in this defeat?", he asked.

Dr. Ninagawa revealed that 96 per cent of the nation's smaller enterprises complained that they are in distress. The current stringent monetary situation affected 33 per cent of this figure, poor sales 34-35 per cent, difficulty in getting raw materials nine per cent and other causes for 23-24 per cent.

To Call at Okinawa

Addition of Okinawa as a port of call for the American President Lines' SS General Gordon was announced by John M. Diggs, APL's vice president of Passenger Traffic, following a United States Army announcement that final approval had been given the program to admit visitors to the Island. The General Gordon will call at Okinawa on both its outbound and home-bound voyages, with the first call being made March 12. The vessel's new itinerary will be: San Francisco, Honolulu, Yokohama, Okinawa, Manila, Hongkong, Okinawa, Yokohama, Honolulu and San Francisco. Until harbor dredging operations are completed at Naha, the General Gordon will call at White Beach, which is located Northeast of that port.

Rabies Warning Issued

"Beware of rabies," warned the Welfare Ministry Wednesday, "as the number of hydrophobia cases is increasing of late." The number of

Talks on Pact Seen For Japan This Year

(Continued From Page 1)

to examine with Soviet representatives all possibilities of reaching a general agreement, it was pointed out.

Nevertheless, informed British circles declared that such a conference must be preceded by detailed conversations between the three Western Powers.

Soviets Slam Churchill

International News Service

LONDON, Feb. 23—The Kremlin apparently slammed the door Wednesday night on Winston Churchill's proposal for high-level East-West talks when Radio Moscow called it election trickery and attacked the British conservative leader as "warmonger No. 1."

It was Radio Moscow's first commentary on the proposal made by Britain's wartime Prime Minister in a recent campaign speech at Edinburgh and most of the stops were pulled.

The broadcast said:

"It is something more than

Reiterates U.S. Stand for Atom Controls

(Continued From Page 1)

menting on President Truman's violent attack against "imperialistic communism" expressed the opinion that it did not close the door to the possibility of talks between the United States and the Soviet Union.

The hand of the U.S. President continues to be held out as a warning if the Soviets pursue their designs for world domination, as an invitation if they show a sincere desire to reach a settlement on the basic problems opposing East to West, it is opined.

Stassen Urges Talks

AFP

NEW YORK, Feb. 23—Harold Stassen, a leading Republican, suggested that statesmen from Russia and the U.S. meet in a neutral capital to settle outsanding problems of today's world.

OSS Cards Extended

All OSS ration cards will remain valid until March 31, [illegible]

probably still looked upon with suspicion and distrust. Only **before** the evacuation would hearing boards be of any use.

"Besides, since we came to this country a few years ago, we have been going (like all immigrants) through such a lot of hearings, questioning, filling out blanks, etc., that it seems unthinkable that the immigration authorities haven't the fullest knowledge of our past, our European background, our activities here and there, and our opinions.—C. F."

FREE SPEECH FOR TRADE UNIONIST SUPPORTED IN NEW JERSEY

The American Civil Liberties Union through Attorney Arthur Vanderbilt of Newark is aiding a suit in the Chancery Court of New Jersey supporting the right of Samuel Keller, former employee of the Bound Brook plant of the American Cyanamide Co., to criticize his union, the Chemical Workers, A.F.L.

Keller, a resident of Old Bridge, New Jersey, was dismissed from his employment several months ago when union officials complained to the company that Keller was privately criticizing the union among employees for having "sold out" members in a strike and for having signed a contract limiting the freedom of speech of union members. Keller was dismissed under a clause in the contract signed between the Chemical Workers Union and the Cyanamide Co. last October which said in part: "In the event any employees engaged in activity in the plant calculated to undermine the status of the Union as a bargaining agency, the Company agrees to take appropriate disciplinary action."

The court is asked to declare the application of this part of the contract void as an infringement of the free speech rights of union members and to order Keller reinstated in his job and to grant him damages.

Answers to the suit have already been filed, and the case has been assigned to Wilfred Jayne, judge of the Chancery Court. The date for hearing has not yet been fixed.

all act so the post-war period shall find us with prestige and influence. Then we may do something.

This is primarily a military matter. Keep away please.

At present we must trust the President and the Army to decide where danger lies. We don't know.

Don't stick your neck out on this issue.

I feel that while some will suffer unjustly, we must support our President in the present emergency for the greater good to the greatest number.

Amputation of a limb is sometimes necessary to maintain the life of the patient.

The risk is so great in allowing possible enemies to remain near power lines and aqueducts that I am not disposed to object, except as constitutionality is affected.

rect to kill them off wholesale.

Constitutionality of these orders should be contested to the limit. I have noticed many non-members looking to the A.C.L.U. for action in this matter.

We want liberty for all citizens. No dictatorship of any kind.

Distinctions should be made between loyal Japanese and non-loyal.

Excepting very vital areas, I believe it would be wise to keep careful surveillance and then leave the Japanese on their tracts to cultivate produce for the nation.

Why persecute the trustworthy fathers and mothers who would have become citizens had our laws permitted?

Leave Japs where they are, but under strict surveillance; that would be more economical and more humane.

Evacuation Hardship Cases

(Continued from Page 1, Col. 2)

the hardship cases arising out of mixed marriages. Recently, a Japanese wife—a citizen of the United States, was taken from her Chinese husband. A dozen or more Filipinos in California face separation from their wives who are citizens of Japanese extraction, and, in a few cases, their children as well. Similar situations exist among marriages between Caucasians and Japanese.

In the cases of the Filipinos, the Japanese wives have been accepted as members of the Filipino community in which they reside, and are no longer accepted among the Japanese. If they are sent to camps with other Japanese they will be ostracized and have a difficult time. While the Filipinos have requested exemptions for their Japanese wives, they are ready to accept a camp separate from other Japanese.

The most that the Army will grant in the cases of mixed marriages is voluntary evacuation. But such evacuation is practically impossible unless one has the economic means for its accomplishment.

Few Special Exemptions For Japanese

As far as we know, the only instances where Japanese have been granted exemptions is in cases of interpreters and teachers of Japanese employed by the Army. There are more than a dozen of such cases in the bay area. And, we know of at least one instance where a Eurasian has been allowed to remain.

No special consideration, however, has been shown our citizens of Japanese extraction who fought and bled in the first World War. And the known anti-Fascists among our Japanese are being removed with the others.

The Union has petitioned the Secretary of War, Henry L. Stimson, to set up hearing boards in order to mitigate the unnecessary hardships and injustices resulting from the evacuation orders. We understand that such hearing boards are under consideration for Germans and Italians. Please urge Mr. Stimson to establish the boards. In all fairness, too, they should apply to citizens of Japanese extraction.

AMERICAN CIVIL LIBERTIES UNION-NEWS

FREE SPEECH
FREE PRESS
FREE ASSEMBLAGE

"Eternal vigilance is the price of liberty."

Vol. VII SAN FRANCISCO, CALIFORNIA, MAY, 1942 No. 5

EVACUATION HARDSHIP CASES

Hearing Boards Needed to Mitigate Needless Hardships and Injustices

While General J. L. De Witt has granted certain general exemptions from his Pacific Coast evacuation order, those exemptions are not far reaching. They apply essentially only to German and Italian aliens, exempting those over 70 years of age, those who filed petitions for naturalization prior to December 7, and those who have, or since December 7 have lost, in the armed forces, close relatives upon whom they are dependent.

FLASH

SAN FRANCISCO, April 28.—General De Witt's office has just informed the A.C.L.U. that "temporary exemptions" will be granted from evacuation orders to the Japanese partners of mixed marriages and their offspring. Curfew regulations, however, will continue to apply. The necessary exemption forms are now being prepared.

dated Aircraft plant in San Diego, while the third is married to a member of the Coast Guard. His home was in San Diego where he operated a filling station. Now he is in Reno (where he was advised to go) and would like to return to San Diego where his children reside. Says he, "If I couldt get Exemption and couldt go back to my Station my Son and Daughter and to the Resting Place of my beloved Wife wich I lost last December, I will proudly runn my Station and turn all Profits over to the Defence Programm."

Mixed Marriages

C. I. O. Council Urges Loyalty Hearing Boards For Coast's Enemy Aliens

After investigating the effect of the Army's curfew and evacuation orders on its members engaged in defense production, the C.I.O. Council has petitioned the Army to establish loyalty hearing boards for "enemy aliens" subject to evacuation.

The Council urged that "Civilian Boards be established to investigate the history and activity of enemy aliens applying for exemption from Army and Navy regulations. That the boards provide those aliens whose loyalty may be in doubt with prompt hearings and give them an opportunity to prove they are loyal and that it is in the public interest for them to continue to follow their regular occupation. Such boards should be empowered, after investigation and hearings, to grant to individual aliens clearance or permits to continue to work in their respective industries. These boards should also be empowered to waive the evacuation

orders to the Japanese partners of mixed marriages and their offspring. Curfew regulations, however, will continue to apply. The necessary exemption forms are now being prepared.

Very few anti-Nazi and anti-Fascist refugees will be affected by the exemption order. The few who have been here long enough and filed their first papers six or seven years ago will be benefited by the order, but in Alameda County, for example, which ranks next to Los Angeles County in alien population, only 54 German and Italian aliens are affected.

Those Over 70

Exempting all Germans and Italians over 70 would really mean something if their spouses, irrespective of their ages, were also allowed to remain. Today, an alien over 70 is exempted from the curfew regulation, while the husband or wife who is under 70 must stay at home between 8 P.M. and 6 A.M.

There are countless cases where citizens are married to German and Italian aliens who are subject to evacuation. No doubt most of our members know situations of this kind. We call to mind the case of the janitor of our office building who is a naturalized citizen. His Italian wife speaks poor English and thus has neglected to secure her citizenship.

Citizens Married to Aliens

We recall, too, the case of an Estonian who was naturalized almost 40 years ago. He recently married a German woman who came to this country in 1926. She is a hard-working person who has been too busy to become a citizen. Faced with evacuation, she is about to file her petition for naturalization as the wife of a citizen, but it will be at least a year before her petition is acted upon.

Recently we received a pathetic letter from a German who has been in this country for exactly 40 years. He married here and had three children but neglected to become naturalized. His wife is now dead, but two of the children work in the Consolidated [illegible] couldt get Exemption and couldt go back to my Station my Son and Daughter and to the Resting Place of my beloved Wife wich I lost last December, I will proudly runn my Station and turn all Profits over to the Defence Programm."

Mixed Marriages

Virtually nothing has been done about

(Continued on Page 3, Col. 2)

FOREIGN AGENTS REGISTRATION BILL SUPPORTED

Approval of a bill to amend the Foreign Agents Registration Act of 1938 to require foreign agents to indicate plainly their affiliations on any propaganda placed in the mails was voiced by the American Civil Liberties Union in a letter to Congressman Hatton W. Summers, chairman of the House Judiciary Committee.

The bill passed the Senate April 2, and is a revised version of an earlier bill vetoed by President Roosevelt. The new version meets the President's objections by specifically exempting agents of friendly powers from its provisions.

In urging passage of the bill the Union says: "It seems to us wholly in the interest of civil liberties that the sources of propaganda should be disclosed and that all propaganda in the mails emanating from foreign agents should be identified."

NEW MEMBERS ELECTED TO BOARD AND NAT'L COMM.

Prof. Paul Brissenden of Columbia University has been elected to the Union Board of Directors, and the following new members elected to the National Committee: Stephen Vincent Benet, author; Henry Seidel Canby, editor of the Book of the Month Club; John Dos Passos, author; Rep. Thomas H. Eliot of Massachusetts; Malcolm S. MacLean, president of Hampton Institute, Virginia; John P. Marquand, author; and Dr. William Lindsay Young, president of Park College, Missouri.

[illegible] interest for them to continue to follow their regular occupation. Such boards should be empowered, after investigation and hearings, to grant to individual aliens clearance or permits to continue to work in their respective industries. These boards should also be empowered to waive the evacuation order of those enemy aliens who may be found to be loyal to the country."

"Army regulations barring enemy aliens from restricted zones and imposing curfew regulations have affected hundreds of workers engaged in local defense production," said the C.I.O.

"Prior to March 29, 1942, when the Army assumed full authority in the enforcement of the above regulations, the attorney-general's office had issued permits of exemption to enemy aliens engaged in defense production, but these permits were subsequently revoked by the Army.

"The result has been that in cases where enemy aliens had been working on night shifts it has been necessary to change them to day shifts and to replace them on the night shifts with citizens. In one steel plant, for example, there are 80 enemy aliens (Italians) who had been issued permits to work after curfew. When these permits were revoked they were changed to the day shifts—and in many cases to unskilled jobs—and their work assumed by citizens. This situation has caused serious friction and disunity among the workers in the plant, for it is obvious that a citizen is reluctant to give up his job on a day shift to accommodate an enemy alien.

"The same situation has developed in the warehouse, furniture, textile and other industries represented by the CIO that are engaged in national defense work.

"Many of these aliens are key men in their respective plants and it will be difficult, if possible, to replace them.

"The seriousness of this situation is emphasized by the fact that there are some 14,000 Italian aliens in San Francisco, all of whom are affected by curfew regulations and many thousands of whom are engaged in defense production."

Rafu Shimpo August 23, 1949

羅府

ON 9-2231 ESTABLISHED 1903

S.F. Court of Appeals puts egal sting on renunciants

The Federal Court of Appeals San Francisco last week de-ded in one of the renunciant ases handled by A. L. Wirin of os Angeles that Nisei who seek court ruling for restoration of eir United States citizenship ay not file a legal suit until me agency of the Federal Gov-nment has actually "denied to e particular Nisei involved some ght as an American citizen."

The decision was rendered in he case of Albert Yuichi Inouye who sought to regain his citizenship on the ground that at Tule Lake "under coercion and pressure" he renounced his American rights.

It is recalled that in Los Angeles Federal Court, Judge Charles C. Cavanah had ruled in favor of four other ex-Tule Lakers in a similar case.

The government then immediately took its appeal to the San Francisco court where the latest ruling was brought down by the Ninth District Court of Appeals.

It was the first time in which such a legal point was brought out by the government.

Wirin explained that the Federal action was merely on a technical point of law, and that another litigation involving three Japanese Americans is still pending in the same court.

The American Civil Liberties Union attorney said in the latter case, the three were denied passports to the United States on grounds that they were no longer citizens.

The effect of last week's decision, Wirin opined, was that henceforth all renuncians will have to apply for a passport before they may sue in court for the restoration of their citizenship.

NY TIMES
APRIL 16, 1950

6

RESETTLERS HELP NISEI OF CHICAGO

'49 Report Tells of Adaptation Between Metropolis and Its Japanese-Americans

Special to THE NEW YORK TIMES.

CHICAGO, April 15—An account of mutual adaptation between the metropolis and its Japanese-American community of about 20,000 is given in the 1949 report of the Chicago Resettlers Committee. The committee was established in 1943 to meet the problems of Japanese "resettlers" here.

