

BEFORE A FACT-FINDING COMMITTEE

OF

THE AMERICAN REGION

In the Matter of:

Investigation of the controversy  
between Hollywood World War II Post  
No. 591 and the 24th District of  
California.

2035 Highland Avenue,  
Hollywood, California,  
Monday, February 12, 1945.

COMMITTEE:

John A. Sinclair, Chairman Department Judge Advocate of California,  
550 Russ Building, San Fran-  
cisco, California.

Richard H. Chamberlain, Commander of 10th District,  
Court House, Oakland, Cal.

Norman D. Dunbar, Commander, 4th Area,  
Department of California,  
503 Petroleum Building,  
714 W. Olympic Boulevard,  
Los Angeles, 15, California.

Ralph H. Martin, Commander, 25th District,  
780 - 24th Street,  
San Bernardino, California

Charles E. Rhoads, Los Angeles County Council  
Commander, 230 Gurdon Ave.,  
San Gabriel, California

PRESENT:

A  
Ed W. Bolt,

Commander, Department of  
California, Veterans Bldg.,  
San Francisco, War Memorial,  
San Francisco, California.

LOS ANGELES, CALIFORNIA FEBRUARY 12, 1945, 10:00 A.M.

MR. BOLT: While we are waiting for Dunbar to call and find out what has happened to Dusty Rhoads, with your permission I would like to address a few remarks to the gathering here. While, as Department Commander, I feel that perhaps this controversy could have been obviated or smoothed out, at least, had the Commander and the interested party sat down some weeks ago, I have to say that when it came to my attention officially it had gone that far that I didn't feel that I was experienced or trained to sit as an individual and try and find the facts in this controversy between a certain Post and one of our Department Officers. With that thought in mind I have asked five disinterested Legionnaires to act as a Fact-Finding Committee and to advise with me after the facts have been disclosed.

The Committee is composed of our Judge Advocate, John Sinclair, as the Chairman, your County Council Commander, Dusty Rhoads, the Area Commander, Norman Dunbar, the 10th District Commander, Richard Chamberlain from Oakland, and Ralph Martin, the Commander of the 24th District.

With those few introductory remarks I will ask the Chairman of the Committee to take the meeting over from here.

THE CHAIRMAN: I think we will wait until Mr. Dunbar gets back. While we are waiting for the other two members

of the Committee, perhaps I can outline what we propose to do in the way of procedure.

We haven't had a chance to set it down as a Committee and to map out any rules of procedure or the procedure itself. However, I have talked with one or two of the Committee, and we have reached these conclusions. It is our thought that any member of the American Legion is entitled to be present at this hearing. In other words, it is an open hearing and anyone who is interested is entitled to sit in on it.

I think, however, that since it is essentially a matter which concerns the American Legion that there should be no persons present other than Legionnaires, with the exception of any reporter who is present to report the proceedings. But I think that there should be no newspaper publicity on this proceeding, and I think we should make sure that there are no newspaper reporters present.

May I ask whether that is the fact?

MR. HERRY: We brought no newspaper reporters, and I know of none present.

MR. HOME: We have none.

THE CHAIRMAN: Then, may I ask is the gentleman sitting at the desk a court reporter?

MR. HERRY: A certified court reporter that I brought with me.

THE CHAIRMAN: That's perfectly agreeable.

Now may I ask is Hollywood World War II Post 591

represented by counsel?

MR. CANN: No.

MR. BERRY: In that connection I would like to make this observation. We haven't regarded this as a dispute between Hollywood World War II Post 591 and an individual; we have regarded it as a dispute between Dick Horton, the 24th District Commander, and two officers, of whom I represent one, but as far as Hollywood Post 591 is concerned, I have no authority to consent to any hearing of any charges for or against that Post, and I have to be frank with you, John, to say that I wouldn't do it if I had the authority. There is a regular constitutional provision that takes care of disputes in regard to the Post, and I have no authority to waive that. So I came here this morning in regard to a complaint made by the Commander of Post 591 against Dick Horton, the Commander of the 24th District.

I don't think that will limit the facts at all, but I want it clear that the Post is not being charged or investigated in this matter.

MR. HOME: Well, Mr. Chairman, in view of the statement made by Mr. Berry and the answer made by apparently some member of 591 Post, I don't see that there is anything to proceed upon, unless the Chairman and the Committee cares to proceed regardless, because certainly we are not here on a question of any dispute between a personal member of 591 Post

and Dick Horton in his individual capacity. If they feel that there is anything between those two, there are two methods they can follow. One, the member of 591 Post can file charges in Hollywood Post No. 43, American Legion, for the purpose of trying Commander Horton as a member of that Post, and second, if he is not satisfied with that procedure he can elect to go through the civil courts.

As I understood this Fact-Finding Committee, it was to consider matters concerning Post 591 and the irregularities with which they were charged by the District Commander.

MR. KLEINER: As Judge Advocate of Post 591, Mr. Chairman, in view of the telegram sent by the Commander stating that this was to be an investigation of Post matters, I wish to state that the only members who are representing 591 are myself as Judge Advocate, the First Vice-Commander Peter Cann, and any other officer of Post 591 who happens to be present.

MR. BERRY: It was my understanding, John, that there has been no resolution passed by the Post or any authority to permit an informal investigation of the Post. The individuals involved are officers of the American Legion, and it is a dispute pertaining to the Legion, between officers of the Legion, and it is to be heard, as I understood it, very informally, and that was our purpose in being here today.

For the purpose of the record may it be understood

that Mr. Samuel H. Robinson is associated with me in this particular matter representing the two individuals involved.

THE CHAIRMAN: The record may so show.

For the guidance of the Committee and the interested parties, may I read the telegram dated January 29, 1945, addressed to Ed. W. Bolt, Department Commander, and signed by the Executive Committee of Hollywood World War II Post 591 of the American Legion:

"In view of the various false, public accusations made in the press by P. A. Horton, 24th District Commander of the American Legion against individual members and officers of Hollywood World War II Post 591 of the American Legion, we, the Executive Committee, of said Post demand that the 24th District Commander file any formal charges that he may have against our Post in conformity with our American Legion constitutional rights in order that this Post may have a right to vindicate its actions, members, and officers in the eyes of its members of the American Legion and the public. That in the absence of the filing of any formal charges by the 24th District Commander against this Post, that he, the 24th District Commander, be made to publicly apologize to this Post for the various false, public accusations.

made against Hollywood World War II Post 591 of the American Legion."

Now, that, I believe, is the first communication that was addressed to the Department Officers in relation to the matter before the Committee this morning.

And as I read that telegram, it clearly shows that there is a dispute between the Post as an organization and the 24th District Commander. It may be that there is a dispute between the Post so far as individuals and the 24th District Commander are concerned, but certainly what has been done (and I think the subsequent correspondence so indicated) affects the Post as an organization, and this Committee was appointed for the purpose of investigating that subject, and that is what we propose to investigate.

Am I right, gentlemen?

(The several members of the Committee indicated assent)

THE CHAIRMAN: Now, if the Post does not wish to proceed on that basis, then, of course, we have no power to force them to proceed. It is purely a voluntary appearance. It is perfectly informal. At least, I hope we will keep it informal, and I had hoped that everybody would lay his cards face up on the table. As I say, if you don't want to proceed on that basis, well, that's something that you have to decide. We cannot decide for you.

MR. HOME: Well, in our behalf, in behalf of the District Commander in his representative capacity, we are

here this morning prepared to proceed to an informal hearing on the irregularities of Post 591, and we are ready to proceed. As I stated before, we are not in the slightest interested in any personal controversy between any individual member of the American Legion and any other individual member of the American Legion in his individual capacity.

THE CHAIRMAN: Ben, did you have something to say?

MR. BERRY: Yes, I did. I didn't get whether you are Chairman of the Committee.

THE CHAIRMAN: I am Chairman of the Committee.

MR. BERRY: All right. Then I want to call your attention to the telegram of the Commander filing the formal charges, the telegram which you just read. Now, I did not mean to imply that there was not an actual dispute existing between Post 591 and the Commander of the 24th District; What I did mean to imply and what I state flatly, is that I have no authority to permit an informal proceeding by or against Post 591. They have asked for the filing of formal charges. This is an informal committee to investigate the Commander. I do not want in any way to limit the facts coming out. I want them to come out, but I cannot consent to an informal proceeding, and I have no authority to on any matter concerning the Post as a Post.

THE CHAIRMAN: All right. May I ask Mr. Kleiner, then, whether the Post is willing to proceed along the lines that I have indicated?

MR. KIEINER: The Post is willing to proceed along the lines demanded in the telegram, and that telegram specifically states that false, public accusations were made against the officers, members and the Post, and they would wish this hearing to proceed on those grounds.

THE CHAIRMAN: Well, I think that we may as well proceed and see where we go.

Now, I think that since the demand originally made was made by the Post that it would be proper for the Post to make any statement that it cares to make, that is, the officers of the Post may make any statements they care to make and lay such facts as they see fit before the Committee. So that the floor is yours, gentlemen, to proceed.