The committee operated last year on a budget of $18,000, of which $8,000 came from the Chicago Community Fund, and functions under the supervision of Jack K. Yasutake, its director.

Highlights of Mr. Yasutake's report are:

1. There are not enough white-collar workers in the community to meet the demands for their services, although in more specialized fields employment is, to some extent, a problem.
2. Japanese-Americans have rapidly become property owners, and now own 234 hotels, apartments and rooming houses, and own or operate 241 business establishments.
3. The community has eighty-two doctors, lawyers, dentists and other professionals.
4. Under committee stimulation, eighty organizations, clubs and instructional groups flourish in the community, ranging from savings associations and English classes to classic Japanese chant reading groups for old people and a teen-age group called "The Ting-a-Lings."

"Young Japanese-Americans in Chicago have made spectacular gains by having explored new areas in many fields since arriving here six years ago," said Mr. Yasutake. "Their industry and diligence are continuing to hold the respect and confidence of the employers. In some areas, the Nisei are among the last to be fired. Some employers prefer to hire Nisei."

Aided by Benefactors

Chicago's Japanese-American population was increased from 390 in 1941 by the wartime evacuation from the West Coast, to which many have returned. Organization of the Resettlers Committee followed the disbanding of the War Relocation Authority, which left to local authorities the task of relocating interned Japanese.

is using, rent-free, facilities in a building made available by the Most Rev. Bernard J. Sheil, Senior Auxliary Bishop of the Roman Catholic Archdiocese here. Other benefactors include the Catholic Youth Organization, the Church Federation of Chicago, the Chicago Congregational Union and the Welfare Council of Metropolitan Chicago.

The principal services furnished by the committee are:

1. Referral information service for employment, housing, business opportunities, schools, etc., to appropriate Chicago agencies.
2. Assistance in applications for welfare relief, unemployment compensation and old age pensions.
3. Listing available dwellings, business opportunities, etc.
4. Stimulating the use of existing facilities for recreational purposes.

Last year the committee provided service on 3,882 individual problems, of which 61 per cent were on employment and 17 per cent on housing.

Problems of Issei, Kibei

Problems include the increasing proportion of unemployability among the Issei, or older people, and the return of a number of Kibei, American citizens of Japanese ancestry who were stranded in Japan during the war and who received most of their education there.

In the case of the Issei, of whom fifty sought financial aid or care last year, many are now attending English classes, to qualify for citizenship in the event of passage of the Walter resolution now before Congress. It would permit permanent alien residents now ineligible for citizenship to apply for naturalization.

For the Kibei the principal problem is language difficulties.

Japanese-Americans now live in five communities in the city.

The committee is emphasizing integration between various Japanese-American groups and regular community agencies and voluntary organizations.

Highway Beautification Contest

Tule Renunciant Here for Own Trial

6/28/57

New Japanese American

A Tule Lake renunciant, Mrs. Sadako Abo, has arrived here from Japan, it was disclosed today by her attorneys, A. L. Wirin and Fred Okrand, to be a witness in her citizenship court case.

Born in Washington, she renounced her citizenship at Tule Lake through coercion and misunderstanding, according to the court suit filed.

In addition, she voted in the Japanese general elections from 1946 to 1949. She returned to the United States on a "certificate of identity".

Dairymen Fined

Trade Pacts Branded

...sion, crushing them beneath its ...

Deportation Stay Won by 21 Japs

Twenty-one West Coast Japanese interned at Seabrook Farms, Bridgeton, N. J., temporarily escaped deportation to their homeland yesterday through a ruling by Federal Judge William H. Kirkpatrick in U. S. District Court.

Judge Kirkpatrick issued an order restraining the U. S. from deporting the 21—six of whom have lived in this country a total of 244 years—and requiring U. S. Attorney General Tom C. Clark to show cause why they should not be permitted to remain here.

HAD SON IN ARMY

Among the Japanese seeking to avoid deportation were Torachi Kono, whose son served with the U. S. Army in the Second World War, and Eiji Furukawa, each of whom had lived in the U. S. for 42 years.

Four others, Kazue Miyata, Isuke Mitoma, Takashi Sesame and Zeno Arakawa, have been residents of this country for 40 years each.

Attorneys for the 21, who were evacuated from the West Coast for security reasons early in the war, petitioned the court to bar their deportation.

HEARING SET MARCH 24

Judge Kirkpatrick responded with an order barring Henry Blackwell, chief detention officer at Seabrook Farms, from permitting their deportation until a hearing of the case in U. S. District Court here on March 24.

At the same time, Judge Kirkpatrick ordered Attorney General Clark and Karl I. Zimmerman, director of the Fourth Immigration and Naturalization District, to show cause why the Japanese should not be permitted to remain in the U. S.

In petitions on behalf of the 21 men, attorneys charged that their constitutional rights as residents of the U. S. were violated in that they had never been charged with being "enemy aliens" and never tried.

The petitioners said they had forsworn loyalty to Japan on their arrival in this country and that they had "always been loyal to the U. S."

Deportation to Japan would "seriously endanger the life of each petitioner," it was asserted, because of starvation, epidemics and chaotic political, social and economic conditions now in existence in that country.

CALLED 'INHUMAN'

It was contended that an order for deportation would constitute "cruel, inhuman and unusual punishment" in violation of constitutional safeguards.

The other 15 petitioners were identified as Saburo Arichi, Isao Goto, Masaharu Hasimoto, Rikimatsu Hideshima, Seisuke Kaneshima, Makio Kobayashi, Seichiro Matsumoto, Ginshi Miyasaka, Yasutaio Muyazawa, Uojiro Morisumi, Sekitaro Nagai, Dojun Ochi, Hideo Oikawa, Toshide Toriye and Seichi Yokota.

The petition did not disclose whether a deportation order had been issued, but indicated that such a... on was "threatened."

3/19/57

Dear Wayne:

Enclosed is a clipping from Rafu Shimpo. The JACL is really interfering with our case in sending press releases such as these. This will really interfere with the administrative clearance of many maritime groups in the US. It might even interfere with those in Japan. If Dumb is actually making such a statement he should know better that rights of individuals were not determined in such manner by his predecessors. I doubt his statements are reliable, and many a denunciation will be precluded completely if they are rejected

Ted

Pacific Citizen
Jan. 18, 1957

Dept. of Justice urged to speed up remaining evacuation claims compromise

WASHINGTON. — Pointing out hat six months have passed since he President signed the evacuaon claims amendment sponsored v the Committee on Japanese merican Evacuation Claims to xpedite the final determination remaining claims, Mike Masaka, Washington COJAEC representative, this week urged the ept. of Justice to speed up its nsideration of these cases.

He was informed that the Washgton office was still in the midst processing the claims of interes, although the San Francisco d Los Angeles field offices were mpromising and settling other ims.

When COJAEC succeeded in perding the Congress to validate claims of west coast internees ich previously had been barred the original statute, the work d of the Department was more n doubled, Masaoka was told. the time the so-called Lanelings amendment was enacted summer, internees were made ible for awards, the total numof claims left to be settled ped to around 3,800.

Department officials estimated that it would be several more months before all the internee claims are processed. Thereafter, other claims which had been held up pending final congressional action on their compensability—corporations and postmarked prior to deadline claims—will be taken up, to be followed by the larger claims that require compromise offers to be made by the Attorney General in accordance with the COJAEC sponsored amendment.

At the same time, Masaoka was informed that the San Francisco and Los Angeles field offices are complaining at the lack of cooperation of claimants and their attorneys in supplying government attorneys with the necessary information and documents to allow them to evaluate the claims for compromise offers.

If the claimants and their attorneys do not cooperate with the Department of Justice in the processing of their own claims, the government should not be blamed if this program seems to be lagging behind schedule, Masaoka was told.

Rafu Shimpo 3/19/57

Justice Dept. tells method for restoration of US rights

WASHINGTON. — Affidavits may be submitted to the Immigration and Naturalization Service by renunciants who are interested in securing an administrative determination of their citizenship status, the Washington office of the Japanese American Citizens League was informed by the Dept. of Justice.

The specific procedures to be followed in seeking restoration of their citizenship under the simplified, liberalized administrative program outlined by assistant attorney general George C. Doub of the Civil Division of the Justice Dept. when he visited Los Angeles and San Francisco recently was explored by the Washington JACL office.

The procedure is for a renunciant to contact in person or by letter to his nearest local field office of the Immigration and Naturalization Service to explain that although he registered as an alien last January he does not believe that such registration was proper because he is in fact not an alien but a citizen of the United States and that his so-called renunciation during wartime was invalid. He should then request the official affidavit form prepared for the purpose of reviewing his renunciation.

This particular affidavit, according to Justice Dept. officials, is not so complicated and technical that an attorney is absolutely necessary. The questions are presented in order that the government may determine whether the renunciation in fact is valid or not. Only 10 major questions are asked, although some of the questions have more than one part.

When the applicant has filled in his affidavit, he must have it notarized before he returns it to his nearest Immigration and Naturalization Service office.

According to Doub, as reported in Los Angeles and San Francisco, attorneys are not needed for this administrative procedure and renunciants who have retained attorneys or even been joined in law suits to determine their status may, on their own, avail themselves of this Immigration and Naturalization Service procedure.

Newspaper reports quote Doub as saying that in his opinion this administrative procedure is the simplest and the least expensive method to determine the validity of their renunciation. Doub is also quoted as estimating that more than 90 per cent of those who are still in this country and who apply for this administrative relief will be restored their citizenship.

Once the affidavit is properly filed, it is sent to the Japanese Claims Section of the Dept. of Justice which reviews the case and recommends whether in its judgment the specific renunciation is valid or not.

This information is sent to the nearest Immigration and Naturalization Office which then in writing notifies the applicant renunciant whether he must continue to register as an alien or not. If he is informed that he is no longer required under the law to register as an alien it means that his renunciation in the eyes of the government was invalid and that, therefore, he is a citizen.

JUSTICE DEPT. OFFICIAL ADVISES TULE LAKE RENUNCIANTS —

Cheapest, Fastest Way to Regain US Citizenship Is to File Form at I&N

1000 FILIPINO FARM WORKERS COMING TO CALIFORNIA SUMMER

MANILA, Feb. 21—(UP)—About 1,000 Filipino workers will probably leave for California this summer to work on farms there, it was announced here today.

Alpolonio V. Castillo, commissioner of man power services at the department of labor, clarified the status of Filipino workers for California farms in an information bulletin today.

Castillo said that the U.S. State Department authorized the entry of 1,000 Filipino workers but only 100 were ordered by California employers last year.

However, even these 100 farmhands did not leave for California because representatives of U.S. growers did not send a representative to Manila for final arrangements.

So far, Castillo said, more than 8,000 Filipino workers have registered for the 1,000 openings hoped fo rin California. He asked government offices to turn down future applications.

Renunciants in Japan May Also Clear Citizen Status By Applying for Passport

Reiterating his statement to the press in Los Angeles, much of which has been carried in this newspaper dated Saturday, Feb. 23, Assistant Attorney General George S. Doub of the U.S. Department of Justice from Washington, D.C., stressed that Tule Lake renunciants must "act promptly" to regain their American citizenship.

Doub also said that lawyers handling larger evacuation claims must also "act promptly" in filing necessary documents.

This reiteration was made by Doub when he met The Hokubei Mainichi representatives in the U.S. District Attorney's office in the Main Post Office in San Francisco Thursday afternoon. Representatives from other newspapers failed to appear for this press conference. Present also were Mas Satow, director of National JACL, and Henry Taketa, attorney from Sacramento.

Administrative procedures for these two program — evacuation claims and restoration of renunciants' citizenship — will terminate by the end of 1958, Doub emphasized and said that the deadline for filing affidavits and other evidences is June 1, 1957, this year.

For the renunciants the "cheapest and fastest method" of regaining citizenship, Doub said, is for them to file with the local office of Immigration and Naturalization Service a request for exemption from registering as an alien each year (January). The second best method, Doub said, is to apply for a passport through the State Dept. The third and the costliest method is to institute court action asking for a declaration that despite a wartime renunciation, done under coercion and duress, the plaintiff never lost his birth rights.

For the first and best method outlined, necessary forms are now available at respective offices of the Immigration and aturalization Service.

Renunciants in Japan, Doub said, may also regain their citizenship status by applying for a passport at various American consulates in Japan.

oub said that about 85 percent of the renunciants will be able to regain former status, but held any further hesitation may cause hardship on them in the future.

The press interview, however, failed to touch on what will happen to the remaining 15 percent of the renunciants.

Harbor Mainichi 2/25/57

Doub, Ellison satisfied with west coast visit; JACL COJAEC cooperation cited

WASHINGTON. — Washington representative Mike Masaoka met with Assistant Attorney General George C. Doub, who is in charge of the Civil Division, and with Enoch E. Ellison, chief of the Japanese Section, to discuss their recent west coast trip regarding the Department of Justice programs for evaucation claims and Nisei renunciants.

Doub and Ellison met with attorneys for evacuation claimants and for renunciants in Chicago, Los Angeles, and San Francisco. They also met with Justice Department officials involved in these matters in the two California cities. Doub met with interested attorneys in Seattle, while Ellison returned to Washington.

Both government officials expressed satisfaction with their visits and expressed their appreciation to attorneys who attended the meetings. They also thanked JACL and the Committee on Japanese American Evacuation Claims for their cooperation, particularly in helping to notify interested attorneys in Chicago and Seattle where the department does not maintain local field offices for the claims program.

As far as the evacuation claims program is concerned, the Assistant Attorney General made clear that he is considering the various suggestions made by the attorneys for the claimants, including the one involving the June deadline for the completed documentation of all claims by the attorneys. He declared that if the various attorneys concentrated on their particular claims he felt that this deadline could be met in most cases.

In order that claimants outside of California may benefit from this promised speed-up of the program, Masaoka was advised that within a short time letters will be sent to attorneys of record or to the claimants themselves where they are not represented by counsel involving those claims which have been set aside up to this time for one reason or another or which have been processed in part but have been inactive for some time. These attorneys or claimants will be advised of deadlines and will be requested to notify the government as to their wishes for submitting for consideration their own compromise figures or allowing the department to suggest its compromise offer.

As for liberalized administrative procedures by which Nisei renunciants may seek restoration of their citizenship, he expressed the hope that all those involved in this country would attempt to uti

Continued on Page 3

News photographer saved, covering tidal waves

HONOLULU. — A churning tidal wave that swept down from the North Pacific last Saturday caused death of two as it struck the northern coasts of Oahu and Kauai islands.

Sarah Park, Korean American reporter for the Star-Bulletin, covering the story from the air as an occupant of a Piper Cub plane that crashed into the wild ocean northeast of Oahu, was the first casualty; Star-Bulletin photographer Jack Matsumoto and pilot Paul Beam were picked up alive by a Marine Corps helicopter but Beam died the next day; the Nisei was unhurt.

Claims —

Continued from Front Page

lize this procedure in order that the entire renunciant situation may be reduced to the minimum that may require court determinations.

Since this involves cooperation with the Immigration and Naturalization Service, Masaoka promised to discuss the availability of affidavits and the procedures to be followed with the appropriate officials immediately.

The Nisei Washington representative noted especially that both the Assistant Attorney General and the Chief of the Section that supervises both programs were determined to complete the two projects by the end of 1958. He also noted that their visits to key communities appeared to have given them a better understanding of the local problems involved.

Pacific Citizen 3-15-57

Rafu Shimpo 2/7/57

Another west coast trip set by claims officials

WASHINGTON. — Disappointed in the slowness of the Evacuation Claims program and the poor response to the liberalized administrative procedures for renunciants to attempt to regain citizenship, assistant attorney general George C. Doub will visit the west coast beginning Feb. 19 to personally investigate both situations, the Dept. of Justice notified the Washington office of the Japanese American Citizens League and the officers of the Committee on Japanese American Evacuation Claims.

Doub is in charge of the Civil Division of the Justice Dept. which has jurisdiction over both matters. He will be accompanied by Enoch E. Ellison, chief of the Japanese Claims Section, who is directly responsible for the operations of both projects.

The officials plan to meet with attorneys for the remaining evacuation claims and to discuss procedures to speed up the final determination of the remaining claims under the provisions of the Lane-Hillings amendment that was passed by Congress last summer at the request of JACL and COJAEC.

They plan to meet with their own departmental attorneys in Los Angeles and San Francisco to consider ways and means to expedite the Evacuation Claims program.

They will also investigate the desire and the efforts of Nisei renunciants to regain their citizenship under the liberalized administrative procedures announced last August. Up to this point, the response has been so poor as to indicate lack of interest in these liberalized procedures.

Doub and Ellison are scheduled to meet Monday with the attorneys representing evacuation claims in Chicago, beginning at 10 o'clock.

They will confer with attorneys representing claimants in Los Angeles on Tuesday, Feb. 19, in San Francisco on Thursday, Feb. 21, and in Seattle on Tuesday, Feb. 26.

All meetings will be conducted in the United States Attorney's office for the various districts and all meetings, except for the Chicago one, will begin at 2 o'clock in the afternoon.

Only $53 million left in losses

Just how effective are these jaunts made by Justice Department officials to the west coast to "investigate" damage suits filed by former evacueess for losses sustained in the 1942 eviction?

Records will show that at least two "celebrated" hearings have been held in the past—one in 1954 and another the following year. In each case, it has been a tri-ctiy affair: Chicago, San Francisco, and Los Angeles.

To date, most of the pot-and-pan claimants have been paid their losses at two-thirds compromise with a ceiling placed at $2500. More than 21,000 claimants were "taken care" under this category, involving a total payment of less than $10,000,000.

The remaining 1936 claimants, whose damages exceed the $2500 mark, compromised or adjudicated, are seeking some $53,178,340.58 in total.

Those whose losses amount to less than $6800 number 572 for a total claim of $1,787,279.44; to $10,000 there are 204 claimants involved for $1,719,721.01 damages.

Others run as follows:

Losses of $10,000 to $25,000, 606 claimants, $9,945,802.89; $25,000 to $50,000, 324, $11,272,198.30; $50,000 to $100,000, 161, $10,791,480.49; and $100,000 and over, 69, $17,661,758.51.

NICHI BEI TIMES

Jan. 10, 1957

Nichi

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Nearly All Renunciants Regain Citizenship Rights

Attorney Expects to Process All Remaining Cases Soon; Temporary Denial for 296 Persons

More than 500 nisei Tule Lake renunciants have regained their full U. S. citizenship rights in the last six months, according to Wayne M. Collins, who has been representing several thousands of this group for the past dozen years.

He indicated that only about 200 cases remain to be processed by his office here and he expects to clear these cases up by the end of February.

However, he also expects the officials of Tule Lake Defense committee to contact some 200 to 300 more and gather affidavits so that these may be processed in the next few months.

Collins indicated that he has represented slightly more than half of the 4754 Tule Lake renunciants who were stripped of their U. S. citizenship by the U. S. justice department.

Some 87½ per cent of his clients have already regained their full citizenship rights, including 1228 minors under a court ruling.

A group of 296 have temporarily been denied citizenship, Collins reported. However, he plans to reprocess them all after he takes care of the remaining cases. Many are borderline cases and he feels eventually he will gain a favorable decision for all of them.

Going to Japan

According to reports from Los Angeles, a representative of the Tule Lake Defense committee will go to Japan in April to contact renunciants who have not returned to this country.

Collins said that about 50 per cent of those who have not joined the present action to regain citizenship are living in Japan.

"Many need help in answering questions and making out an affidavit and I suspect some are too poor to make an attempt to come back," the local attorney said.

Those who joined the present action, but have not filed the necessary affidavits may still do so and avoid costly litigation, he added.

Although a defense fund has been collected by the renunciant committee, much of it is still being

New Deadlines Set for Claims, Renunciant Cases

Two Officials of Department of Justice Hold Meeting Here Thursday With Nisei Leaders

Latest information concerning Japanese American evacuation claims and the so-called renunciant programs was revealed here Thursday to Northern and Central California nisei and other attorneys interested in such cases by several U. S. department of justice officials.

Asst. Attorney Gen. George C. Doub, head of the civil division of the department, is currently in San Francisco with Enoch E. Ellison, chief of the Japanese claims section.

Ellison's section is handling both evacuation loss claims and renunciant cases.

The two officials announced plans for clearing up all pending cases in both categories by the end of December, 1958, to close the Japanese claims section.

Earlier in the week the two met with attorneys in Chicago and Los Angeles. Doub is planning to go to Seattle for further consultations next Tuesday.

Attending the meeting here Thursday were:

Victor S. Abe, Wayne M. Collins, Guy C. Calden and Edison Uno, San Francisco; Mas Yonemura, Oakland; Henry Taketa and Dean Itano, Sacramento; Joseph Omachi, Stockton; Jin Ishikawa, James Kubota, Fresno; Peter Nakahara, San Jose, and Masao Satow, National JACL.

* * * * *

DEADLINES REVEALED TO SETTLE REMAINING EVACUATION CLAIMS

According to Doub and Ellison, some 1700 evacuation claims cases involving around $55,000,000 in claims still remain to be reviewed and settled.

In order to expedite the settlement of all these claims by the end of 1958, these officials revealed a number of deadlines for all remaining claimants.

In the first category are those claimants who have already been given an offer by the claims division. These persons or their attorneys will be given written notice to either accept, reject or submit a counter offer within 30 days of the notice.

The time may be extended to a maximum of 60 days upon a showing of extreme hardship.

The second category includes cases where the government is prepared to make an offer without further information. The government will make offers in such cases in the next 60 days with a notice requiring acceptance, rejection or counter offer within 60 days thereafter.

In all remaining cases, the government plans to mail to claimants or their attorneys about March 1 notification that they must submit by June 1, supporting affidavits and all evidences on which the claimants rely, together with their best proposal of compromise.

Upon receipt of this additional information, the government will forward a notice accepting the proposed offer or make a counter proposal of settlement, subject to acceptance or rejection within 60 days.

Cases of those who fail to reply or act by these above deadlines will be closed under the compromise settlement procedure in so far as the department of justice Japanese claims section is concerned, but claimants will still have an opportunity to file for settlement in the U.S .court of claims.

At Thursday's meeting, several nisei attorneys questioned the government officials on the June 1 deadline.

Sees Difficulties

Yonemura pointed out that with the state real estate estimators busy with highway and school condemnation matters it may be difficult to secure property value figures necessary to submit with claims.

It was also pointed out by Taketa that crop estimate figures may not be available until late in May and asked whether an extension of the June 1 deadline was possible in instances where further recheck of the figures seemed advisable.

Doub and Ellison indicated that local claims offices may be permitted later to grant extensions, but took the matter under advisement for the present time.

It was learned that nisei attorneys in Los Angeles also asked for an extension of the June 1 deadline, especially those with large volume of cases remaining.

Also at the meeting were William H. Jacobs, head of the local claims office, and J. Paul Burke, one of the attorneys at the San Francisco office. Also present was Eli Glasser, who is handling larger claims at the Washington office.

Jacobs and Glasser participated in the Japanese war crimes trial after World War II. Both were attorneys defending Japanese held for trial.

Nichi Bei Times 2-24-57

* * * * *

[REN]UNCIANT PROGRAM TO BE [LIB]ERALIZED, SAYS JUSTICE DEPT.

[...]alization of the entire re[...]t program was reported by [...]t the Thursday meeting.

[...]id that his office issued a [...] last Aug. 3 in which the department pointed out the [...]res available to renuciants [...] restoration of their U. S. citizenship.

As evidence that the govern[...]ment is taking a "soft" attitud[e] toward renunciants ,Doub pointe[d] out that of 108 cases processed b[y] his office, only four persons wer[e] denied U. S. citizenship.

Doub said the Aug. 3 releas[e] informed renunciants that the[y] may seek for the return of thei[r] U. S. citizenship rights by:

1. Applying for a passport.
2. Registering as an alien wit[h] the U.S. justice department bu[t] under protest.
3 Court action.

As passport applications mus[t] be made through the U. S. stat[e] department, this method may tak[e] time and may be held up fo[r] reasons other than citizenship b[y] the state department.

The second method of register[ing] under protest as an alien i[s] the easiest and cheapest proce[dure], the government official sai[d].

Some 1700 renunciants still re[main] to be processed, but Dou[b] said that he expected 80 per cen[t] of them to be cleared under th[e] new program.

Collins, who has handled th[e]

(Continued on last page)

RENUNCIANT PROGRAM TO BE LIBERALIZED, SAYS JUSTICE DEPT.

(Continued from front page)

bulk of renunciant cases since he first visited Tule Lake WRA center in 1945, asked the government attorneys whether the government could simplify the program further by singling out those persons who are to be denied citizenship and issuing a blanket clearance for all others.

Doub replied that his office requires some evidence in each case.

After the meeting Collins continued his talks on renunciants privately with the government officials.

Over 2500 renunciants represented by Collins have already regained their citizenship and he is now processing [...]

Justice Dept. will end claims, renunciant cases by Dec., '58

Within the next two years the United States government expects to close its evacuation claims program and restore some 2600 renunciants their American citizenship.

Expressing a sympathetic approach, George Cochran Doub, assistant U.S. attorney general in charge of the Civil Division, Dept. of Justice, yesterday told a press conference held in the Federal Bldg. that "everything will be done" to finish the two remaining jobs before the end of 1958.

"The evacuation in 1942 of persons of Japanese ancestry came as a result of war hysteria. Accordingly, we in the Dept. of Justice will do our utmost to repay them for their property losses and give back citizenship to those who, under duress, renounced it during the war," Doub assured.

In the case of the renunciants, Doub said more than 2645 of them have failed to file their affidavit for the restoration of their citizenship even though last August the Dept. of Justice introduced a "liberalized" administrative procedure which a former Tule Lake internee can use to regain his citizenship status.

Doub listed three methods in which a renunciant can regain his American rights, (1) by applying for a passport through the State Dept., filed with a clerk in the U.S. District Court in his area; (2) by filing with the local Office of Immigration and Naturalization Service a request for an exemption from registering as an alien each year (January); and (3) institute court action asking for a declaration that despite a wartime renunciation, done under coerion and duress, the plaintiff never lost his birth rights.

OFFICERS OF THE COMMITTEE ON Japanese American Evacuation Claims honored George Cochran Doub, assistant U.S. attorney general in charge of civil division, Dept. of Justice (right), and Enoch E. Ellison, chief of the Japanese claims section, at a dinner held last night at Nikabob restaurant. Dr. Roy M. Nishikawa, CO-JAEC chairman, extended welcome to government officials.

—Rafu Shimpo photo by Toyo Miyatake

He did not elaborate on any one method but said the last one would require more time.

Both Doub and Enoch E. Ellision, chief of the Japanese Claims Section, Dept. of Justice, who accompanied him, expressed concern over the "slowness" of both renunciant and claimants to expedite the matter.

Doub's statement assured that 90 per cent of the renunciants will be able to regain their former status but held that any further hesitation may "cause hardship on them in the future."

On the claims end, Ellision said 22,300 accounts have already been settled with a total payment totalling nearly $30 million. They included compromise figures up to $2500 and covered most of the pots-and-pans claimants.

Of the 1700 yet to be processed, 69 of them are over $100,000, an amount not covered by a Lane-Hillings amendment to the 1948 Exacuation Claims law which was passed last July.

Earlier in the day during a two-hour conference with local Japanese American attorneys, Doub created a mild storm of protest by setting June 1 as deadline for all lawyers to prepare their cases.

A final statement of policy from the Dept. of Justice is expected to be announced in the near future after both officials make their report in Washington.

The ticklish subject of internee claimants came up from one of the reporters who asked what happens to those who "honestly followed Washington instructions" by not filing when they were informed they were not eligible.

Ellision admitted that those internees who did submit their losses to the government, despite the ruling, "may be receiving their damages" yet the Justice Dept. has no intention of reopening any new claims case now.

He said it is one of those unfortunate things in which nothing can be done at this late stage.

If the government pays most of its remaining losses sustained by the former evacuees, the amount on the 1700 claims would total more than $55 million.

John C. Allen, head of the Los Angeles Japanese Claims Division, said 334 claims still must be processed from out of his office. He added that some of the claimants "never showed initiative or tried very hard to present proof on their losses."

The press conference was set up by the So. Calif. JACL office. Members of the Committee on Japanese American Evacuation Claims honored the men at a dinner following the all-day meeting.

Hokubei Mainichi
North American Daily
SATURDAY, FEB. 23, 1957
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JAPAN: One Month $2.00 (Including Postage) EIGHT CENTS PER COPY

All Claims Settlement Within 2 Yrs.

Justice Dept. Officials Explain Quicker Ways to Regain Citizenship Status

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2645 MORE

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HARDSHIP LATER

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ON EVACUEE CLAIMS

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ABOUT INTERNEES

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334 MORE CLAIMS IN L.A.

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BY THE BOARD:

Interest of youth in JACL inspiring

With Washington's birthday upon us, we think of the many accomplishments of our founding fathers, the hardships and criticisms in organizing a great government. In a small way, I can't help but think of our own JACL.

Looking back a quarter century ago, JACL's future is getting brighter than ever before. This is certainly a new perspective. To us who are at an age when the waistline becomes misplaced and the infirmities of old age gradually find root, to know that our youth have taken an interest in the JACL is most gratifying.