MR. BERRY: Gentlemen of the Committee, I think that the charges, as far as the Commander of Post 591 are concerned and William Kent, will be very simple. It divides into four specific parts.

No. 1: They complain most bitterly over the conduct or misconduct of the 24th District Commander in coming in to a regular meeting of Hollywood Post, of which Bill Schneider was then acting as Post Commander and presiding, and interfering with his prerogatives as Post Commander and taking over the meeting by force.

The next phase of that that we object to is his attempt to oust and remove from the hall the Post Judge Advocate by force. That's the first element.

The second element is that we object most strenuously to the charge being made by the 24th District Commander that the Post Commander, Bill Schneider, is a Communist and that the Americanism Chairman of the Post is a Communist or following the Communist Party platform, or program.

The third element that we object to is that when the Post requested of the District Commander to appear before the Executive Committee and prove his charges that instead of doing that and not appearing before the Executive Committee, he went outside of the American Legion and went to the Criminal Division of the Los Angeles Sheriff's office and demanded an investigation of these men on the ground that they were Communistic.

We also object to the public criticism and statements by the 24th District Commander in which he says in substance -- I am not trying to give it word for word -- that Bill Schneider, the Commander of Post 591 and Bill Kent, the Americanism Chairman, are radicals; that they have acted in bad faith; that they kidnapped one Harley Oka, who is an American Citizen of Japanese extraction, served, and was honorably discharged as a member of the Armed Forces of the United States and became a member of Post 591; that they kidnapped him to get him into the Post.

I can prove those charges, I think, very simply. I doubt very seriously if Mr. Horton will deny them.

At the meeting of Hollywood World War II Post 591

on January 23rd, I believe the date was, 1945, there was a shorthand reporter present. The shorthand reporter took down the proceedings.

MR. HOME: Let me ask you this, Mr. Berry --

THE CHAIRMAN: Wait a minute, John. I think that Mr. Berry should be permitted to make his statement without interruption, and then if you want to --

MR. HOME: I just wanted to ask one question in regard to the shorthand reporter, as to how long he was present at the meeting.

MR. BERRY: He was present until after the 24th District Commander left.

MR. HOME: All right.

MR. BERRY: He took down the proceedings in shorthand and transcribed them. The 24th District Commander came into the room, and during the roll call of officers, after the Post was regularly convened a man arose and interrupted the proceedings and said that he desired to introduce the 24th District Commander. Whereupon the 24th District Commander accompanied by six men who were not members of Post 591, wearing the uniform of the American Legion, went to the platform and took the microphone, and the following occurred: --

Now, gentlemen, I want to say this to you, that there are two ways that I can proceed. I can read this transcript, or I can give it to you. I am willing to give it to you

on the understanding that the Chairman of the Committee will be responsible for it and for its return to me if you desire.

MR. CHAMBERLAND: Could I ask this: how long are the proceedings?

MR. BERRY: Thirty-three pages -- thirty-two pages. There are only a few portions that I want to refer to. Supposing I refer to those and then I will be glad to loan you the transcript on the understanding that it is returned to me.

MR. DUNBAR: That is agreeable to me.

MR. MARTIN: It is agreeable to me.

(The other members of the Committee indicated assent)

MR. BERRY: There is a great deal of it that I can skip. For instance, the 24th District Commander brought one John R. Lechner to lecture to the boys, and I don't think that is going to be helpful to anybody.

I will read the transcript, those portions that I want to call your attention to.

"DISTRICT COMMANDER HORTON: Comrades, as District Commander, it becomes my unpleasant duty to take over this meeting that you, my comrades, may get my story without interruption.

"I came here a little over a month ago and recited to you certain matters that should be adjusted, and some of those have been adjusted.

"First of all, Sergeant-at-Arms, will you ascertain if all present are members of the American Legion? To simplify that, is there anybody here who is not a member of the American Legion?

"MR. GOULD: Comrade District Commander, I rise to a point of personal privilege. As a member of this Post, I desire to make this statement to the membership here that the actions of the 24th District Commander in taking over this meeting are not in accordance with the constitution of the State Department of California, nor of the National Constitution.

"DISTRICT COMMANDER HORTON: You will have plenty of time to make that statement afterwards.

"JUDGE ADVOCATE KIEINER: A point of privilege is raised and I demand the privilege --

"DISTRICT COMMANDER HORTON: Sergeant-at-Arms, remove this man.

"(At this point there were shouts from the membership of 'Take them out.')

"JUDGE ADVOCATE KIEINER: A member of our Post has raised a point of privilege and I demand that he get it.

"DISTRICT COMMANDER HORTON: No.

"(At this point there were shouts from the membership of 'Take him out.')

"DISTRICT COMMANDER HORTON: Comrades, I presumed that this would happen, and if you want to belong to the American Legion I would suggest that you be courteous and hear what this is all about. If you will be patient and listen to what this is all about, instead of popping off, I am sure that you will be happy that you did.

"(Scattered applause.)

"JUDGE ADVOCATE KIEINER: A member of this Post has raised a point of privilege.

"A VOICE: We don't want no Japs.

"VICE COMMANDER CANN: May I have the floor a minute, please?

"DISTRICT COMMANDER HORTON: Comrade, if you will wait until this is through, if you will listen to what is to be said, I am sure that you will be satisfied that this is being handled in the proper manner.

"MR. COUID: Comrade District Commander.

"JUDGE ADVOCATE KLINER: Comrade Horton, you came up and said you were taking over this meeting. A member of this Post is asking a point of privilege. How are you taking over this meeting?

"DISTRICT COMMANDER HORTON: I will answer that after the meeting is finished.

"(At this point there were shouts from the

membership of 'Answer him now,' and various other shouts from the membership.)

"DISTRICT COMMANDER HORTON: Comrades, I wish that you would realize that the American Legion is composed of 12,000 Posts, and I would -- fellows, just be patient and listen to this story.

"A VOICE: I don't like Japs and never will. To hell with the Japs.

"JUDGE ADVOCATE KLINER: Is that man a member of this Post?

"A VOICE: I am a member.

"MR. GOULD: Comrade Commander.

"JUDGE ADVOCATE KLEINER: You said that you were going to take over.

"DISTRICT COMMANDER HORTON: Your Commander has graciously accepted and I am taking over.

"JUDGE ADVOCATE KLEINER: There is a point of order raised.

"MR. GOULD: The Judge Advocate, Comrade District Commander, is the officer elected to answer questions on points of privilege, and I desire that that question be answered by the Judge Advocate of Post 591, Hollywood World War II Veterans, whether or not the action of the 24th District Commander is constitutional. We are running on a democratic basis, and the preamble to the constitution sets forth that that

is so. The constitution and by-laws of Hollywood World War II Post 591 are set forth, and the charter of Post 591 was granted by the State Department of California. The duties of the 24th District Commander are as set forth in the constitution of the American Legion, Department of California, and the by-laws, Article V, and there is no authority in the 24th District Commander to take over any meeting. If there are any charges to be made --

"DISTRICT COMMANDER HORTON: That is your opinion, and if that is all you have to say, thank you.

"MR. GOULD: I want an answer from the Judge Advocate of Post 591.

"JUDGE ADVOCATE KLEINER: There is no authority, to my knowledge, for the 24th District Commander coming over and taking over.

. . . . .

"If the Commander of the 24th District has any knowledge, that I do not have, he can back it up, or anything the American Legion has. We want to hear it.

"DISTRICT COMMANDER HORTON: I will say it right now. You are a member of the 24th District whether you like it or not. You are a member of the American Legion and not an isolated, independent organization, and as the senior state officer in this

Department, I am taking over for the purpose of this meeting. That is my authority and that is where I stand. If you dispute it, show me where you have any right.

"JUDGE ADVOCATE KIEINER: As a legal man I want your authority. I do not want your word. You will show us where the Department Commander has the right to take over any meeting in your District.

"DISTRICT COMMANDER HORTON: I am not the Department Commander. I am the District Commander.

"JUDGE ADVOCATE KIEINER: Did you have that authority?

"DISTRICT COMMANDER HORTON: Yes, I have that authority. I don't need it. You are not informed on it."

Then the matter continued and there was considerable discussion in regard to the unfriendly attitude of some of the men and of the District Commander. Mr. Gould continued to protest that there was no authority at all to do this, to take the meeting over, and then he goes on on page 8 and says:

"If the 24th District Commander had requested the privilege from our Commander to address our meetings, as he has done in the past, and as have other visitors, I am certain that the reception to him would have been the same reception that we all

desire, that is, an opportunity to be heard, an opportunity to answer any questions, an opportunity to freely discuss the problems that confront us today, and that is all we want.

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"DISTRICT COMMANDER HORTON: Thank you, Comrade Gould. That is a very beautiful speech, but it has nothing to do with the point in question."