There were days when JACL was accused of being run by a clique of old foggies. But look at the age of our new national officers. Here you have a new younger generation of very capable men, that can instill new hopes and aspirations for JACL. This same caliber of people is taking hold of the organization at

Deadline seen for claims compromise

Katherine Kitajima, 20, representing the Oakland JACL, was selected queen of the 11th annual National JACL Bowling Tournament, which opens with a mixer Mar. 5 and concludes with the award banquet on Mar. 10. Born in Los Angeles, she has completed her secondary school in Oakland and plans to become a certified public accountant after attending San Francisco State College. She stands 5 ft. and weighs 95 lbs. Her favorite sport is not bowling but tennis.

—Utsumi Photo.

80 MEN, 24 FEM TEAMS READY FOR JACL KEG CLASSIC

Dec. 31, 1958, target date planned as government confers with attorneys

BY HARRY K. HONDA

West coast and midwest attorneys and Japanese Americans concerned with evacuation claims and the so-called renunciant programs have been advised this week by two ranking government officials that procedures for administrative relief may be terminated by Dec. 31, 1958.

Asst. Attorney General George C. Doub, heading the civil division in the Dept. of Justice where evacuation claims and "renunciant" programs are handled, revealed the department's proposal to expedite remaining claims by compromise and discused procedural methods to attorneys representing evacuee claimants and renunciants.

A final policy announcement is expected upon Doub's return to Washington next week.

Nature of the proposals for both programs are reported below.

Accompanying Doub was Enoch E. Ellison, chief of the Japanese Claims Section. They conferred in Chicago Monday, in Los Angeles Tuesday, in San Francisco yesterday and will meet with attorneys in Seattle next Tuesday.

The tour was ostensibly to "put steam behind the claimants" in liquidating the evacuation claims program, which began 10 years ago, and the "renunciant" program, which was considerably liberalized last August.

• • •

3 steps offered in gov't proposal for 1,700 claims still pending

Three avenues for winding up the administrative compromise phase of the Japanese American Evacuation Claims Act of 1948, as amended, were proposed by Asst. Attorney General George C. Doub and Enoch E. Ellison, Justice Department officials visiting the west coast and conferring with claimant attorneys this wek in Los Angeles and San Francisco.

The proposal concerns some 1,700 cases still outstanding, excluding those so-called "re-opened" claims belonging to internees, etc., under the 1956 Hillings Justice Department, a notice will be given requesting acceptance (a "yes" answer), rejection ("no") or a counteroffer based upon additional information ("I'll take, instead of X dollars you offer, Y dollars") submitted with the counteroffer within 30 days of the date of the notice.

The time may be extended to a maximum of 60 days upon a showing of extreme hardship. Such an instance might be described as a client being in Japan at the time notice is received, or where the present whereabouts of the client

ANTI-NISEI FILM ON TV PROTESTED BY C.L. OFFICIAL

'Now it can be told! An amazing plan for betrayal—that almost succeeded!"

These 13 words caught the eye of readers perusing the women's section of a Los Angeles metropolitan newspaper last Saturday morning in advertising the TV showing of "Betrayal from the East", an RKO production available nationally, on KHJ-TV (9).

The film has been described in the Pacific Citizen as among six films that are anti-Nisei. Larry Tajiri, former PC editor and now drama editor for the Denver Post, has reminded on several occasions (as late as Jan. 11, 1957) that the loyalty of Nisei is impugned in "Air Force" (Nisei treachery at Pearl Harbor when there were none), "Across the Pacific" (Nisei secret agent for imperial Japan plotting to blow up the Panama Canal), "Little Tokyo, U.S.A." (which relates alleged Nisei treachery to mass evacuation), "Behind the Rising Sun" (where a Japanese student returns from China) and in "Black Dragons" (a cheap picture about the Japanese Black Dragon society in New York after Pearl Harbor).

Continued on Page 8

I&NS extends alien

hopes and aspirations for JACL. This same caliber of people is taking hold of the organization at chapter levels.

—

Clinching eye opener was the Junior JACLers meeting at our last national convention. Twenty-five years ago we could not even talk JACL to that age group.

Perusing the Pacific Citizen it seems that this movement is catching on in various communities, which is a credit to JACL. I've always contended that if JACL did nothing else than to help mold leadership, existence of our organization was well justified.

The psychology of our youth and their better integration into community life at large will bring about a better public relation media.

—

This does not mean the old timers should forget JACL but to get back into the fold and be as active as our infirmities allow. All of us still have a stake in JACL and the problems of the future. To many of us our children are now becoming active so let's give them a boost and make JACL what we dreamed it should be.

— Dr. T. T. Yatabe
Past President

80 MEN, 24 FEM TEAMS READY FOR JACL KEG CLASSIC

ALBANY.—The 11th annual National JACL Bowling Tournament will draw over 500 participants at the Albany Bowl between Mar. 5-10 as Mo Katow, tournament director, this week announced the roster of 80 men's and 24 women's teams coming here for the most coveted of Nisei championships.

Schedule of events will be published next week.

Indicating the rise in Nisei caliber since the JACL classic in 1947, Chick Sarae of Los Angeles comes with a 200 average to lead the men, while Chiyo Tashima of Los Angeles paces the women with a whopping 194 average.

There are over 30 bowlers sporting 190 averages followed by 59 others with 185 or better in the men's division. Among them are Delmar Ah Leong (Hawaii), Art Nishiguchi (San Francisco) 198; Hank Aragaki (Los Angeles), Fuzzy Shimada (San Francisco) 195; Jun Kurumada (Salt Lake), Jim Yasutake (Montebello) 194; Angel Kageyama (Sacramento), Yon Takahashi (East Bay) 193.

(Additional comments are in Mas Satow's column.—Editor.)

Among the top 15 women keglers with 170 averages or over are Judy Seki (Los Angeles) 182; Nobu Asami (East Bay) 181; Aya Takai (Sacramento), Lois Yut (Seattle), Dorothea Kodani (Hawaii) 178;

Continued on Page 6

Pasadena chapter to fete 1957 cabinet tomorrow

PASADENA.—The Pasadena JACL will install its 1957 officers at Carpenter's Santa Anita Restaurant tomorrow night at 7 p.m. A dance will follow with music supplied by a Nisei combo.

Harris Ozawa, who was re-elected 1957 president, presided at a board meeting Feb. 4 at his home to prepare the membership drive, which is being conducted by two teams.

The proposal concerns some 1,700 cases still outstanding, excluding those so-called "re - opened" claims belonging to internees, etc., under the 1956 Hillings amendment, of which there are about 2,000, according to Doub.

It was the Dept. of Justice's hope that settlement of the 1,700 cases would be effected in one of three ways by a proposed target date of Dec. 31, 1958.

The purpose of the west coast tour, Doub added, was to discuss with claimant attorneys the procedures for accomplishing the liquidation of the evacuation claims program by the end of 1958.

The first method concerns cases in which an offer of settlement or a counteroffer of the government is outstanding. According to the

ing of extreme hardship. Such an instance might be described as a client being in Japan at the time notice is received, or where the present whereabouts of the client is unknown.

Attorneys were informed, further, that administrative files will be closed with respect to any case in which the action requested is not taken within the period of time stated.

Failure to conform will automatically result in terminating compromise proceedings and, in the issuance of a statutory notice to start the limitation period (of 90 days) for filing in the Court of Claims, according to the Justice Department proposal.

The second method concerns

Continued on Page 3

Liberalized policy for renunciants to restore citizenship revealed

Currently available to Nisei renunciants seeking restoration of citizenship under the liberalized policy of the Justice Department in effect since last August are three classes of procedures as outlined to attorneys this week by Asst. Attorney General George C. Doub, presently visiting the west coast.

Briefly, they are (1) application for passport, (2) request with the Immigration and Naturalization Service office for exemption from duty as an alien, and (3) court action.

(The announcement of the second class, whereby a renunciant may apply for a request to be exempt from filing his annual address report, was generally regarded by Los Angeles attorneys as something "new".)

In applying for a passport, the renunciant seeks determination through the State Department, it was explained, which then forwards papers for clearance by the Justice Department. This procedure is available to renunciants in the United States or in Japan.

For practical purposes, Doub noted that renunciants in Japan would find this method more suitable, since administrative relief would be less expensive and faster than litigation through the courts.

Those concerned in the United States seeking this method can file passport applications with the clerk of the local U.S. District Court. When the question of perjury arose since a renunciant had no immediate intention of travel and use of the passport, Doub assured there would be none, since the government views a citizen has every right to obtain a passport.

Most practicable for the majority of the 2,645 renunciants, whose cases are pending in the Justice Department at the present time, is the second category for administrative relief.

Viewed as the quickest and best approach by the government, the renunciant should file an application with the Immigration and Naturalization Service office of the district in which he resides, asking for exemption from duty as an alien.

The request, which is accompanied by an affidavit, is then forwarded to the Justice Department for final administrative action.

Continued on Page 2

Continued on Page 8

I&NS extends alien pre-exam method for status change

WASHINGTON. — Pre-examination procedures to facilitate adjustment of immigration status has ben extended for another year, the Immigration and Naturalization Service informed the Washington Office of the Japanese American Citizens League this week.

First instituted two years ago, the present extension is the third successive extension granted by the Immigration Service and applies to all aliens who entered the United States prior to January 1, 1957.

Under this procedure an alien who desires to seek an adjustment of status if otherwise eligible may be pre-examined by the Immigration Service, depart for Canada to receive an immigration quota number or nonquota status, as the case may be, and then return to the United States with an adjusted status.

Under the old procedure, these aliens if they were of Japanese nationality had to return to Japan before being given either quota numbers or nonquota status. The new procedures, therefore, not only facilitate the adjustment of status but also reduce the expenses involved considerably.

JOINT EDC-MDC CONFAB DATES ANNOUNCED

CHICAGO. — Under chairmanship of Kumeo Yoshinari, a convention board has been busy developing plans for the second joint EDC-MDC convention to be held here Aug. 30-Sept. 1 at the Sheraton Hotel.

In addition to council sessions, the tentative program includes an opening mixer, convention luncheon, forum, workshop, 1000 Club Whing Ding, convention banquet and ball.

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HARRY K. HONDA....Editor TATS KUSHIDA....Bus. Mgr.

From the Frying Pan

by Bill Hosokawa

Denver, Colo.

NISEI TIME—The dinner on the other side of town was set for 6:30 p.m. I got held up at the office, arrived home behind scehdule. We started five minutes later than we should have to make the dinner on time. Traffic was heavier than usual. By the time we parked the car and entered the restaurant, we were 15 minutes late. Feeling terribly self-conscious about being so tardy, we slipped into the dining room. We needn't have.

The room was nearly empty. A small group, no more than three or four couples, sat disconsolately in one corner. There were rows of unoccupied seats. Then we recalled that this was a Nisei gathering. Nisei dinners, programs or whatever never start on time.

At 7 p.m., only a third of the seats were occupied. At 7:30 p.m., there was still a sprinkling of empty places. Finally, at 7:40 p.m., an hour and ten minutes after the appointed time, there were enough persons on hand to get the dinner under way. By then, the early comers had eaten up all the crackers in a futile effort to stave off hunger pangs.

EVEN THE YOUNGER ONES—This deplorable Nisei habit of chronic tardiness is not confined to the older members. Not long ago I happened to be a judge for a Nisei student queen contest. The time was set for 7:30 p.m. At that hour, the only persons present were two judges and three committee members still stringing up decorations.

U.S. admits 5,200 from Japan in 1956, mostly as GI brides

WASHINGTON.—A total of 5,255 immigrants from Japan were admited into the United States during the fiscal year 1956 for permanent residence, the Washington Office of the Japanese American Citizens League was informed by Scott McLeod, State Dept. administrator for security and consular affairs.

From July 1, 1955 to June 30, 1956 (fiscal year 1956) 79 quota immigrants and 5,176 non-quota immigrants were admitted from Japan. The reason that more quota immigrants were not admitted under Japan's annual quota of 185 was that up to half of the regular quota was mortgaged to take care of Japanese aliens in the United States who had their status adjusted in fiscal 1956 and whose adjustment was charged against Japan's annual quota.

Among the 5,176 non-quota immigrants admitted into the United States during this period, less than a thousand were orphans and about another 500 were refugees authorized under the Refugee Relief Act of 1953. The remaining were spouses and unmarried minor children of American citizens, mostly service personel.

Total figures for fiscal 1956 reveal that 828,586 visas were issued, including those for visitors, as as against 689,99 in fiscal 1955, both records since World War II. Immigrant visas totalled 332,499 in fiscal 1956, another record.

Fiscal year totals for the past decade indicate a rising total of immigration every year — Fiscal year 1946, 337,388 admissions; 1947, 459,028; 1948, 477,985; 1949 472,493; 1950, 522,889; 1951, 526,117; 1952, 608,835; 1953, 542,895; 1954, 627,413; 1955, 689,909; and 1956, 828,586.

Cortez CLers discuss social calendar for year

Citizenship—

Continued from Front Page

The third category—court action—is also available to renunciants in the United States as well as those in Japan. The advantage of this particular procedure, Doub pointed out, is that this recourse is available if previous application made through the first or second category were denied. The disadvantages, he added, were of expense and long delay to the litigant.

Administrative relief as contained in the first and second classes for renunciants, however, may be terminated by Dec. 31, 1958, it was declared by the visiting Justice Department official, in an effort to speed up this phase of the program that grew out of the evacuation of persons of Japanese ancestry from the west coast.

It was his opinion that the liberalized policies set forth last Aug. 13 should have accelerated the program, but that only 107 applications were received with only 4 requests being denied subsequently.

In an effort to clear up the remaining 2,645 cases, the target date has been proposed. "There is no justification," declared Doub, "for the government to accord an indefinite opportunity for them to obtain U.S. citizenship." If the target date policy is set by the Justice Department, those failing to clear their citizenship question by Dec. 31, 1958, administratively can apply through the judicial method.

He earnestly hoped that this question is cleared up as soon as possible. He understood the reluctance of some renunciants, now residing in the United States, who feel they are doing well in spite of their status.

The Pacific Citizen recalls that there were 5,537 renunciants, of which about 4,700 have sought to regain their citizenship after the war. In January, 1951, Federal Judge Louis E. Goodman approved 4,315 applications but the government, then trying to win as many cases as possible, appealed and close to 2,200 applications were only granted.

However last August, the government attitude was liberalized to permit renunciant to have his citizenship status clarified, provided the renunciant took the first step toward restitution by a loyalty declaration at Tule Lake WRA center, then served or offered to serve in the U.S. armed forces, and was able to satisfy the Dept. of Justice that he renounced through fear of apprehension. In the case of wives, they were to show that renunciation was due to coercion and had acted in unison with the husband.

Doub revealed out of the 2,645 cases still pending, 1,845 are in the United States, the balance in Japan. Of the 2,645 cases, 1,707 litigants are represented in San Francisco.