Then he goes on with some points in which he criticizes the Post, and on page 10 he says that the Post is a one-man Post and is ruled by one man. I am mentioning that, because later on he points that one man out as being the Post Commander, Bill Schneider. That was immediately challenged, and thereupon, after further discussion, the District Commander stated to the members of this Post:

"This program of the Japanese is one with which you are not familiar. You could not be familiar with it. You read an occasional newspaper that tells you something, but you don't know the underlying motives back of it or the actions of the Army."

He then says that he brought a man with him, one John R. Lechner, to talk to them, and Dr. Lechner, who presumably is a Doctor of Divinity, took over, and harangued the men on the matter of Japanese,

pointing out what a terrible danger it was to let the Japanese back into this country.

MR. HOME: I would like that the word "harangue" be stricken. I think, if Mr. Berry desires to read the speech that would be alright, but I don't think he is entitled to interpret it. If he had quoted it I wouldn't have objected.

MR. BERRY: I will stand on the word "harangue" and I will give you the transcript and you can judge for yourself.

MR. HOME: Well, I was there and listened.

MR. BERRY: Then after that the District Commander took over again and criticized the Post for what he thought about the flagrant method in which they did "this."

And by "this" he was referring to taking an American Citizen of Japanese extraction into the Post or by the passage of a Resolution advocating that the rights of all American citizens be upheld regardless of their color, race, or creed.

And then he goes on to say that "I am advised that you went to Santa Ana. You set forth that you were tolerant and that is why you went after this Jap, but I have advised that this Jap came back merely to settle his personal affairs and then was going away from California, and in my opinion you were grossly intolerant and not tolerant at all."

"You have perhaps disturbed plans for this Jap who wished to be loyal and who wished to abide by the decision

expressed many times in Congress."

And I am emphasizing that word "decision." I am emphasizing it. Frankly, there is no such decision.

"Only yesterday the expression was made in Congress that if the Japanese wants to prove his loyalty let him stay away from California where they are already starting to dynamite them. This is a statement in Congress only yesterday.

He then attacks the Fellowship of Reconciliation and some other organization and comes down and discusses the Hood River Post.

Then he made this observation:

"We know full well in the Legion, and we insist in the Legion that totalitarian nations have a right to maintain the form of government they want. It is none of our affair. We are not interested. But we are determined that they are not going to force their form of government on us, and any battles we have against Communism, Fascism, Nazism, or any other form of ism are for the protection of our American way of life, not from any particular animosity to any particular group, but the Communist Party has infiltrated into every organization, and the method and manner of your handling this whole situation smells to high heaven of the tactics pursued by the usual Communistic group."

I am skipping a portion.

"My only charge -- and it is not against you boys individually -- my only charge is that you have had faulty leadership, extremely faulty leadership. I maintain again that by temperament and ability your Commander is unfit to lead you. This seeking of publicity was not only a breach of the Legion Authority, but it was done in the manner as though he were the National Commander and the all-powerful Legion itself. No man is bigger than the Legion and no Post.

"We have a communication from the Department Commander. He knew I was coming here tonight, and he will be here in two or three days."

THE CHAIRMAN: You are quoting now from Horton?

MR. BERRY: I am, yes. Yes, sir. Then I am skipping a little bit more. Then he finally says:

". . . curb this fellow's activities, his publicity particularly, and we will be for you all the way, and I don't mean maybe."

Now, I will omit in reading from the transcript a place where the District Commander said that the Post Commander does not keep his word. I won't take the time to look it up right now. But you gentlemen will have it when you see the transcript.

Then I want to refer to certain items that

appeared in the public press.

MR. CHAMBERLAIN: While you are looking for that, may I ask a question? Was that the conclusion of what happened there prior to Comrade Horton's departure from the meeting?

MR. BERRY: No, it was not.

MR. CHAMBERLAIN: I don't want to interrupt your train of thought.

MR. BERRY: That's all right. I would like to state that that was the conclusion of this participation in the meeting. The meeting went on in the ordinary course, but that was the conclusion of his participation.

THE CHAIRMAN: I think you misunderstood. You asked whether that was the conclusion.

MR. CHAMBERLAIN: He said no.

THE CHAIRMAN: Well, he now says that it wasn't.

MR. BERRY: Let me make my position clear on that. It was the conclusion of Mr. Horton's remarks. The Post went on from then on in the ordinary course of business and then passed the Resolution. That was the end of Mr. Horton's remarks and participation.

MR. MARTIN: May I ask this: He truned the meeting back to the Post Commander?

MR. BERRY: I think you might construe it that way fairly. He left the platform.

MR. MARTIN: And the Post Commander took over?

MR. BERRY: And the Post Commander took over.

On January 25, 1945 there appeared in the Los Angeles Herald the following statement. I will read the headline:

"Blames Legion 'Radicals'

"District Chief explains row on Hollywood Jap."

That's a subheading.

Then the article reads as follows:

"Factional strife created by 'a small band of radicals' in Hollywood Post No. 591, American Legion, today was blamed by the District Legion Commander, P. A. 'Dick' Horton, for the controversy in that Post over the induction of a Japanese-American World War II Veteran to membership.

"Horton declared that Harly M. Oka, inducted into the Post on January 19th was 'kidnapped from Santa Ana' and brought to the Hollywood Post for the sake of publicity."

Then there is a subhead there: "Plays Tactics.

"He played that he called the 'tactics of a small group of radicals' in the Oka case as 'the grossest sort of intolerance' asserting that:

"'No money was received from Oka and he did not sign an application for membership. It was simply a publicity stunt.'

"Horton charged that the Post had 'acted in bad faith' in arranging the wide publicity given Oka's induction as the first Japanese-American to

be given Legion membership.

"I told them at Tuesday night's meeting that they must stop their radical tactics and clean their dirty linen," he said."

Then there is a subheading: "Condemns Resolution."

"Horton also condemned the action of Post 591 for the publicity they gave in passing a Resolution in which they denounced the action of Hood River, Ore., Legion Post which removed the names of Japanese-American Veterans from their Honor Roll.

"District Legion Officials, he declared, intended to make a complete investigation into the situation now existing at the Hollywood Post which is composed of Veterans of World War II."

That's the end of that article.

THE CHAIRMAN: I am wondering, Ben, whether you have additional copies of these newspaper articles?

MR. BERRY: I do not have additional copy of this, but I will try to get one for you.

THE CHAIRMAN: What I was thinking was this: I assume that Dick has read all these as well as you.

MR. BERRY: I would like to give you this one, but this one is not mine. But I will see if I can get you an extra copy if you would like one.

THE CHAIRMAN: Well, I am not --

MR. BERRY: I presume we can. They are obtainable

at the Herald Office. We will see if we can.

THE CHAIRMAN: I am thinking of all of the things that you have.

MR. HERRY: On most of these articles I have no copies, and most of them I couldn't obtain copies of.

THE CHAIRMAN: All right. Read into the record what you want.

MR. HERRY: There appeared in the Los Angeles Examiner on January 25, 1945 an article with the heading:

"Legion Aides Differ on Japs."

"Full investigation of all circumstances surrounding the membership in Hollywood World War II Post, American Legion, of Harley W. Oka, discharged Japanese-American Veteran, was under way yesterday.

"P. A. (Dick) Horton, Commander of the 24th District of the Legion, was in charge of the Probe. All findings will be reported to the State Department of the Legion, Horton said.

"At a meeting of Hollywood World War II Post early this week, Horton charged that 'bad faith' had been used by a small group in the Post in widely advertising the fact that the Japanese Veteran had been made a member."

Then there is a subheading:

"Sought as Member."

"Oka was in Santa Ana, his home, and was sought as a member, 'Horton said yesterday. 'After he was taken in, the Post made public a Resolution which condemned the action of Hood River Post of Oregon in removing the names of sixteen Japanese from its Roll of Honor. Making public such a Resolution before it had gone through Legion channels and to the Department for action is a direct violation of the Department by-laws and this is the main complaint against the Post.'

"Commander William F. Schneider and other members of the two Posts, made up of approximately 500 members, all World War II Veterans, defended the action of the Post in admitting Oka to membership, and contended that a Post is the judge of its own membership.

"District Commander Horton yesterday planned to consult with Wallace L. Ware, attorney and Americanism Chairman of the 24th District, regarding further action in the case."

Now, there is a great deal of further evidence that I could introduce at this time, but I think frankly that that substantiates the four charges that have been made. You will find all of them except the kidnapping episode and the claimed going down to Santa Ana in the transcript.

There is one other thing that I desire to mention. On the 16th day of January, 1945, Dick Horton, the 24th District Commander, removed William E. Kent, the Americanism Chairman of Hollywood Post 591, as a member of the Americanism Committee of the District. I do not dispute his right to remove any member of a District Committee. I am saying that regardless of whether he has the right, because I think we will all agree that a District Commander has got to work as he sees fit, but I do object to his removing him upon the ground that he is following the Communist Party program or a subversive program. The removal was accomplished by means of the following letter:

(On the 24th District stationery, dated January 16, 1945.)