The status of renunciant concerns those few Nisei, because of evacuation and hysteria that ensued in the camps, were granted by federal statute an opportunity to renounce their citizenship. The government technically regards them as aliens, although since the war ameliorating factors concerning the act of renunciation were shown in the courts and citizenship restored in individual instances.

Today, remedy is available to renunciant claimants in and out of court.

stringing up decorations.

The contestants began to drift in about 8 p.m. At 8:15, the contest chairman, obviously embarrassed, suggested that it was about time the judging got under way. The last of the contestants arrived at 8:20, 40 minutes after the scheduled time, looking quite serene, unruffled and unapologetic.

NOBODY LOST FACE—Back before evacuation, the west coast Japanese-American communities ran on a sort of daylight saving time in reverse. No event ever started at the appointed hour, and this being the case, no one ever made the mistake of showing up on time. It was an unwritten code of conduct, understood by everyone, that a half hour's delay was in good taste as well as being almost mandatory. In fact, it was considered almost rude to be prompt because promptness embarrassed others. The communities lived by "Japanese time," which was anywhere from 30 to 60 minutes behind Pacific Standard.

This custom caused some difficulty when the Nisei first began to invite Caucasian friends to their functions. But a solution was quickly found. If the wedding invitation said 3:30 p.m., the Nisei would tell the Caucasians that the printer had made a mistake. "It's really supposed to be 4 o'clock," they'd say with tongue in cheek. That way, both Nisei and Caucasians would show up at approximately the same time and nobody lost face.

AN ARCHAIC CUSTOM—I suppose "Japanese time" is an old country custom born in the days when one walked wherever he went, and punctuality was an impractical virtue. And I suppose the practice had a certain appeal in the leisurely, low-pressure society of the prewar "Li'l Tokyos."

But today, tardiness would seem to be a luxury that we can ill afford. One can do so much more today with minutes that they have become infinitely more precious than they used to be. It is presumptious to waste them for others by making them wait for you. This, then, is one man's protest against the perpetuation of "Nisei time."

social calendar for year

CORTEZ.—A tentative Cortez JACL program for 1957 was presented by social chairmen Ruth Yoshida and Miye Baba at the general chapter meeting held last week at Cortez Hall.

In addition to regular meetings, scheduled are a snow outing at Pinecrest, joint social with Livingston-Merced JACL, graduates' outing at Lake Yosemite, March-April fishing derby, potluck dinner in honor of those who helped on Prop. 13, and the community Christmas party.

Albert Morimoto, who attended the NC-WNDC quarterly meeting with new president Hiro Asai, reported on the Sacramento affair. He also announced that Cortez had placed second in the Chapter of the Year competition.

At the suggestion made at the NC-WNDC meeting, Florice Kuwahara and Frank Yoshida were appointed institutional representatives for the Young People's Club of Cortez to help them in an advisory capacity.

PACIFIC

Editorial-Business Office: 258 E. 1st St., Los Angeles 12, Calif., MAdison

Vol. 47 No. 9 Los Angeles,

Evacuation called 'tragic failure of principle' by ass't U.S. attorney general

The Pacific Citizen is happy to reprint the speech prepared for delivery at the 15th Biennial national JACL convention last Monday at the recognitions banquet by Ass't U.S. Attorney General George C. Doubs. The address was made following the presentation of the JACL Scroll of Appreciation for his efforts in concluding the evacuation claims program. The text is as follows:

Salt Lake City

I accept with pride this award, which you may be assured shall always be cherished by me. I do recognize that it constitutes more than a recognition of my own contribution to the Evacuation Claims Program — it is in reality a tribute to each of the men and women of the Civil Division of the Department of Justice in Washington, in Los Angeles and in San Francisco, who for ten years so ably, conscientiously, and impartially have handled and determined the awards under the Evacuation Claims Program and are now bringing it to a successful conclusion.

♦ ♦ ♦

Mr. Chairman and fellow Americans.

Although I am a long way from home tonight I do not feel a stranger here because I met many of you on my trip last year to the West Coast in my efforts to stimulate the claimants and their lawyers to assist our efforts to accelerate the program and I have had a helpful association at all times with your representatives, Mr. Mike Masaoka in Washington, Mr. Masao Satow in San Francisco and Dr. Roy Nishikawa in Los Angeles.

Attorney General William P. Rogers has asked me to extend to you his greetings, to express his own personal satisfaction with the unfailing assistance and cooperation accorded the Department of Justice by JACL and to wish this convention a successful meeting.

EVACUATION DAYS OF 1942

May I remind you of some recent history. In 1942 the War Department, acting under an Executive Order of the President, directed the exclusion of all persons of Japanese ancestry from the Pacific Coast of the continental United States, Alaska and a portion of Arizona. Of a total population of about 113,000 in this area, 110,442 persons of Japanese ancestry were removed to relocation centers administered by the War Relocation Authority, and for approximately two and one half years they were exiled from their homes. Of the total number evacuated 40 per cent were children under 21; 75 per cent were born in this country, were native born American citizens, yet no distinction was made between citizens and aliens. After January 2, 1945, they were permitted to return to the evacuated areas to pick up the ravelled ends of the life they knew before the forced evacuation. By the end of 1945 about half of them had so returned, the remainder scattering throughout the country, and thousands, who had joined the Armed Services of the United States, were serving with the Army of Occupation in Europe or Asia.

The evacuation orders of the War Depart persons evacuated desperately little time in their affairs. The governmental safeguards desig undue loss were belatedly instituted, were not e licized among the evacuees and were never entir Merchants had to dispose of their stock and sacrifice prices. In a setting of confusion and hy sales were made of homes, fields, farms and sessions for a fraction of their value. A large to accept totally inadequate arrangements for t and management of property. Valuable leaseh were abandoned. Persons entrusted with the ma evacuees' real property mulcted the owners in di Tenants were wasteful, failed to pay rent and eve property to their own use. Even worse than pi was the mental anguish of American citizens who were being treated not as citizens but as ene

In the relocation centers the only income o lay in Center employment at wage rates of $12 month plus small clothing allowances, with the c that many persons were unable to continue the pa life insurance premiums and some found themselv to make mortgage or tax payments. Life insuranc and substantial equities in property were lost.

The chief military justification for the mass re these American citizens was the war with Japan. sibility of the existence of a disloyal element in the the difficult military situation in the Pacific, the no the West Coast constituted a critical military are increased uneasiness as to the possibility of espio sabotage, and the lack of time or facilities for in loyalty screening. Yet the Nisei evacuated were not indi charged with any offense known to our law. Indeed, aliens, who were believed to be "dangerous to the and security" of the Nation, had already been placed arrest.

The tragedy of this unique governmental action was tuated by the fact that there was no minority group country with a more admirable record of industry, obe to law, civic responsibility and consistent loyalty to our country than these citizens of Japanese ancestry. As Justice James H. Wolfe of the Supreme Court of Utal served on February 6, 1946 a Japanese American on West Coast "had no more to do with the cause of the with Japan than he had to do with an earthquake."

It is significant that there was not recorded throug the war — before or after this war measure — any of sabotage or espionage attributed to those who were victims of the forced relocation. The Nisei proved th

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Doub's convention speech —

Continued from Front Page

selves to be loyal to the traditions of this country, manifesting remarkable patience, self-restraint and fortitude throughout of the period of their exile. That loyalty was later given concrete expression in the high percentage of voluntary enlistments in the Armed Forces of this country by those of Japanese ancestry of eligible age which even exceeded the nation-wide percentage and in the valiant exploits of the 442nd Regimental Combat team, composed entirely of Japanese-Americans, the most decorated combat team in the war.

I have no doubt that history will record that this tragic and unprecedented episode violated the most fundamental standards and traditions of individual dignity and personal freedom for which our country stands. **History will further record that this oppressive measure was not a military necessity but constituted a tragic failure of principle by the executive power in accomplishing it and by the judicial power in sustaining it.** Although the action taken violated our basic American legal policy of individual and not group responsibility, the voices which opposed this measure at the time were pathetically few and there were no roars from the young lions of the liberal tradition. **It is at least gratifying that there was one agency of the Government—the Department of Justice—which, from the very outset, opposed such measures until responsibility for the internal security of the Pacific Coast area was transferred from the Department of Justice to the War Department and the argument of military necessity then prevailed.**

Speaks on successful claims restitution

SALT LAKE CITY.—George C. Doub, assistant U.S. attorney general in accepting a special presentation from Mike Masaoka at the convention banquet of the 15th Biennial National JACL convention spoke of the tragedy of evacuation and further on the Evacuation Claims Program.

In speaking of the nearing conclusion of the Evacuation Claims Program which is under Doub and directly the responsibility of Enoch E. Ellison who additionally received an embossed scroll of appreciation from the organization, Doub pointed out that of the 26,000 claims, only 109 remain to be concluded and that the Evacutation Claims Program should be closed within the next six weeks.

The assistant attorney general claimed with pride that only one claimant, whose claim involved an amount within the compromise authority of his office, has elected to exercise the right to sue in the Court of Claims. This was felt to be a significant tribute to the fairness with which the members of the Evacuation Claims Section of the Civil Division have handled claims under this program.

Doub concluded his remarks about the claims program by stating that "when our great country has followed a mistaken policy, even under the pressures of wartime, it is not long before its conscience quickens and it affords recognition of the error by attempting to make restitution for the injury."

Also mentioned in the text prepared for delivery by Doub for the convention banquet were here-to-fore unreleased figures on the renunciation of citizenship problem.

He said of the citizenship restoration program after he became assistant attorney general in charge of the Civil Division in May, 1956 that "I found that citizenship restoration was being denied when the Civil Division believed that it could successfully defend the claim under the technical legal decisions rendered. After carefully reviewing this problem I recommended to the attorney general that there should be a liberalization of the standards applied and in case of any doubt the presumption should be in favor of the applicant. . ."

After his recommended program was adopted and he found so few renunciants taking action Doub made a special trip to Japanese American population centers to personally publicize this expeditious method of restoration of citizenship.

"I emphasized the importance to all renunciants of Japanese ancestry of taking prompt action to obtain the return of American citizenship while the administrative machinery remained in existence. The results were gratifying . . . Relief has now been extended to more than 3000 of the original 5790 renunciants. Of the total number of renunciants, 4308 have now applied for citizenship restoration and of that number only a small number — 370 — have been denied.

"Some 367 applications now remain pending for action. I hope that JACL will urge those of the 1458 renunciants, who have not applied for citizenship restoration, to do so in order that their cases may be administratively determined."

He further stated "You are entitled to take just pride in the fact that the vast majority of persons of Japanese ancestry, in spite of their painful experience, manifested their patriotism and fortitude by resisting the pressures in the relocation centers to renounce their American citizenship, and, indeed, felt ashamed and disdainful of the comparatively small number who did so."

Telephone — WAlnut 1-6822 Thursday, March 21, 1957

Liberalized Procedure to Regain Citizenship Begins

Nisei May File Affidavit with I-N Office to Secure Administrative Determination of Status

WASHINGTON, March 20 — Affidavits may be submitted to the immigration and naturalization service by nisei renunciants who are interested in securing an administrative determination of their citizenship status.

The procedures follow the simplified, liberalized administrative program outlined by Assistant Attorney General George C. Doub of the civil division of the justice department when he visited Los Angeles and San Francisco recently.

A nisei may go to the nearest field office of the immigration and naturalization service or write a letter to that office explaining that, although he registered as an alien last January, he does not believe such registration was proper because he is in fact not an alien but a citizen of the United States and that his so-called renunciation during wartime was invalid.

He should request the official affidavit form for the purpose of reviewing his renunciation. Only 10 major questions are asked on this particular form to help the government determine whether the renunciation in fact is valid or not. The affidavit must be notar-

(Continued on last page)

TOYO WADA
5TH AVE.
FRANCISCO 18, CALIF.

Nichi bei Times

CITIZENSHIP PROCEDURE OUTLINED

(Continued from first page)

ized before it is returned to the the immigration and naturalization service office.

According to Doub, attorneys are not nedded for this administrative procedure. Renunciants who have retained attoneys or even been joined in law suits to determine their status may, on their own, avail themselves of this procedure.

Doub had estimated that more than 90 per cent of those who are still in this country and who apply for this administrative relief will be restored to United States citizenship.

Once the affidavit is properly verified, it is sent to the Japanese claims section of the department of justice which reviews the case and makes it recommendations on the validity of the renunciation.

This information will be sent to the nearest immigration and naturalization service office which will notify the applicant of the decision.

...justice for the individual and have faith that the conscience and maturity of America will never permit its repetition for any minority group of our great country.

RENUNCIATION OF CITIZENSHIP

You will recall that after the Tule Lake Center was established there was a strong movement in the Congress to strip citizenship by legislation from all evacuees who failed to give affirmative answers to the so-called loyalty questions and who had applied for expatriation to Japan. In order to prevent this, Attorney General Biddle proposed that a law should be passed to permit persons to renounce their citizenship voluntarily if they wished to do so, and in July, 1944 Congress adopted such a law and gave its administration to the Attorney General. In December, 1944, there came the announcement of the closing of the centers which set off a wave of hysteria as a result of which 5,790 American citizens of Japanese ancestry threw away their birthright of citizenship. **You are entitled to take just pride in the fact that the vast majority of persons of Japanese ancestry, in spite of their painful experience, manifested their patriotism and fortitude by resisting the pressures in the relocation centers to renounce their American citizenship, and, indeed, felt ashamed and disdainful of the comparatively small number who did so.**

The question has often been asked why Attorney General Biddle, who recommended machinery designed to prevent coercion in the renunciations of citizenship, should have been willing to approve renunciations that were given in the circumstances that prevailed at Tule Lake at that time. Unfortunately, he interpreted the law as authorizing him to disapprove a voluntary renunciation only if it was contrary to the interest of national defense, and a renunciation was not a coerced one even though it was a product of the treatment which the renunciant had received at the hands of the Government under the evacuation program. In other words, unless the renunciant was at the time acting in fear of immediate physical injury, his renunciation was deemed to be voluntary, and was then accepted and approved as not contrary to the interest of national defense.

In 1949 the United States Court of Appeals for the Ninth Circuit rendered its admirable opinion in the Murakami case holding that, **where the mind of individuals had been conditioned by hardships such as those imposed by evacuation and detention in relocation centers and by property losses such as those experienced by persons of Japanese ancestry and where they had a reasonable basis for feeling that the country of their birth had deprived them of their rights of citizenship merely because of ancestry, then it was not necessary that they be in fear of immediate physical punishmen or danger to deem their renunciation of citizenship as coerce It was enough for restoration of citizenship that they fea at the time that they would be driven from the centers hostile communities in which they would not be able to r a living and in which they might receive discriminatory trea ment.**

This decision was not appealed by the Department of Justice to the Supreme Court but was accepted by it as a valid enunciation of the law applicable to this unusual situation. The Attorney General announced that he would not require claims to restoration of citizenship in litigation to be tried in court and the Department of Justice would act upon the the terms of a fair interpretation of the Murakami decision.