"Wm. E. Kent,  
"1206 No. Flores St.,  
"Los Angeles, Cal.

"Dear Comrade Kent;

"You are hereby removed as a member of the Americanism Committee of this District; for the good of the Legion.

"A carefull investigation of your activities, speeches and writings reveals, your criticism of the mandates, policies and programmes and that your tactics too closely resemble the 'Plan' of

those rabble-rousers and un-american groups which are so hostile to the ideals of the American Legion.

"We cannot permit such activities to be cloaked with the respectability of membership on the Americanism Committee of this District.

"Yours truly

(Signed)

"P. A. Horton

"P. A. Horton, Commander

"24th District, American Legion

At this time I would like to offer for your consideration the transcript of the proceedings where Mr. Horton participated, and a photostatic copy of this letter, and may I do so upon the understanding that you will return them to me?

THE CHAIRMAN: We will be happy to have them, Ben, and you may be assured that they will be returned to you.

MR. BERRY: Thank you very much.

MR. HOME: Mr. Chairman, I believe that we should be furnished a copy of this so-called transcript, and also, I think it should be distinctly set forth in the record that this transcript is not a complete transcript of that meeting.

MR. BERRY: I will agree that that is correct. I have the rest of it, if you want it, but I haven't read it. It is another volume.

THE CHAIRMAN: Well, May I suggest that perhaps you can examine the transcript, John, perhaps during the noon.

hour, and avoid taking the time to read it in its entirety into the record.

MR. HOME: Well, that would be satisfactory if we had a copy of it to examine.

THE CHAIRMAN: Well, I assume there is no objection to that.

MR. BERRY: There is no objection to that. As a matter of fact -- well, that's perfectly all right. That's probably the easiest way of doing it.

THE CHAIRMAN: I think that would probably save time.

MR. BERRY: The letter, John, have you seen that?

MR. HOME: Well, we have a copy of that.

One question I would like to ask of Mr. Berry --

THE CHAIRMAN: Just before you start, I would like to ask whether you have seen a copy of the letter dated February 3, 1948 addressed to the Department Commander, Ed. W. Bolt, and signed by Wm. F. Schneider, Commander of the Post?

MR. HOME: No, I never have.

MR. BERRY: I think I have an extra copy I can loan you.

THE CHAIRMAN: It is long, and I hesitate to read it into the record, but I think you are entitled to be advised of that.

MR. HOME: Well, maybe I could read that along with the transcript.

MR. BERRY: All right. I have got an extra copy of it. I will give you a copy of it.

(Chairman passing documents to Mr. Howe.)

MR. CHAMBERLAIN: As long as Mr. Berry offers Mr. Howe a copy, he won't need that.

MR. BERRY: I am going to give or loan John a copy of the letter of February 3, 1945.

THE CHAIRMAN: That's fine.

MR. BERRY: Addressed to the Department Commander, Ed. W. Bolt.

MR. KIEINER: Mr. Berry, Comrade Howe: may I see that letter one moment, please? Oh, never mind, I have a copy.

I wish to state at this time that this letter, although signed by our Commander, was written by him in his personal capacity, and not acting for the Post in any way whatsoever. The Executive Committee has never seen this letter, and therefore before we make any further statements regarding the same, the First Vice-Commander and myself would like to read it over.

THE CHAIRMAN: Do I understand you to say that you haven't seen it?

MR. KIEINER: We haven't seen it.

MR. CANN: Nor has the Executive Committee of the Post seen this letter.

MR. BERRY: I will say that that was the letter which was personally written by Bill Schneider and is not binding

on the Post in any manner whatsoever.

I would like at this time on behalf of Bill Schneider to offer the letter in evidence. I will do that to make it a part of the record.

THE CHAIRMAN: Which letter are you referring to now?

MR. BERRY: I am referring to the letter of February 3, 1945.

THE CHAIRMAN: Yes.

MR. BERRY: We will insert a copy of the letter in the record, and it may be deemed to have been read.

Now, in regard to the third item of the complaint on the part of Bill Schneider and William Kent, which was, namely, that instead of coming to the Executive Committee meeting to introduce whatever evidence of subversive activities he might have on the part of the Americanism Chairman, that he went to the Criminal Division of the Sheriff's office and demanded an investigation.

On the night of January 30, 1945 there was a meeting of the Executive Committee.

By resolution passed at the Post at the preceding meeting of the Post, the District Commander was invited to present whatever evidence he might have to show the subversive activities of William Kent. Following that, and a few days before the hearing (I don't remember the exact date), or a few days before the Executive Committee meeting, a letter was written to Dick Horton again inviting him to be

present. At the meeting of January 30, 1945 of the Executive Committee Mr. Horton did not appear. On Wednesday, the following day, the 31st of January, or on Thursday (I do not at this moment recall the date) or the 1st of February, one of those two, about noon, I think it was, or shortly thereafter, I received a telephone call from William Kent and thereafter from Bill Schneider -- that is not a correct statement. I received a telephone call first from William Schneider and thereafter from William Kent. Mr. Schneider told me that he had just been called upon by a Mr. Millor and a Mr. Halline -- I think that is the correct pronunciation and it is spelled Halline -- of the Sheriff's office at his place of business, and that they had come out there and stated they were from the Sheriff's office and desired to interrogate him in regard to the taking into the Post of an American citizen of Japanese extraction, one Harley Oka; that it was a matter of some embarrassment to him to have the Sheriff's men come into his place of business or where he is employed, and he said that he didn't feel that he was called upon to discuss the matter, but would be glad to answer any questions in spite of that. That they then said that the investigation was being made at the request of Ed. W. Bolt, Department Commander, and he said he thought that that was a rather peculiar proceeding. That is, Mr. Schneider said that. They asked for Mr. Kent's address, which Mr. Schneider gave them. They asked him if the

Post had taken in Harley Oka into the Post and were advised that it had. They asked Mr. Schneider for Harley Oka's address, and Mr. Schneider didn't have it and referred them to Bill Kent. They asked for the address of some other members of the Post and left. A few minutes after that they came to Bill Kent's home. He called me on the phone. And they came there showing their badges. But on that occasion they did not say that they were investigating at the request of Ed. W. Bolt, the Department Commander, but that they were investigating at the request of the American Legion.

Mr. Kent asked them how it happened that if they were investigating at the request of the American Legion they were doing so under the guise of the Sheriff's office. They said that they were Legionnaires, and he asked if both of them were, and one of them said no, that one of them was a Legionnaire and one wasn't. They demanded the address of Harley Oka, which address was refused. They asked innumerable questions about taking this American citizen of Japanese extraction into the Post, and finally Mr. Kent became exasperated and said flatly that if they had said they were coming as Legionnaires that he wouldn't have talked to them, that they had gained admission to his home under false pretenses, namely as representing the Sheriff's office.

After he had called me I communicated with Samuel H. Robinson, who not only is associated with me in this

matter, but also represents Harley Oka, and we went to the Sheriff's office. We were there advised by a former Department Sergeant-at-Arms of the American Legion, one George Contreras, who has charge of the subversive detail, that it was true that he had ordered Mr. Meller and Mr. Halline to make this investigation; that he had done so at the request of Dick Horton, but he did not do so at the request of the Department Commander. I want to emphasize that because I don't want any implication that we are suggesting that Commander Bolt had anything to do with that.

We were advised that he had not done so at the request of Department Commander Ed. W. Bolt, but had done so at the request of the District Commander; that the District Commander had been in his office on the evening of January 30th and had told him that there was a radical or communist influence infiltrating into the Post, and asked him to make a criminal investigation, and he had done so in the ordinary course of events. He said thereafter that the investigation would be called off unless there was some further showing of any criminal activities on the part of Mr. Kent or Mr. Schneider.

Now, gentlemen, at this time I am satisfied that we have made a prima facie showing of the charges and complaints which the Post Commander and the Americanism Chairman have to make against the 24th District Commander.

THE CHAIRMAN: Is Commander Schneider here today?

MR. BERRY: No, he is not, and I want to make this statement with regard to Commander Schneider; I don't want to create the implication that Commander Schneider is going to lose his job, but the people where he is employed were not too particularly happy about the Sheriff's men coming there. He received notice of this meeting Friday evening. I think the telegram was delivered to his home Friday afternoon, and he heard about it -- well, he phoned me late -- I would say somewhere around 5:00 o'clock -- well, I will say 5:00 o'clock plus or minus an hour -- that they had called his home and that they had read the telegram to him. He was somewhat disturbed about the situation because he did not feel that he should jeopardize his position by taking time off, and I told him that I saw no reason why he should take time off, that the record was perfectly clear; that I didn't think there would be very much dispute in regard to the facts; that if there was and it was essential, we would call him and get him over here.

Now, I neglected one thing that I think ought to be before you for your consideration, and that is a copy of the Resolution passed by Hollywood World War II Post on January 9, 1945, and I would like at this time to offer a copy of it to your committee. I think you have seen that, haven't you, John?

MR. HOME: Yes, I have a copy of that.