When I became Assistant Attorney General in charge of the Civil Division in May 1956, I found that citizenship restoration was being denied when the Civil Division believed that it could successfully defend the claim under the technical legal decisions rendered. **After carefully reviewing this problem, I recommended to the Attorney General that there should be a liberalization of the standards applied and in case of any doubt the presumption should be in favor of the applicant.** Attorney General Brownell approved this proposal and prompt action was taken implementing the new liberalized standards.

But this was not enough. Even after the announcement of the revised, liberalized standards, we found that our pro-

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cedures for restoration were not being invoked and that literally hundreds of renunciants were taking no action in order to obtain a restoration of their citizenship.

Accordingly, last year I made a much publicized trip to Chicago, Los Angeles, San Francisco and Seattle, and at public meetings with counsel and their clients, I emphasized the importance to all renunciants of Japanese ancestry of taking prompt action to obtain the return of American citizenship while the administrative machinery remained in existence. I also explained the little known procedures available to that end. The results were gratifying. There followed a flood of applications for restoration of citizenship and relief has now been extended to more than 3,000 of the original 5,790 renunciants. Of the total number of renunciants, 4,308 have now applied for citizenship restoration and of that number only a small number —370 — have been denied; 367 applications now remain pending for action. **I hope that JACL will urge those of the 1,458 renunciants, who have not applied for citizenship restoration, to do so in order that their cases may be administratively determined.**

EVACUATION CLAIMS PROGRAM

As to the Japanese Evacuation Claims program, we have greatly accelerated the disposition of cases by adopting more expeditious procedures. Of approximately 26,000 claims, including reopened claims, all have been processed and adjudicated at this time with the exception of the small number of 109. Our San Francisco office was closed on June 30, 1958, and I am hopeful that Attorney General Rogers may be able to announce within the next six or eight weeks that the Evacuation Claims Program has been concluded.

You will recall that the Evacuation Claims Act, approved by the Congress on July 2, 1948, and administered by the Civil Division of the Department of Justice, required that all claims be adjudicated according to law. It prescribed procedures requiring formal findings of fact and opinions of law incident to each adjudication and a formal written record was required of all proceedings including hearings open to public inspection. There was no appeal from the Attorney General's decisions and he was given at that time on power to compromise claims.

Under the adjudicative power of the original Act awards were made as to only 745 claims, the sums allowed totalling $1,700,000, only 3 per cent of the total claims. This unprecedented statute presented many difficult and far-reaching problems of interpretation, which had to be resolved before expeditious processing became possible. These were decided in the adjudicating opinions, issued in mimeograph form as Precedent Decisions and mailed to all attorneys of record and others having value and significance far transcending the comparatively small number of claims directly involved.

It was not until August 17, 1951 that Congress amended the Claims Act to authorize the Attorney General to pay, in the settlement of a claim, a sum not to exceed $2500, or three-fourths of the amount of the compensable items of the claim, whichever was smaller. Under this limited compromise authority the Department of Justice was successful in expeditiously processing a vast number of small claims. At the end of the calendar year 1953 approximately 18,000 claims had been acted upon. Because most of the remaining

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be done as to them during 1954 and 1955.

On July 9, 1956, Congress passed the Lane-Hillings Bill, which enlarged the Attorney General's compromise authority from $2,500 to $100,000 in a particular case and transferred the adjudicative function to the Court of Claims. Every claimant became entitled to a decision by that court when dissatisfied with the award of the Department of Justice. This bill also reopened approximately 2,500 claims which had been dismissed or partially disallowed under the prior law because the claimants had been interned as alien enemies.

For some reason that I have not been able to comprehend, the enactment of the amendatory legislation of 1956 did not appreciably stimulate the prosecution of claims. Accordingly, although a large number of claims were settled in 1956, these consisted principally of the reopened claims on which we had sufficiently complete information to take action. As a consequence, at the meetings last year in Chicago, Los Angeles, San Francisco and Seattle I urged more vigorous activity on the part of the claimants and their lawyers in the prosecution of their claims and the reasons such action was imperative. The results were astonishing and we are most appreciative of the strenuous efforts then made by counsel for the claimants to provide us with the information essential to the processing of claims.

Since then there has been such an intensive acceleration of this work that, as I have said, at the present time only 109 evacuation claims out of 26,346 (Includes 2,405 claims of alien enemy internees reopened and reconsidered under the July, 1956, Act.) filed have not been acted upon. As of June 30, 1958, the awards made aggregate approximately 35-½ million dollars. Of the total number of claims which have been disposed of not more than 3 per cent were dismissed.

The most significant tribute to the fairness with which the members of the Evacuation Claims Section of the Civil Division have handled claims under this program, involving innumerable difficult questions of fact and law, is that only one claimant, whose claim involved an amount within the compromise authority of the Attorney General, has elected to exercise his right to sue in the Court of Claims. The seven other cases in that Court involve sums far beyond our settlement authority.

Although some of the claimants have not been satisfied with the amount of their awards, I should like to recall that Dillon Myers, Director of the War Relocation Authority that supervised the evacuation, in testifying before Congressional subcommittees of the Congress concerning this legislation, estimated that not more than $10,000,000 would be paid under its provisions. The fact that approximately $35-½ millions has been awarded indicates the spirit motivating those who have administered the program.

I wish to pay public tribute to the members of the Evacuation Claims Section of the Civil Division of the Department of Justice for their indefatigable, able and dedicated work in the administration of a program which was unprecedented in our history. The very least I can do is to name them to you. In Washington, Enoch E. Ellison, Chief of the Section, Paul J. Grumbly, Assistant Chief, Walter F. Banse, Eli A. Glasser, Mangum Weeks, Ollie Collins, John A. Jenkins, Charles M. Rothstein; in Los Angeles, John T. Allen, Attorney in Charge, Mary R. McLean, James E. Moriarty, Meyer Newman, Marguerite Richardson; in San Francisco, William H. Jacobs, Attorney in Charge, and Joseph P. Burke. Credit should be given to the committees of Congress and to the legislative representatives of JACL for their encouragement and assistance. The appropriation committees of the House and Senate in particular are to be commended, for even during periods when the pressure to curtail public spending was intense, these committees saw to it that ample funds were made available for the continuance of this work.

★

I am gratified to have had an opportunity to participate personally in the administration of this unique restitution program. **It concludes a significant historical episode teaching us in a dramatic way that Americanism is a matter of the mind and the heart and not of ancestry or race. It teaches, too, that it is easier to proclaim our faith in great principles of individual freedom and justice than it is to adhere to them under the stress and strain of threatened danger.** The vitality of our dedication to those principles is determined not in the summer of content but in the bleak winter of storm and peril.

We take pride in the fact that our country is composed of peoples of every race and so our emphasis must be upon the denominator common to all — citizenship and the legal rights of that citizenship and not national origin or race.

Surely in the twentieth century our standard may not be inferior to that of a Roman Emperor, written down and meditated upon by him 1800 years ago. Marcus Aurelius then defined,

> "The idea of a polity in which there is the same law for all, a polity administered with regard to equal rights and equal freedom of speech, and the idea of a kingly government which respects most of all the freedom of the governed."

And finally, the tragic chapter which I have described suggests that when our great country has followed a mistaken policy, even under the pressures of wartime, it is not long before its conscience quickens and it affords recognition of the error by making restitution for the injury.

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Nichi Bei Times

JAPANESE AMERICAN DAILY

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ALL RENUNCIANT CASES REVIEWED, JUSTICE DEPT. OFFICIAL REPORTS

WASHINGTON, April 9 — The administrative review of renunciations of United States citizenship that occurred in war relocation centers during World War II will be substantially completed within the next three months.

This information was given by George Cochran Doub, assistant attorney general in charge of the civil division in the U. S. department of justice, to the JACL's Washington office this week.

It was also learned for the first time that administrative review had been undertaken by the justice department in the cases of all non-repatriates regardless of whether they had sought judicial or administrative relief.

This means, according to the JACL's Washington office, that every renunciant who was not repatriated to Japan has had his case reviewed, even though he is not a part of any legal action or court suit or whether he had not requested special administrative review.

When affidavits have not been submitted, either by individuals or their attorneys, the review is based on the mitigation hearings involving the renunciants.

The results of this overall review have been very satisfactory, according to Doub, who believes that United States citizenship will be restored to more than 90 per cent of all who did not repatriate to Japan at the end of the war.

No Publicity on Names

As soon as the administrative review of all cases has been completed, Doub stated lists of cleared renunciants will be furnished the U. S. state department, the U. S. immigration and naturalization service, and the office of alien property.

Doub further stated that any renunciant could obtain information as to the status of his case by writing him at:

Civil Division, U. S. Department of Justice, Washington 25, D. C.

He said that there would be no publication of names because he was aware that this might be embarrassing to some renunci-

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ALL RENUNCIANT CASES REVIEWED, JUSTICE DEPT. OFFICIAL REPORTS

(Continued from first page)

ants.

Mike Masaoka, JACL's Washington representative, urged all renunciants, regardless of whether they are involved in litigation or not, to take advantage of the justice department's offer immediately.

He said this should be done at a time when an assistant attorney general "who is well aware of the realities that caused most renunciations, appreciates the humanitarian aspects involved and desires to be as generous in his attitude as possible" is in charge of the administrative program.

Determination of status at this time might well save years required for final legal action, he said.

Renunciants who fail to clarify their status may not vote in any local or national elections, may not be employed by local or federal governments or in "national defense" and other "classified" private industry, may not qualify for certain professions and employment, may not be elected to any public office, may not be issued a passport and may not enjoy the many other benefits of citizenship.

Must Register Annually

In addition, renunciants must register annually as aliens, must report any change of address within 10 days of such changes, must carry with them at all times on their persons, with criminal penalties for failure to do so, their alien registration card.

All persons whose renunciations have been set aside are entitled to have returned to them the birth certificates surrendered to the justice department at the time of their renunciations.

Unfortunately, Doub explained, it is impractical for the department to initiate the return of the certificates because it does not have reliable mailing addresses for the people concerned. Requests for the certificates should be made within the next three months.

In His Nightie

UPI Telephoto

His Own Critic

hand for the cere-
ies were a scattering of
gressmen and tourists.
id Cooper: "The paint-
has captured the sim-
dignity, the solemn
estness and determina-
of President Lincoln
before the battle of
tam."

id a tourist: "What's
ightshirt bit? They're
trying to make out
oln was a member of
Ku Klux Klan, are
"

Said an official: "Artist Jes Schlaikjer was just trying to be historically accurate—right down to the brocade slippers."

Said another tourist: "The light's bad. The lamp's in the wrong place. Lincoln has to write in his own shadow."

Said another official (quietly): "The bed's way, way too short. That's probably why Lincoln's awake in the first place."

Costs down

or

-A crackdown on
stir up storms of
Assembly Speaker

State to Check S. F. Tax Records

By Jackson Doyle

SACRAMENTO, March 9—San Francisco's assessment records will be inspected next week to determine what value basis

Famous S. F. Jurist

Judge Denman Found Shot to Death---Suicide?

Judge William Denman, one of the Nation's great jurists and a former Chief Judge of the Ninth U. S. Circuit Court of Appeals, was found shot to death last night in a bedroom of his Pacific Heights apartment, apparently a suicide.

He was 86 years old.

Judge Denman, whose civic career began with the routing of the corrupt Abe Ruef administration and was climaxed by more than two decades of courageous service on the bench, was a native of San Francisco and a member of a pioneer California family.

The tradition of service to the community began with the judge's father, who founded San Francisco's first public school.

WIFE'S DEATH

But the hard-working judge fell into despair after the death of his wife, Leslie, on February 8.

Finally, the oppression apparently became too great for the sturdy judge — a robust man who stood arrow-straight.

The judge's houseboy Fred Woo, tapped at his study door at 7:30 p. m. to announce that dinner was ready.

When there was no answer, Woo entered the room and saw Judge Denman's body on the floor, with blood on the carpet. A .38 caliber silver-colored automatic pistol was nearby.

SINGLE SHOT

Deputy Coroner James Leonard said death was caused by a single shot to the right temple.

A niece by marriage, Mrs. Donald S. Denman of Kentfield, declined to say whether the Judge left a note.

Judge Denman was known

See Page 2, Col. 1

JUDGE DENMAN
Jurist was 86

Fair Skies

$2.5 Million City Pay Raise OK'd

The Board of Supervisors approved $2,577,466 in pay raises for 8700 city employees yesterday.

The increases total nearly $850,000 more than the Civil Service Commission's original recommendations, but still fail some $600,000 short of last year's raises.

The higher salaries will show up on the paychecks of clerks, executives and other "white-collar" employees after July 1.

U.S. Judge Denman Found Dead in Home---Suicide?

Continued from Page 1

for a series of angry, sometimes controversial opinions. He wrote the decision restoring citizenship to Japanese-American citizens after World War II, and he had a continuing battle with congerssional critics seeking to reduce the courts' powers.

Chief Justice Earl Warren described him two years ago as "a rugged man, a straightforward man who never ran from a fight in his life . . . a man who beleves in the rights of individuals and who insists that these rights be enforced."

Judge Denman's entire judicial career was spent either as a judge or chief judge of the United States Ninth Circuit Court of Appeals.

He was appointed to the court in 1935 by President Franklin D. Roosevelt and he became chief judge in 1948.

During his 23 years as a judge he became known as a venerable fighter for the independence of the Federal judiciary.

REFORMS

Judge Denman was a Democrat, a New Dealer and a liberal.

Throughout his life he fought for various political reforms, many of which were achieved.

He raised his voice against Southern segregationists and three times he recommended the appointment of Negro Judge William Henry Hastie to the United States Supreme Court.

Judge Hastie is a member of the Third United States Circuit Court of Appeals.

In 1948, Judge Denman took Lieutenant General John L. DeWitt to task for having ordered the exclusion of all persons of Japanese blood, regardless of citizenship, from the West Coast in 1942.

The decision cited the "Nazi-like doctrine of inherited racial enmity" and charged that the relocated Japanese were subjected to "unnecessarily cruel and inhuman treatment."

During the period of anti-Communist hysteria, Judge Denman stood up for the basic constitutional rights of persons accused or suspected of Communist affiliation.

DISSENT

In one case, he wrote a dissenting opinion arguing that 10 persons who refused to answer questions before a Federal Grand Jury in Los Angeles should be released from jail.

The 10 were jailed for contempt when they refused to answer questions concerning the structure of the Communist Party in Los Angeles county.

Judge Denman declared he had no love for anyone intending to overthrow the Government by force but that it is "a basic concept of the Constitution that men may not be forced to supply evidence convicting them of crime."

Had the 10 answered the questions, he argued, they might have been liable to prosecution under the Smith Act, which provides heavy penalties for affiliation with a group teaching violent overthrow of the Government.

MRS. LESLIE DENMAN
She died on February 8

SMEAR CHARGE

In 1951, during the same period of anti-Communist feeling, Judge Denman engaged in a lively exchange with Senator John W. Bricker (Rep-Ohio).

The Senator had demanded in Congress that Federal judges, including Judge Denman, who admitted alleged Communists to bail, should be investigated.

Judge Denman replied that Bricker was "smearing" him and other judges of the Federal bench.

And four years later, Judge Denman came to the defense of Federal Judge O. D. Hamlin when Judge Hamlin was attacked by Representative Francis E. Walter (Dem-Pa.).

Representative Walter charged that Judge Hamlin should be impeached for having recommended against the deportation of George K. Jue, who was convicted of smuggling Chinese aliens into the U. S.

Judge Denman responded with a blast against the Congressman, called his criticism of Judge Hamlin "criminal libel" and accused the Congressman of "hiding his mendacious libel behind his congressional immunity."

A NATIVE

Judge Denman was born in San Francisco on November 7, 1872. His father was James Denman.

The judge graduated from the University of California (Phi Beta Kappa) in 1894 and received his law degree from Harvard University in 1897.

He was admitted to the California bar the following year at the age of 25 and quickly gained the reputation as an expert in admiralty law.

From 1902 to 1906, he taught at Hastings College of the Law and at the University of California.

His first legal victory of note came about when he broke the limitation of liability of the Pacific Mail Steamship Company over the loss of 131 lives when the steamer Rio Janeiro sank off the Golden Gate in 1901.

In 1908 Judge Denman was named chairman of the commission which exposed the corruption of the Abe Ruef administration in San Francisco.

His report on this matter led to a change of election laws and eliminated political partisanship from municipal elections.

Judge Denman also organized a state-wide movement for non-partisan election of judges which received approval of the Legislature and became law in 1911.

In 1913, Judge Denman was appointed special assistant to U. S. Attorney General James C. McReynolds to prosecute Government suits for the recovery of valuable oil lands in the West.

During World War I, he served as chairman of the U. S. Shipping Board and as a member of the Emergency Fleet Corporation.

Shortly after his appointment in 1935 to the U. S. Ninth Circuit Court of Appeals, Judge Denman became interested in the reorganization of the Federal courts.

His plan for the separation of the administration of the lowest Federal courts from the Department of Justice became congressional law in 1937.

Judge Denman was a member of the San Francisco, California and American Bar Associations, the American Judicature Society, Phi Beta Kappa and the Commonwealth, Pacific Union, Bohemian and Sierra clubs.

400 Nisei In Fight for Citizenship

By DONALD CANTER

Despite the fact that the government has publicly sought forgiveness from Japanese-Americans for forcing them into relocation centers, hundreds of Nisei are still facing court battles to regain the U. S. citizenship they renounced The News learned today.

CANTER

Some 400 Nesei—including 60 in the Bay Area—who renounced citizenship in bitterness against confinement after Pearl Harbor, are still technically aliens, though the Justice Dept. has a program returning citizens[illegible]

AT WASHINGTON, Atty. G. William Rogers said the program was an attempt to "mak[illegible]

HERITAGE

up for a mistake our nation made toward a group of citizens" and hopes they will "have the charity to forgive."

But in San Francisco, Atty. Wayne Collins, who has represented thousands of Nisei seeking restoration of citizenship, said:

"The government announcement is another attempt to get favorable publicity in this deplorable case. Formal completion of the program . . . doesn't mean a thing to me. Hundreds of them are still left out in the cold."

COLLINS SAID those who regained citizenship got it through an "administrative package deal."

The more than 400, not included, will have to fight their cases on their own, all the way through the courts, at considerable expense, he said.

Some 72,000 persons of Japanese ancestry were forced out of their West Coast homes and into relocation centers. Of these, 5766 renounced citizenship, and 5409 since have asked it be returned. Some of them have died since, as aliens.

So far 4978 have recovered citizenship status.

SELL OR BUY FAST with

mes

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nut 1-6820, Editorial: WAlnut 1-6822 Friday, May 22, 1959

1942 Evacuation Mistake, Says U.S. Attorney General

Rogers Makes Statement at Ceremony to Mark Completion of Restoring Citizenship to Renunciants

WASHINGTON, May 21—(UPI)—The U. S. government Wednesday publicly sought forgiveness from thousands of Americans of Japanese ancestry who were forced into World War II "relocation centers" after the attack on Pearl Harbor.

At a moving ceremony attended by high government officials, the justice department formally completed a program to return U. S. citizenship to most of those nisei who renounced it in a wave of bitterness against their government.

U. S. Atty. Gen. William P. Rogers said the program was an attempt to "make up a mistake our nation made" toward a group of its citizens.

Assistant Atty. Gen. George C. Doub expressed hope that the nisei would "show the charity to forgive their government."

Some 77,000 persons of Japanese ancestry were forced out of their West coast homes into centers over a three-year period. (Editor's note—Some 30,000 evacuated their homes voluntarily for the interior states after the evacuation orders were issued and before a travel ban was imposed.)

Rogers said 5766 nisei renounced their American citizenship and 5409 since then asked that it be returned. So far 4978 have recovered their status as U. S. citizens.

HIGHEST U. S. GOVERNMENT OFFICIAL TO ADMIT 'ERROR'

(Editor's note—U. S. Atty. Gen. Rogers statement on Wednesday was the first time such a high ranking government official, a cabinet member, publicly declared the 1942 mass evacuation was a mistake on the part of the U. S. government. It was recalled that even the U. S. supreme court had termed it a "military necessity" in several cases brought before it during wartime and in its decision on the renunciant case some five years ago the high court justices chose not to go on record on the evacuation itself. Doub was previously the top U. S. government official to denounce the 1942 evacuation when he told the 15th biennial National JACL convention in Salt Lake City last August "the most fundamental standards and traditions of individual dignity and personal freedom for which our country stands" were violated by the army's decision.)

Program Is Assailed
...a Gigantic Hoax'

JOHNSTON UPHOLDS
TRADE PACT POLICY

es
to

DEPORTATION IS HALTED

Court in Philadelphia Supports Case of 21 Japanese

Special to THE NEW YORK TIMES.

PHILADELPHIA, Jan. 27—The deportation of twenty-one West Coast Japanese was halted here today by the Federal District Court, which asked the Immigration and Naturalization Service to show cause why they should not be allowed to remain in this country.

Several of the Japanese, who ere interned at the Seabrook rms, Bridgeton, N. J., after y were evacuated from the st Coast for security reasons ng the war, have lived in this try for more than forty years. has a son who served with the ican Army during the war. ge William H. Kirkpatrick that the detention officer at brook Farms could not release the men for deportation until their case had been heard before the court on March 24.

Attorneys for the men charged that their Constitutional rights as residents of this country were violated in that they had never been charged with being "enemy aliens" or tried.

'Bug Hunters' Pests Themselves

CHAMPAIGN, Ill. (AP)—The University of Illinois and the State Natural History Survey wish to announce that they are not in the termite-chasing business. G. C. Decker, survey entomologist, said "termite inspectors" have been going around the State representing themselves as from the university and the survey. The bug-hunters thus gain entrance to homes, look for termites and sometimes find them, Decker added. Then they offer to rid the house of the pests, for a fee. Such men, he said, have no connection with the university or the survey.

Rec'd Shumpo 3/6/57

Court rules Uncle Sam must show proof of wartime 'wrong intent'

The Court of Appeals for the Ninth Circuit in San Francisco has reversed three cases in which the Federal District Court in Los Angeles, in 1956, held that the Tule Lake renunciations were valid and that citizenship had been lost. The renunciants were California-born Norio and Miyoko Kiyama and Yukio Yamamoto.

The Los Angeles court had held that the renunciants in order to invalidate the renunciations, had the burden of showing that their acts were involuntary and under coercion and that that burden had not been carried.

The attorneys for the Kiyamas and Yamamoto, A. L. Wirin and Fred Okrand of Los Angeles, urged on appeal that the burden of proof was not on the renunciants to show involuntariness but was on the government to show voluntariness. After the cases were in the appellate court, the U.S. Supreme Court issued its decision in Nishikawa vs. Dulles in which it held that in a Japanese Army expatriation case the burden was on the government to show that the conduct was voluntary. Following this high tribunal decision the Court of Appeals ruled that the same principle applies to renunciant cases. Therefore it remanded the cases back to the Los Angeles court for reconsideration in the light of the correct burden of proof rule.

The government was represented at the trial and on appeal by James R. Dooley and Bruce Bevan, respectively, assistant U.S. attorneys here.

Had Hit Evacuation . . .

Rocky Rei Times
Saturday 5/24/52

YALE LAW SCHOOL DEAN HONORED AS U. S. ENDS RENUNCIANT PROGRAM

WASHINGTON, May 23 — A noted legal authority who attacked the 1942 West coast evacuation of Japanese Americans in a war-time article was a guest of honor at a U. S. department of justice ceremony this past week to mark the completion of the administrative program on renunciants.

Dean Eugene V. Rostow of Yale law school, who analyzed the evacuation in the Yale Law review in July, 1945, was a speaker at the ceremonies last Wednesday.

In introducing him, U. S. Atty. Gen. William P. Rogers said:

"It is appropriate that Dean Rostow should participate in these an outstanding example of his able and painstaking article on the Japanese American evacuation program demonstrated its questionable constitutional basis."

Dean Rostow said, "This is a day of pride for American law. We are met to celebrate the correction of an injustice. The law has no higher duty than to acknowledge its own errors. It is one of the vital ways in which law draws strength from the conscience of the community, and helps by its example to further the moral development of our people.

'Express American Life'

"The long, difficult and devoted labors which we honor here express the finest qualities in American life.

"The government's programs of restitution towards Americans of Japanese ancestry who were removed from the West coast during the war rest on a premise bluntly put in a committee report of the house of representatives back in 1947:

" 'To redress these loyal Americans in some measure for the wrongs inflicted upon them . . . would be simple justice.'

"Today we confront the fact that as a nation we are capable of wrong, but capable also of confessing our wrongs, and seeking to expiate them.

"It is not hard to understand the program which was undertaken to remove persons of Japanese blood from the West coast during the bleak winter of 1942. Pearl Harbor, Corregidor, the Battle of the Coral Seas, and Malaya were heavy on our hearts. Submarines prowled off Norfolk. Tobruk was still to fall. Midway, Stalingrad and Tunis were far ahead. It was a time of defeat and fear.

Men Act Irrationally

"Sometimes men act irrationally when they are afraid. While we did not succumb to panic in Hawaii or on the East coast, we did so in California, Oregon and Washington. Our sense of panic was institutionalized.

"Over 100,000 men, women, children, some 70,000 of them citizens of the United States, were

(Continued on last page)

YALE LAW SCHOOL DEAN HONORED AS U. S. ENDS RENUNCIANT PROGRAM

(Continued from first page)

removed from their homes and taken into preventive custody, without indictment or the proffer of charges, on the theory that sabotage and espionage were especially to be feared from those of Japanese blood.

"From the beginning, however, the conscience of the nation was enraged. Men were troubled by a persistant sense that the relocation policy was wrong. The moral concern was soon translated into characteristic programs of action.

"The famous nisei regiment which fought so well in Europe symbolized one aspect of that effort. Proposals for changes in the relocation program itself soon followed.

"Despite the weakness and, as I should say, the error of the supreme court's disposition of the problem, the people were not satisfied. They realized that acts can be wrong even though they are constitutionally permissible. No large voting group or bloc entered the fight. No great political leader made this cause his own.

"Nevertheless, earnest men and women from all parts of the nation, in Congress and in the executive branch, continued their quiet effort. The problem had been treated, through 16 years, without reference to party politics, as a matter of decency, and of decency alone.

Cites Work by Doub

"I know I speak today for all who respect and revere the law, in congratulating the attorneys general who have carried the programs of financial restitution through to success, and even more important, have speeded up and completed the program for restoring citizenship to those who renounced it in the heat of a troubled moment.

"I especially congratulate the Asst. Atty. Gen. George Cochran Doub and his excellent staff. They have made this battle their own, with a ferver which bespeaks their dedication to the highest value of our culture—the conviction that the most exalted office of the state is to do justice to the individual, however small his cause.

"I hope that those who have suffered from the actions we took against them during the war have the charity to forgive their government, and the generosity, indeed the grace to find that what has been done to right these wrongs deepens their faith in our common citizenship, and in our common democracy."

Americans of Japanese Descent Get Back U. S. Citizenship Rights

The restoration of rights to Americans of Japanese ancestry who wanted back the citizenship they renounced during the World War II relocation programs has been completed, the Federal Government announced yesterday.

More than 72,000 American born Japanese were rounded up here and in other West Coast centers after Pearl Harbor and moved to inland camps as a security measure.

At ceremonies in Washington, the United States Department of Justice announced formal completion of the program to return citizenship to most of those Nisei who renounced it in a wave of bitterness over their confinement.

Attorney General William P. Rogers said the program was an attempt to "make up for a mistake our Nation made" toward a group of its citizens.

Dean Eugene V. Rostow of Yale Law School called it a "day of pride for American law" in the righting of a wrong.

The restoration process was speeded by a liberal theory authored by Assistant Attorney General George C. Doub. He felt restoration of citizenship should be granted unless there was actual proof of disloyalty. Previously, the applicant had to make affirmative proof of loyalty.

S.F. Chronicle 5/22/59 -

The Law Does Its Best To Rectify a Wrong

THE DEPARTMENT OF JUSTICE conducted a little ceremony yesterday to mark the righting of a grievous wrong inflicted upon thousands of American citizens in the hysteria of wartime.

Specifically, the department observed the completion of its long task in restoring citizenship to more than 5000 American-born Japanese who had renounced it in their anger and disillusionment at being unrooted from home and business on the West Coast and hustled to inland relocation centers after Pearl Harbor.

Attorney General Rogers said at yesterday's observance: "Our country did make a mistake. We have publicly recognized it and as a free Nation publicly make restoration." Dean Eugene Rostow of Yale Law School—a major critic of the evacuation program in its legal aspects—spoke of the occasion as "a day of pride for American law."

Both comments were doubtless well taken. The mistake has been rectified insofar as is possible. Yet the effects of this "relocation" upon the lives of the American citizens involved can never be fully compensated for any more than the program itself can be dropped from American history. The mistake officially rectified yesterday cannot be forgotten.

The RAFU SHIMPO

242 SO. SAN PEDRO STREET · MADISON 9-2231 · LOS ANGELES 12, CALIF.

ESTABLISHED 1903 · THURSDAY, MAY 21, 1959 · NO. 16,730

Wartime renunciants restored US citizenship

WASHINGTON. — The United States government yesterday publicly admitted its wrongdoings against persons of Japanese ancestry during World War II and "sought forgiveness from thousands of them who were forced into concentration camps after Pearl Harbor."