MR. BERRY: The copy that you have, I believe, has a

misstatement in it, John.

MR. HOME: It was given to me by Mr. Kent, so I --

MR. BERRY: All right. There was one paragraph that was stricken out of it. It was duplicated, and I just wanted to call your attention to it.

THE CHAIRMAN: Perhaps to keep these in order so that there won't be any chance for the exhibits being lost, we should mark them and identify them by exhibit numbers.

Now, let's call the transcript, which I think was the first exhibit, Exhibit A, and the next exhibit, I think was the photostatic copy of the letter to Kent from Horton, which we will call Exhibit B. The next is a letter of February 3rd.

MR. CHAMBERLAIN: Just to keep the record straight, Mr. Chairman, I think you said from Kent to Horton. If it is the letter I think you mean, it is from Horton to Kent, isn't that right?

THE CHAIRMAN: Yes, it is addressed to Kent and signed by Horton.

I think the next exhibit was the letter of February 3rd signed by Schneider addressed to Bolt, and that will be Exhibit C.

The next is a Resolution, I think. Now, have I missed any?

MR. HOME: Mr. Chairman, and members of the Committee,

as I stated to you at the beginning, we are not concerned with any personal argument that may exist between Mr. Kent and Mr. Horton as individuals nor between Mr. Schneider or Mr. Horton as individuals; we are solely interested in the irregularities of Post 591.

We are prepared to prove that since the inception of this Post they have failed to follow the Legion rules and regulations. The first thing that they did --

THE CHAIRMAN: May I interrupt just a moment, John?

MR. HOME: Yes.

THE CHAIRMAN: I think perhaps before I -- I called on you because I thought there might be some questions which you might wish to direct to Mr. Berry or to members of the Post. I think before you start on the presentation of your side that perhaps there may be some questions that the members of the Committee would like to ask.

MR. HOME: Well, may I interrupt? I didn't intend to start on our side at the present moment.

THE CHAIRMAN: All right.

MR. HOME: I was trying to outline briefly what we have to cover and in doing that we will, of course, have to call some of the members of 591, and we will have to call other members of the 24th District, of which this man happens to be a member. Some of them are covered in these blanket charges that Mr. Berry has produced here today, and others are not. So briefly what we will show

is that since the inception of this Post that the Post has not followed the rules and regulations of the American Legion. Before a temporary charter was issued last year the Post proceeded with the installation of its officers, and the then District Commander absented himself in the meeting so that he wouldn't have to call their attention to the fact that they were not legally authorized to proceed with an installation. After that the District Commander and the then District Adjutant called on the Post on various occasions, and pointed out to them what they were doing which was in error, and which they were not doing which they should do. Shortly after the installation of the present District Commander the Post continued on in its disregard of rules and regulations; it was inducting members without examination of discharges. It was issuing cards without remitting to the Department. It wasn't sending representatives to the 24th District.

At a meeting of the District in November, I believe it was -- it may have been October -- the Commander, who is not present, got up at the District meeting and charged the District Commander with failure to place any member of the Hollywood 591 Post on any District Committee, and at that time all Posts, including 591, had been notified as to the membership of the various committees. The District Commander then read off a list of about twelve members of Post 591 who had been assigned to various

District Committees, including William Kent on the Americanism Commission.

The District Commander attended a meeting of this Post along in November, and at that time pointed out the irregularities that this Post was indulging in and asked them at that time to correct the mistakes. He pointed out to them that they had not remitted any District dues, and various other things that they should do. The Executive Committee of this Post authorized the payment of the District dues, and I believe a check was issued, which was carried by the Commander for some three weeks before it was delivered to the District, and then was delivered not to the proper finance officer or to the District Commander, but to one of the Vice-Commanders of the District.

I want to make it very clear that this Post had a right to take into its membership anybody that it desired to, provided they had an honorable discharge from the United States Army, Navy, Marine Corps, or Coast Guard. No question was ever raised concerning Mr. Oka's right to join that Post, assuming he passed the necessary requirements. The Post has a very hard and fast rule regarding membership, and if the Judge Advocate has had returned to him the Post constitution and by-laws, I would like to have that. In violation of its own rules, which are written into the constitution and by-laws, the Post took

into membership this discharged veteran. The rules require that an application shall be filed, shall be referred to the Membership Committee for investigation, and the man shall be posted at one meeting, and I think they are elected to membership at the following meeting, assuming he covers the requirements. These rules were certainly disregarded. This resolution, which I believe is --

MR. CHAMBERLAIN: Excuse me, Mr. Home, for interrupting, but can you outline to us just briefly in what way you claim that rule or that provision of the constitution was disregarded?

MR. HOME: Up to the time that the man was taken into membership he hadn't filed his application; it hadn't gone to the Membership Committee. There had been no report from the Membership Committee to the Post in regard to the posting of the man's membership. The man was not posted at one meeting and elected at the following meeting. He was brought to this one meeting after the meeting had convened, and after -- if I am not mistaken -- and I will stand corrected if I am -- some 30 odd other members had been brought up for election. This man was then brought in and presented with the other group for election.

MR. MARTIN: John, may I interrupt you? You are quoting the Post constitution and by-laws?

MR. HOME: That's right; not the Department, the Post. I don't know whether or not an application has ever been

filed with the Post. The District Commander requested, as he was directed to do by the Department by-laws, that he be permitted to audit the books of the Post, which the Post flatly refused to do.

MR. CANN: I would like to correct that statement. The Post did not flatly refuse to exhibit its books; the Commander refused. We were not notified of that.

MR. HOME: There might be a slight distinction between the Commander and the Post. Possibly there is. I will stand corrected, that the Commander flatly refused.

MR. BERRY: Would you consent to one more correction?

MR. HOME: Yes.

MR. BERRY: I think that a letter was addressed to the Department Commander stating that as he had requested the matter remain in status quo, that that thing would be left until this dispute was terminated.

MR. HOME: That's correct, that such a letter was sent from the Commander.

MR. BERRY: That's right.

MR. HOME: Now, then, one Luban was permitted to have the floor. He was appointed the publicity chairman of the Post.

MR. CHAMBERLAIN: What was that?

MR. HOME: Luban. I don't know, but I presume that the Post issued a card to Mr. Luban. However, up to the 30th of January of this year no remittance has ever been

made to the Department of California for Luban's per capita tax. I believe the records of the Department would show that the per capita tax from this Post is very slow in arriving.

To go now back to the spring when we were attempting to put on a \$30,000,000 bond issue drive for the purpose of passing the \$30,000,000 loan plan for the World War II Veterans, I addressed to this Post -- and when I say "addressed to this Post," I mean I sent it to the Commander and the Adjutant -- letters requesting that this Post provide membership on that Committee. I stated that at at least two District meetings over a month apart, or about a month apart, that this Post had not sent any membership to that Committee. It wasn't until about four months that I was able to get any membership on that Committee from World War II Post, and then I obtained it by catching Mr. Schneider one night at a meeting of Hollywood Post No. 43 and insisting that I stay with him until he gave me the three members, and I got them. And that is the way I received the membership.

MR. BERRY: Will you tell me the name of that Committee again, Please?

MR. HOME: That was the Veterans Farm and Home Loan Committee.

MR. BERRY: Thank you.

MR. HOME: We have in the 24th District a rotating system of visitation to the hospitals at San Fernando and Sawtelle. As far as I have been able to find out World War II Post has not taken part in that visitation. We have a voluntary subscription to the funds necessary to take out entertainment and cigarettes and so on when they make those visitations, the Post being assigned a certain Sunday to visit and taking various things out there. On at least one occasion the proportionate amount that was assigned to World War II Post was paid for by another Post. And while it is probably within their right to refuse any voluntary contributions, it hardly seems in consonance with the principles of the Legion and the interest that these men should take in the Legion, that they should refuse to participate in a hospital program.

Now, in regard to Comrade Oka, Mr. Luban stated on the floor of the meeting (and I hope it is in the transcript) that he had not written anything concerning publicity about the taking in of Mr. Oka. He made the sad mistake of going to a certain newspaper here in Los Angeles and leaving with a representative of that newspaper certain

publicity (and the man that he left it with was the Department Historian) -- I have a photostatic copy of that publicity and the Department Historian has the original.

MR. MARTIN: May I interrupt, John? Who gave the publicity, Luban?

MR. HOME: Luban, who is the publicity man for Post 591, and who was appointed by Comrade Schneider, the Commander.

MR. CANN: Correction, please. Luban is not Publicity Chairman of Post 591. He was appointed by the Commander, but he never was O. K.'d by the Executive Committee of our Post.

MR. HOME: Well, I don't know by what rules you proceed, but he stated on the floor of the Post that he was the publicity chairman.

THE CHAIRMAN: May I ask your name?

MR. CANN: Pete Cann, First Vice-Commander of Post 591.

MR. HOME: Now, I attended this meeting when the District Commander took over the meeting. It was a most interesting meeting to me. After the District Commander had ceased his part of the meeting, the Commander took charge of the meeting. Gould, James, Kent, and Luban, for quite some period of time afterwards, were the only persons who were permitted to have the floor, although there were various other members of 591 whom I assume

are in good standing, who demanded the floor.

The Judge Advocate of the Post ordered every outside Legionnaire out of the meeting. Some of them got up to go, and I got up and told him that he wasn't big enough to throw me out, and that I didn't intend to go, and furthermore that in my experience in Legion Post meetings I never had seen a Judge Advocate assume the prerogative of a Commander and order anyone from a meeting.

The Post did not pass any motion to have a closed meeting. After I finished speaking the Post Commander got the possession of the microphone away from me -- the Judge Advocate -- and stated that we could stay.

During the course of the meeting afterwards a motion was put to the effect that the Post objected to the removal of Mr. Kent as a member of the 24th District Americanism Commission, to which the Judge Advocate added amendment that they demanded that the District Commander appear before the Post Executive Committee, and without waiting for a second, the Post Advocate, the Post Judge Advocate, put the motion, and then declared it carried, although the Commander at that time was standing alongside of him.

After the meeting was over -- well, first let me go back just a second. This Resolution which I think you have marked Exhibit D --

MR. DUNBAR: That's right. This is the one right here.

MR. HOME: -- was sent to another Post in printed form and passed by this other Post prior to the time that the Resolution was adopted by Post 591.

MR. BERRY: Do you mind saying that again, John? I didn't get it all.

MR. HOME: I said that this Resolution which is Exhibit D, was sent to another Post and passed by that Post prior to the time -- the same night, possibly, but at the same period of time it was adopted by another Post when 591 was acting.

MR. ROBINSON: Can you say which Post that was sent to?

MR. HOME: Cinema.

MR. BERRY: For the purpose of the record, we are hearing "John" here and "John" there. We have two "Johns"; John Sinclair and John Home. The last observation that Mr. Robinson made was to John Home.

MR. HOME: John is a common name and Home isn't.

Now, as far as the Resolution is concerned, it, in my opinion, and in the opinion of the District Commander, presents a new policy in regard to veterans of Japanese extraction. The Department of California and the National organization have adopted a policy in regard to citizens of Japanese extraction. We have a rule or regulation in the Department which prohibits publicity in regard to matters upon which the Department or the National Department

has acted until they shall have cleared through the Department headquarters. Without complying whatsoever with that rule, this Resolution was given to the public press.

I believe that our sole complaint with this Post, as far as this hearing is concerned, can be covered with what I have said. As to the membership in the various places, that's something else that has no part, in my opinion, in this meeting, but this matter should be before the Department Executive Committee.

We would rest solely on the basis of infraction of rules. Comrade Oka is not in any sense a point of controversy. The 24th District and its Commander has never considered the right of the Post to take in men that it may desire who can qualify into its membership. That's their privilege. But we do insist -- when I say "we" I mean the Commander and the District -- I being their representative here this morning -- that this Post comply with the rules and regulations, and that is the basis of the complaint and the basis of the whole controversy that has existed.

And I might say that I am very sorry that this has reached the point where it has, that probably we were a trifle lax in not being in more strict attendance at this Post to guide them. But in any event we were available for guidance, and they haven't requested guidance. At least, they haven't requested guidance from me, and I don't

believe that they have requested it from the District Commander or the Past District Commander.

And even when I talked to some of the members after the meeting they still maintained the right to publicize any action that they might take regardless of rules and regulations, and during the course of the meeting James, who is a member of their Americanism Committee according to the published document, stated that the American Legion was a reactionary group and that if they, 591, or its members were removed from membership in the American Legion, they would publicize the fact that it was the reactionaries of the American Legion who had put them out and that they were not coming into any organization of reactionary tactics.

Now, with those brief remarks, I think we had better put on some testimony.

MR. JAMES: I made no statement about reactionaries, as I remember. I think the transcript will show that.

MR. HOME: You did.

MR. JAMES: It wasn't I.

MR. CHAIRMAN: Just a minute.

MR. CHAMBERLAIN: You had completed your preliminary statement?

MR. HOME: That's right.

MR. CHAMBERLAIN: That's what the people whom you represent propose to show before the Committee?

MR. HOME: That's right.

MR. CHAMBERLAIN: Now I had two questions to follow that up.

THE CHAIRMAN: Go ahead.

MR. CHAMBERLAIN: At least twice this morning I think Mr. Cann has raised a question and has stated that the Commander was not authorized expressly to take certain action. Am I correct? I understood you to say that, Mr. Cann.

MR. CANN: That's right, sir.

MR. CHAMBERLAIN: Can you now state, as First Vice-Commander of the Post, Mr. Schneider not being present: Does the Post take the position that a good many of the things done and the correspondence sent by Comrade Schneider was unauthorized and that he was not acting for the Post? Does your position apply consistently to what Comrade Schneider did or was it just the two things that you specifically spoke about?

MR. CANN: Well, can I clear up the story in my own words? I think I can do it better than just hitting a spot here and there.

At our last Executive meeting, which was a week ago Tuesday -- I mean a week last Tuesday -- we received a letter from the State Commander asking us not to have any more publicity and to hold things over until he came down. The Executive Committee of the Post 591 agreed that we would do nothing until we heard from the State Commander. In the

meantime from outside sources I have gathered that a registered letter has been sent to the Fourth Area, that a letter has been sent to the State Commander, and that a letter has been sent to the National Commander without the authorization of the Executive Committee of Post 591.

MR. CHAMBERLAIN: By whom do you mean?

MR. GANN: By our Commander. At our last Executive meeting it was approved by the Executive Committee that Post 591 would represent itself. By that I mean that when this meeting was called the Executive Committee of Post 591, its members, would be notified of the meeting. I have just learned today, just a few minutes ago, by the way, that a telegram was received by our Commander on Friday. He has taken no steps to notify the Executive Committee. It was agreed that we would be here in a body to represent our Post.

THE CHAIRMAN: Just a minute. May I interrupt you again on that? Was he present at the Executive meeting?

MR. GANN: He was presiding officer.

Number three, a motion was brought up before the Executive Committee by our Americanism Chairman, Bill Kent, to the effect that we should have outside legal talent, a man who was much older and wiser than we are in the Legion affairs. That motion was voted down. I speak for the Executive Committee, that the counsel for our Commander and for our Americanism Committee Chairman has no authority to speak,

in any way, shape or form for the members of Post 591.

MR. BERRY: So that there will be no misunderstanding --

MR. CHAMBERLAIN: Mr. Cann, you didn't quite answer my question. I think you made it clear what has happened in the last week -- you did to me -- but in what happened before that week, it is your position as the senior officer of Post 591 who is present, that Commander Schneider acted without the authority of the Post consistently throughout this or not? I just want to get your position straight.

MR. CANN: Well, as far as officers of Post 591 are concerned we are never notified what goes on on anything. The only things that we find out are the things that we get from the outside.

MR. CHAMBERLAIN: I don't want to take up time, but just one more question.

THE CHAIRMAN: Go ahead.

MR. CHAMBERLAIN: Comrade Home, you stated that you had summarized the showing that you expect to make. I don't remember your comment on three or four specific specifications made by Mr. Berry in his presentation. Do you care to make any comment or take any position with reference to the specifications that he outlined to this committee regarding the Department's taking over?

MR. HOME: I wrote them down hurriedly, and they may not be an exact wording as Mr. Berry presented them. I have first the misconduct of the District Commander

interfering with the Post meeting. In that regard I take the position ( and I believe I am justified) that the Post Commander is the senior executive officer of the District and that any time he chooses he has the right and power to take over the operation of a Post meeting to discuss with the Post matters that he believes affect the Post, and to correct them in the way that they have been going if he deems that they need correcting.

I might state that I did that myself. I believe it lies within the power of the District Commander to do it under the implied powers of chief executive officer.

As far as the ousting of the Judge Advocate is concerned, I believe the transcript will speak for itself. I doubt seriously if you will find at any place in that transcript (at least I have no independent recollection) that the District Commander called Commander Schneider a Communist. He did state that in his opinion he lacked leadership and was not the type of man who should be Commander of the Post. As far as calling Mr. Kent a Communist is concerned, the letter speaks for itself.

As far as the refusal to appear before the Executive Committee is concerned and prove any charges before the Executive Committee, as long as they raise the point of a legal matter, I think that they are hoisted on the same petard; that the proper place is the Post and not the Executive Committee. And in any event, it lay wholly within

the discretion of the District Commander whether or not he would appear before the Post Executive Committee. And in view of the lack of cooperation that he had obtained from the Post and the Executive Committee, I believe that he was justified in the decision that he made in not appearing before it.

As far as the public criticism of Schneider and Kent as radicals is concerned, and the statement concerning Mr. Oka, the District Commander, to my knowledge, has never given any statement of any kind or character to any newspaper or newspapermen concerning this controversy. He has absolutely refrained from discussing it in the public press. Any quotations that may be in the newspapers are not quotations of the District Commander unless they are word for word quotations taken from the transcript or from the actual writings that Mr. Horton had there at that meeting.