At a moving ceremony attended by high government officials, the Dept. of Justice formally completed a program to return citizenship to some 5000 who renounced it in a wave of bitterness against their confinement and loss of American rights.

Attorney General William P. Rogers said the program was an attempt to "make up for a mistake our nation made" toward a group of its own citizens.

Assistant Attorney General George C. Doub hoped the Nisei would "have the charity to forgive their government."

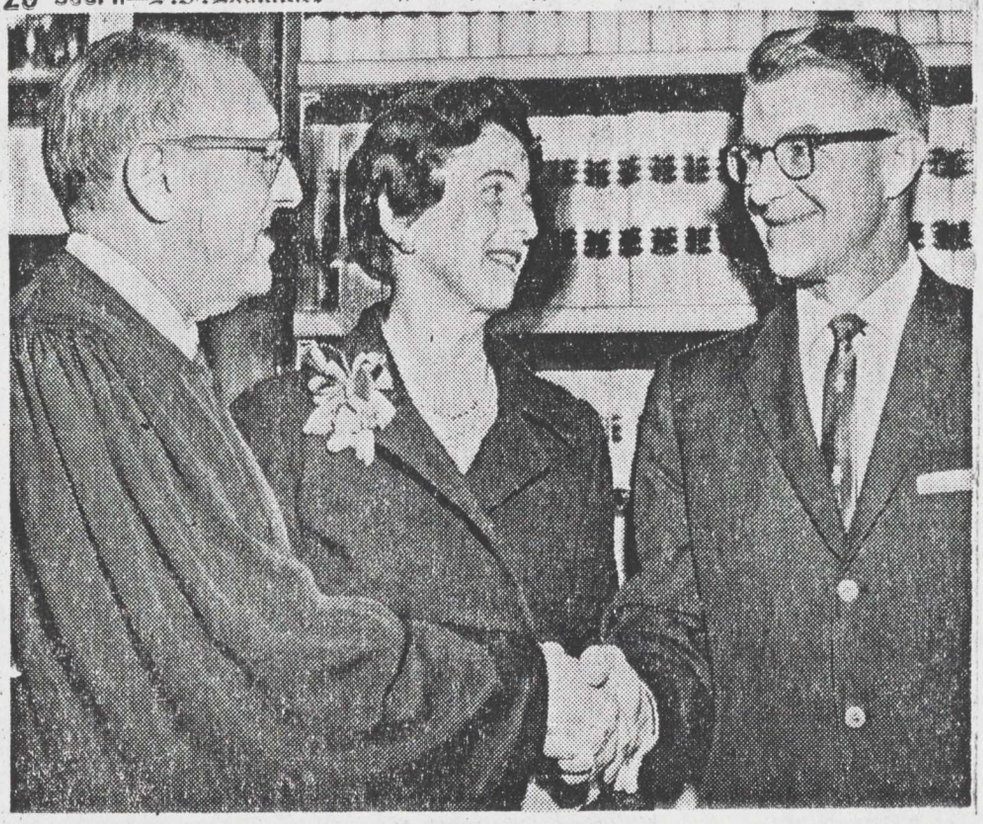
Rogers recalled the 1942 wartime measure in which the Army took 72,000 native Americans of Japanese ancestry from their west coast homes to war relocation centers. He said after three years of detention, 5755 renounced their U.S. status as result of "bitterness and hysteria," the attorney general said.

Over 5300 of these renunciations were signed in January and February of 1945 at Tule Lake segregation center at Newell, Calif. Citizenship has now been restored to 4978 of the 5409 who sought it, Rogers declared.

The balance of the application have been disapproved or are in litigation, he added.

Last Nov. 10 the Dept. of Justice settled the 26,558th and final claim for property losses sustained by the Japanese Americans and their alien parents.

Rogers indicated the settlement figure as $36,874,240.49.



LYNN GILLARD (RIGHT), NEW U. S. ATTORNEY
. . . congratulated by Judge Goodman and Mrs. Gillard

Gillard Is Sworn in As U.S. Attorney

Lynn J. Gillard was sworn in yesterday as United States Attorney for northern California, succeeding Robert H. Schnacke.

Gillard, a 47 year old Republican, had been chief deputy United States Attorney here for the past six years.

Gillard took the oath of office from Chief Federal District Judge Louis S. Goodman during ceremonies in Judge Goodman's chambers.

The Federal District Judges picked Gillard to replace Schnacke, who resigned to reenter private law practice here, but a permanent appointment will be made by President Eisenhower.

A resident of Oakland, Gillard was graduated from the University of California in 1933 and received his law degree in 1936. He was a deputy district attorney in Alameda County until he entered the Army in 1942, and in 1945 he headed the Army's War Crimes Section in Shanghai.

Hokubei Mainichi

Criteria Revealed For Citizenship Restoration

Fri. 8/17/56

WASHINGTON — The Justice Department has announced a new policy for citizenship restoration for certain Nisei on the basis of demonstrated loyalty to the United States, reported the Washington office of the Japanese American Citizens League. Favorably affected are those Nisei who lost their American citizenship by renunciation and who have shown their loyalty to the United States.

The criteria established by the Justice Department under its new policy requires that the renunciant shall have demonstrataed his loyalty to the United States by showing:

(1) he made a declarataion of loyalty to the United States and thereafter took his first step toward renunciation at Tule Lake between December 18, 1944, and January 29, 1945; (2) after renunciation he served, or offered to serve, in the American Armed Forces; (3) he is able to satisfy the Department of Justice that his renunciation at the Tule Lake Center was attributable to a state of fear or apprehension; (4) she is the wife of a renunciant who was coerced and both acted in unison in all important respects.

Qualification by one or more of these four new criteria will be sufficient for citizenship restoration in the absence of any prejudicial evidence, the Washington JACL office was informed. This new policy is expected to favorably affect almost one-half of the pending cases. The Justice Department noted that the new policy establishing demonstrated loyalty criteria will be applied to all cases pursued by renunciants either through the courts or through administrative procedures.

U.S. Won't Fight 'Loyal' Nisei Suits

The Justice Department announced in Washington yesterday it will no longer oppose the requests of proved loyal California Nisei for restoration of the citizenshp they renounced "under coercion" while relocated during World War II.

U. S. Attorney Lloyd H. Burke said here that he had been instructed to drop the Government's defense of 157 restoration suits now pend-

However, Attorney General Herbert Brownell said the department would continue to oppose cases where there is "persuasive evidence of disloyalty to the United States."

Of about 2800 Japanese-Americans who renounced their citizenship, he said approximately 1000 will get it back under the new policy.

The department's action apparently was prompted by court decisions which found "coercive influences" had existed at the big Tule Lake Relocation Center in Northern California, where thousands of Nisei and Japanese nationals were taken after Pearl Harbor. San Diego 8/14/56

S.F. Chronicle

U.S. Won't Fight 'Loyal' Nisei Suits

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San Diego Union

U.S. Restores The Citizenship Of 157 Nisei

8/14/56

WASHINGTON, Aug. 13 (UP) —The Justice Department today restored the citizenship of 157 Japanese-Americans who renounced their citizenship while interned in a World War II relocation center in California.

The action cleared the way for restoration of civil rights under certain conditions to up to 1,000 Nisei—or American-born children of Japanese nationals.

The department said that it will continue to oppose the return of citizenship to Nisei whose cases demonstrate "persuasive evidence of disloyalty to the United States."

S. F. NEWS-CALL BULLETIN ☆☆☆ Wed., Aug. 19 17

New Immigration Boss Here

Herbert D. Nice, 55, has been named San Francisco director of the Immigration and Naturalization Service to replace Bruce Barber, director here for the past 10 years.

Barber will take over Nice's present post as chief of intelligence at Washington.

Nice, 25 years in the department, is due here next Tuesday.

Barber has been under fire over the "kidnap-deportation" of William Heikkila, Finnish-born draftsman.

Warren In E. Berlin

BERLIN, Aug. 19 (UPI)—Chief Justice Earl Warren today toured the Soviet sector of Berlin.

S. F. NEWS-CALL BULLETIN ☆☆☆ Tues., Aug. 18, 1959 3

S. F. Immigration Chief Shifts to D. C.

Bruce Barber, 53, longtime director of the Immigration and Naturalization Service here, has been transferred to Washington, D. C., it was disclosed today.

Barber will become chief of the service's intelligence division.

HE IS BEING replaced here by Herbert Nice, who has been intelligence chief, and who has 25 years in the service with experience throughout the country.

Barber, director here for 10 years, already has left his San Mateo home with his wife for Washington.

He figured in a number of controversial cases here, the most recent involving William Heikkila, Finnish-born draftsman.

HEIKKILA was taken out of the country in an asserted "kidnap-deportation" and then returned to fight the case in the courts. It is now on appeal.

PAGE 40 SAN FRANCISCO CHRONICLE, Tuesday, Aug. 25, 1959 CCCC

New Chief of Immigration Takes Over S. F. District

Herbert D. Nice, veteran immigration officer who set up the United States Immigration and Naturalization Service intelligence division, became the service's district director here yesterday.

Nice, 55-year-old native of Spokane, Wash., has been chief of the intelligence division in Washington, D. C. since it was established in 1955.

He replaced Bruce G. Barber, district director here since 1949, who went to new duties in Washington last week.

Nice entered the Immigration Service in 1931. He was one of the men who made plans for detaining enemy aliens in World War II. He served four years in the Army. From 1945 to 1954 he was officer in charge of the port of entry at Nogales, Ariz.

As Intelligence Chief, he headed Immigration's efforts to get prior knowledge of probable political upheavals such as the Cuban revolution, in order to be able to deal with political refugees arriving in the U. S.

The intelligence division also works to encourage the cross-flow of information between districts, and for liaison with investigative arms of other parts of the Government, he said.

HERBERT D. NICE
Here from Washington

Herbert D. Nice, who hel
ber's new post in Washingto
been named the new dir
the local office.

Tuesday, August 14, 1956

1,000 Renunciants Will Get US Citizenship Back

* * *

ATTORNEY GENERAL ANNOUNCES NEW GOVERNM'T POLICY

WASHINGTON, Aug. 13—(INS)—Attorney General Herbert Brownell, Jr., announced today a new policy under which American citizenship will be restored to about 1,000 persons of Japanese ancestry living on the Pacific coast.

Brownell said the Justice Department is withdrawing its efforts to block restoration of citizenship to certsons who renounced their ship wh ile detained in the Jake Segi gation Center, d durii World War II.

He explained thersons affe ed were those wh renounci their American dnship, we not prompted by yalty to t United States but "coercive fluences" which ted at Tu Lake.

The attorney eral's announc ment follows the ction of th Ninth Circuit Cou of Appeals i storing citizensh to two Ameri an-born persons grounds tha ch influences prevailed at Tul ake. The Supreme Court refused review the circuit court ruling.

Brownell said that, as a result, izenship will be promptly restor- to 157 persons who have suits estoration of citizenship pend- against the government. The tice Department is withdrawing defense against these suits.

In addition, Brownell, said, the w standards "will be applied in ll other cases in which, by their ffidavits, the renunciants can how that they deserve the same measure of relief."

Justice Department officials said that probably nearly 850 additional persons will be affected, so that the total restored to citizenship likely will be around 1,000. Most of these persons are said to reside in California and other Pacific coast states although a few may be scattered elsewhere.

2,800 Nisei, or American citizens born of Japanese parents, renounced their citizenship at Tule Lake. About 1,800 reportedly renounced their citizenship in such a way that there is some question as to whether it would be restored to them under the new standards.

Not all of these persons it was explained, acted in such a way as to indicate disloyalty to the United States. However, some of them did and in other cases there is doubt that the manner of renunciation conforms to the standards required for restoration of citizenship.

Brownell emphasized that the Justice Department will continue to object vigorously to restoration of citizenship to persons against whom evidence of disloyalty exists.

About 117,000 persons moved in and out of Tule Lake during World War II.

Lawyer Collins on Vacation, Unavailable For Comment on Mass Restoration Lawsuit

Wayne M. Collins, local attorney who has been handling the mass suit to restore American citizenship to Nisei renunciants, left for his vacation last week and was not available for comment Monday on the Justice Department's action to withdraw its efforts to block restoration of citizenship to 157 renunciants.

Attorney General Herbert Brownell's announcement of a new policy under which American citizenship will be restored to about 1,000 persons of Japanese ancestry, is another step toward the goal in Collins' long struggle for the rights of certain segment of the Japanese American population who renounced their American citizenship because of "coercive influences" at Tule Lake.

Collins first instituted suits in behalf of renunciants in 1945. Since then over 1500 have been restored their citizenship through court and administrative actions.

A group of about 1,000 were cleared first because they were minors at the time of renunciation. Another group of 500 were cleared last year.

The layer's office said Collins had been apprised of the pending action of the Justice Depaartment before he left for his vacation. He is expected back the first of September.

SF News Aug 15, 1956

Americans, ter All

The wartime loy and patriotism of our Japanese- erican citizens provided one of the ining chronicles of that unhappy peri.

Inevitably there re among them a comparatively fe fanatics who exhorted them to renounce their American citizenship and some 5000 out of the 110,000 ook that step. They had been uprooed wholesale and moved almost overnight into 10 "relocation camps."

But by war's end, the hard-fighting and much-decorated 442nd Regimental Combat Team, made up entirely of Japanese-Americans, had revised the nation's evaluation of the "Nisei," as they were known. And the 5000 who emotionally had declared their allegiance to Japan repented their action, asking for restored U. S. citizenship.

Apparently they have made out a good case for themselves as victims of coercion, resentment and hasty thought. The Justice Department has withdrawn its opposition to suits filed by 157 Nisei, and consent decrees will be entered restoring their citizenship. This in turn will pave the way for another 1000 cases to be disposed of in like manner and eventually right a regrettable situation all around.

All Americans, we believe, can applaud this liberalized policy as a further mark of our pride in the over-all record of the Japanese-Americans throughout a very trying period—and afterward in their quiet but determined effort to establish first-class citizenship. We would not doubt them again.

United States

DEFENSE

'A Mistake'

In the panicky year following Pearl Harbor, the U. S. Government—concerned for military security and supported by a U. S. Supreme Court ruling—had uprooted more than 72,000 native-born Americans of Japanese ancestry from their West Coast homes and herded them into "relocation centers" safely inland. (After three years of internment, some 5000 of these Nisei had bitterly renounced their American citizenship.)

Over the years, however, the nation had grown increasingly ashamed of the whole episode, long since conceded by military intelligence to have been useless as a security measure. And last Thursday in Washington the Justice Department officially restored citizenship to all but the "actively disloyal" Nisei who had once refused it.

In a ceremony marking the occasion, U. S. Attorney General William Rogers declared "our country did make a mistake." And Dean Eugene V. Rostow of Yale Law School agreed: "The law has no higher duty than to acknowledge its own errors.... This is a day of pride for American law."