He did not request the Sheriff's office to investigate anybody officially. Comrade Contreras is a member of our Radical Research Committee, and as a member of the Radical Research Committee has access to certain information regarding radicals and their activities. He asked Mr. Contreras as a member of the Radical Research Committee if he could supply him with any information or help in regard to the membership of Post 591. If Comrade Contreras sent Deputy Sheriffs out to interview either of these men it was on Comrade Contreras' own idea and not the District Commander,

because that was the farthest from his thoughts.

So that as far as the record is concerned I leave the transcript and the letter with you, and as far as the others are concerned I think I have sufficiently answered those questions.

THE CHAIRMAN: All right. Now just one more. I want to ask Mr. Cann a question before you go on, Ben. How many members of your Executive Committee are present this morning?

MR. CANN: There are three of us present: the Americanism Chairman, which is an elective office, and our Judge Advocate, and myself.

THE CHAIRMAN: You three then are speaking for the Executive Committee, is that right?

MR. CANN: Well, you put me in a peculiar position. I don't think that I have the authority to speak for the Executive Committee as just an officer or as an individual. The only things I am telling you are things that are written into the minutes and were passed by the Executive Committee. In fact, I am a little ashamed to be here this morning without the full representation of the Executive Committee, but I have no power to phone them and tell them to come.

Now, most of the men know about this meeting and they have asked me, but I did have enough confidence in our own Judge Advocate to invite him. I feel that as a member of

Hollywood World War II Post 591 that our Judge Advocate was elected by members and that he should be here as a representative of our Post, and I invited him. But everything else, it is not up to me to do. I am just First Vice-Commander.

THE CHAIRMAN: Well, what I am trying to find out is this: Who would be regarded at this meeting as the spokesman of the Post?

MR. CANN: I think that the Judge Advocate would have more authority than I would have.

THE CHAIRMAN: Very well.

MR. HOME: Mr. Chairman, may I through the Chair, ask the First Vice-Commander of 591 Post this: How many members consist of your Executive Committee, and also their rank, if any, in the Post?

MR. CANN: Well, once again he has me over the chair. Our Executive Committee is comprised of all elected officers of the Post. Our finance officer and our Judge Advocate are elected to the Executive Committee, which violates our constitution and by-laws, I think. Is that right, Judge? Four other elected men?

MR. KLEINER: There are thirteen members of the Executive Committee. Seven are officers and six are members elected at large.

THE CHAIRMAN: Mr. Cann, may I state to you that if you think that other members of your Executive Committee

ought to be here this morning, why, we will be glad to have them here, and I will give you whatever authority you need to request them to be here if you are worried about the propriety of your asking them, because we want the Post to be fully represented. If there is any question about it, let's have them here.

MR. CANN: The Judge Advocate says that we are fully represented, so --

THE CHAIRMAN: Very well.

MR. HOME: May I ask through the Chair; I would like to have back the copy of the constitution and by-laws that was sent to me for consideration. This may be a correct copy. I don't know. I haven't gone through it all.

MR. KIEINER: Who did you send it to? I never received it back.

MR. HOME: We sent it to the Department Advocate to be returned to the Post.

MR. KIEINER: It was never received.

THE CHAIRMAN: Well, I am wondering whether that isn't still in Department headquarters?

MR. HOME: It's been gone two weeks.

THE CHAIRMAN: Maybe it is in this file.

MR. HOME: Might I ask: Is Millard V. Beesley present?

MR. CANN: Millard V. Beesley, Membership Chairman, is in Arizona.

MR. HOME: Is any member present?

MR. CANN: Mr. Tuller.

MR. TULLER: Yes.

MR. HOME: Would you mind sitting around somewhat so that the reporter can hear you, and the Committee?

MR. BERRY: Before there is any interrogation here I want to make this observation: I hope my position is clear, that I make no claim to represent the Post at all. I do not have that authority and I have never asked for it. This is the first knowledge I had of the proposed Resolution before this Executive Committee, and I do not represent the Post. I represent the two men. I don't want any misunderstanding about that.

THE CHAIRMAN: I think that's clear, Ben.

MR. BERRY: The next thing I think I can clear up is the question that was raised in regard to what the Commander did as to sending the two letters. The letter that was sent to Ed. Bolt, the Department Commander, was sent out by the Post Commander at my suggestion. It was not, as far as I know, taken up with the Post -- I am sure it was not taken up with the Post, so that was a personal matter entirely. The telegram was sent by the Executive Committee.

I now have one further observation I would like to make in view of Mr. Home's -- I don't call him "John" -- frank statement of their position. I would suggest that we have a recess. I think we can shorten this thing

tremendously. I don't believe that proof is going to be required of very many of these points. That is, I am satisfied that as to most of the points, without conceding that they are true or false -- I am going to say all right, let's concede them for the purpose of discussion as being true, and I think I can shorten the proceeding.

It is now twenty-two minutes of twelve, and if we could adjourn and possibly have lunch I think that probably we could shorten this tremendously.

MR. MARTIN: John, may I ask a question?

THE CHAIRMAN: Yes.

MR. MARTIN: There has been an accusation made here by the Hollywood Post 591 of the kidnapping of this Japanese, and that has never been cleared up in my mind, as to whether he was kidnapped. Is there any proof of that, or is it just an accusation? I would like to get that.

MR. HOME: It is purely and simply an accusation, as I gather it, made in a newspaper article. I am very sorry that Commander Schneider is not present. I don't know all of the details as to how this veteran arrived here to be inducted into membership of this Post; all I know is rumor. And in view of the shorthand reporters here, I don't think that it is fair to state the rumor.

MR. MARTIN: What I am getting at, John, is that was actually a story in the newspaper? There was no accusation made by the Legion Post or by the District Commander?

It was a newspaper story?

MR. HOME: It is a newspaper story pure and simple. Comrade Horton did not at any time during that meeting state that they had kidnapped Comrade Oka and brought him up to this meeting for induction.

MR. BERRY: The transcript does contain this statement, that the District Commander stated at the Post meeting that he was advised that the members or some members of the Post had gone to Santa Ana to get this man; the word "kidnapped" came in purely in that press clipping.

MR. MARTIN: That story, or rather that statement was made by the District Commander?

MR. BERRY: It was not made at the Post. The newspaper says that the District Commander made that statement, but the only statement that was made at the Post was the statement that they had gone to Santa Ana to get this man, and that it interfered with his attempt to be loyal and so forth.

MR. HOME: I might say in regard to that, that Oka, prior to his removal from the State of California to the concentration camp, or wherever they put the Japanese, the war --

MR. ROBINSON: Relocation --

MR. HOME: (Continuing) Relocation center -- I knew it was the wrong word -- was not a resident of Hollywood or the District of the City of Los Angeles called Hollywood.

he was not a resident of the City of Los Angeles and he was not a resident of Los Angeles County; he was a resident of Orange County. He came back, as I gathered, to Orange County. I have never seen the application, so I cannot give you the address that was used for the man in this application to join the Post. But the District Commander has never been able to find an address for the Comrade in Hollywood, Los Angeles, or Los Angeles County. While there is no prohibition on a Post going across County lines to acquire members, at least none that I know of, it did seem peculiar that this Comrade was brought from Orange County to join a Post in Hollywood, some 45 or maybe 60 miles away. It is just a peculiar circumstance.

There are, in my opinion, veterans of Japanese extraction who live in the vicinity of Hollywood or in Hollywood. There was a small community of Japanese in Hollywood, and they probably have some discharged veterans. In the City of Los Angeles itself there was a place called Little Tokio, and in the district that lies south of Olympic, between Vermont and Western Avenue, there was quite a settlement of Japanese who were born in the United States and were therefore American Citizens, and undoubtedly in that vicinity there are men who would have been eligible to join this Post. But this man was taken from Orange County.

Now, in addition to that --

MR. ROBINSON: Pardon me, John. Comrade Home, are you

going to pass from the subject of Oka at this time?

MR. HOME: No.

MR. ROBINSON: All right.

MR. HOME: No, as far as the subject of Oka is concerned, I want to tell you this: I know nothing about him.

MR. ROBINSON: Well, I do.

MR. HOME: He may be, and he undoubtedly is, if you are his attorney, Mr. Robinson, a very fine young man and would probably be a credit to the American Legion. We have no quarrel with Comrade Oka.

MR. ROBINSON: I am satisfied of that.

MR. HOME: We have no quarrel with the Post as far as taking in Comrade Oka is concerned; our quarrel lies wholly with the method by which it was done.

MR. MARTIN: You have answered my question, Mr. Home. I am perfectly satisfied.

MR. ROBINSON: Mr. Chairman, and Comrade Home: As Mr. Berry said, not only am I associated with him in the representation of the Commander of Post 591, but I happen to be the legal counsel for Comrade Oka, and I know, therefore, something of the story. Comrade Home is misinformed, and I am satisfied that what he has said was said sincerely and honestly in the belief that the facts he has related to the Committee are true. But they are not the facts.

Before he went in the service he lived in Hollywood for quite some time, for a period of years, as a matter of

fact.

MR. HOMB: Where?

MR. ROBINSON: In H<sup>o</sup>llywood.

MR. HOMB: At what address?

MR. ROBINSON: Let me make my statement. I didn't interrupt you with reference to the facts.

THE CHAIRMAN: Mr. Robinson, the suggestion has been made by Ben, and let's explore that for a minute, if you don't mind --

MR. ROBINSON: May I just make this statement: In view of the fact that certain statements have been made as definite factual matters to be considered by the Committee, I think we might well have what the facts are with reference to that situation.

MR. MARTIN: I am not interested in the Japanese; I am interested in the procedure of getting the membership. We don't care anything about the Japanese themselves. We are interested in how his membership was gotten.

THE CHAIRMAN: Well, I don't like to circumscribe what you want to say --

MR. ROBINSON: If the Committee feels that this statement isn't important I will bow to this Committee.

THE CHAIRMAN: Let's let it go. If later on you feel that it is, why, you may be sure that you will have an opportunity to make it.

MR. ROBINSON: All right.

THE CHAIRMAN: Now, the suggestion was made by Mr. Berry that we take a recess in the hope that you might be able to shorten this proceeding. Do you feel that that might be helpful, Mr. HOME?

MR. HOME: Well --

THE CHAIRMAN: Well, let me put it this way: have you any objection to doing that?

MR. HOME: Well, I might say this, that Mr. Berry is rather in an anomalous position to make the suggestion. He isn't in any position to stipulate that what I have said about this Post is true, and I don't know whether the three members of the Executive Committee headed by the Judge Advocate are willing to stipulate that what I have said is true. If they are willing to stipulate, we can probably draw up a hard and fast stipulation of facts and submit it to the Committee. And as far as I personally am concerned, I would be happy to have Mr. Berry and Mr. Robinson sit in and listen to what I said, as friends.

THE CHAIRMAN: It is a quarter of twelve. Suppose we do take an adjournment at this time.

MR. SWEET: It is impossible for me to come back after lunch. I am on duty and cannot stay. I asked off for hours and I have got to get it over with.

MR. HOME: All right. Mr. Sweet is a member of the 24th District and a former officer, and possibly we had better take his statement in view of what he has said, and

then we can get together on this other matter.

THE CHAIRMAN: How long will it take?

MR. SWEET: Possibly ten minutes is all.

THE CHAIRMAN: Well, go ahead.

MR. SWEET: The name is James F. Sweet, presently First Vice-Commander of the 24th District, and Adjutant last year of the District.

MR. HOME: Talk a little louder, Mr. Sweet, because there is another reporter over here who has to hear you.

MR. SWEET: As near as I can remember it was at the request of District Commander Frank O. Johnson, whom I believe received a letter from the Department Adjutant, asking why Post 591 membership cards were not arriving at the Department. The District Commander asked that I, with him, attend the meetings of the Post. During a period of twelve months I have a record that we attended twelve Post meetings. Between the Post meetings we also attended Executive Committee meetings.

In getting to the information with reference to the non-arrival of cards at the Department I contacted Commander Schneider of the Post, and he called a meeting at his residence on St. Andrews Place. If I remember correctly, present that evening in addition to Commander Schneider were the Adjutant and one or two members of the Membership Committee. The purpose was to help them to make out the cards required by the Department. In that meeting we could

not proceed inasmuch as the records were not at Commander Schneider's residence. Subsequently, on a Sunday, a meeting was held at the residence of Membership Chairman of 591 Post, John Tuller, at 1001 West Washington Boulevard. Present at that meeting in addition to Mr. Tuller were the post Adjutant, Colvin, and there may have been one or two others present. From the records that were brought to that meeting I was able to secure sufficient information to have typed up fifteen cards for members who had paid their dues. It was necessary that the Department Adjutant be advised that some of the members signing the charter application did not have sufficient information on their cards to show their eligibility to the Legion.

I might say here that this can be verified by letters at the Department Adjutant's office. We were subsequently able to dig up by substituting names a sufficient number of cards to send to the Department so the Post could get credit for those originally appearing on the Post application for a charter. At the suggestion of Commander Frank Johnson we attended these meetings to be able to help the boys, advise them in the procedure of the Legion. In June of 1944, assuming that they had sufficient instructions, we did not continue to make the meetings. At the District meeting of November, 1944, District Commander Horton, after the usual procedure of the meeting, the roll call of paid-up members, announced that Hollywood Post 591 had

assumedly 400 and some members. In checking with the Post Adjutant it was discovered that they were including the '44 and '45 members. I asked for the correction and received from the District Vice-Commander the exact number of membership cards in. At the December meeting of the 24th District a member representing Hollywood 591 mentioned some 270 odd members, if I remember the figures correctly; and again, because it did not coincide with the Department, as it was received by the Department, I contacted Adjutant Colvin of 591. That meeting, if I remember correctly, was on the 19th day of December at the Sawtell Home Post. Comrade Colvin asked -- I informed Comrade Colvin that I was going to appear at their second December meeting, and he advised me that they would not have the second December meeting because it was the day after Christmas, the 26th day of December; however, that there was an Executive Committee meeting and he invited me to attend that meeting so I could tell the Executive Committee what the District wanted in the way of reports on membership.

I appeared before the Executive Committee meeting which was held at the Hollywood Y.M.C.A. Building, and I was informed that it was a secret meeting, and I made my request. At that time I was informed by Comrade Kent that he was the one who made the statement, and he apologized because he did not know what was asked for, but I felt sure that they did know at that time.

At a meeting possibly in October or November -- I am

not certain of the date -- I attended a Hollywood 591 Post meeting, and they inducted 42 new members into the Post. The records of the Department do not show as of February 5th, the last record, that these 42 cards have arrived at the Department headquarters. In checking up with Adjutant Colvin he informed me that the cards had been in the possession of Commander Schneider, who had the intentions of having some stenographer make the cards to relieve the duties of Post Adjutant.

On the 29th day of January, 1945, Adjutant Colvin called my residence. I not being at home, called him the following evening. His main object in calling me was to ask what he had to do to resign as Adjutant of the Post. I informed him that it was only necessary for him to resign through a letter to his Commander. At the time I checked with him on the members that I had seen initiated in 591, and asked him why the cards had not gone to the Department, and he informed me that the cards had been returned to him by the Commander of 591 Post, Bill Schneider.

Are there any questions? I think I have covered that.

MR. HOME: Were those cards typed or untyped?

MR. SWEET: I do not have that knowledge, Comrade Home.

MR. HOME: What is the last record that you have of the membership of 591?

MR. SWEET: 172.

MR. HOME: 172?

MR. SWEET: I think that's been on record there for at least three, if not four months.

MR. HOME: Did you ever talk with Comrade Cann or any other members of 591 regarding the failure to send in these membership cards?

MR. SWEET: I talked to Comrade Tuller Sunday of this week -- Sunday, yesterday -- about it.

MR. HOME: What did he say?

MR. SWEET: And he, like the others, seemed to think that they didn't know where the cards were, other than they were in Colvin's possession; other than I informed him, Comrade Tuller, that they were there.

MR. HOME: Were you present at this meeting of the 24th District when Commander Schneider got up and criticized the District Commander for failing to place membership of 591 members on District Committees?

MR. SWEET: I was.

MR. HOME: And what did he say, if you remember?

MR. SWEET: Well, it was a rather lengthy talk. I don't remember it, except that he criticized the present Commander because he didn't give the World War II Veterans sufficient representation on the committees.

MR. HOME: Then what happened?

MR. SWEET: The District Commander from the list that had been sent out to all the Post Commanders read the

list of those members of 591 on the committees.

MR. HOME: And last year while you were District Adjutant do you recall how many members of this 591 Post served on District Committees?

MR. SWEET: Without looking at the record I couldn't say whether any of them served on the committees.

MR. HOME: Do you have anything to do with the hospital visitation?

MR. SWEET: Do I?

MR. HOME: Yes.

MR. SWEET: Not as district officer.

Comrade Home, you brought up a statement with reference to the check for the hospital for the District dues. For the record, I want to state that that check was presented to me by Commander Schneider at the Executive Committee meeting on December 26, 1944. It was given to me with a request that I mail it to the one to whom it belonged, and it was mailed to the District Adjutant.

MR. HOME: Were you present at the meeting in November when Comrade Horton had asked regarding the District dues?

MR. SWEET: No, I was not.

MR. HOME: Do you remember the date that that check bore?

MR. SWEET: I did not look at the date on the check; I was informed by one or two of the 591 members that the check had been dated several weeks before, but I did not

personally look at the date on the check. He took it out of his purse and handed it to me with the request that it be given to the District.

MR. HOME: That is all.

THE CHAIRMAN: Anything further from Mr. Sweet?

MR. BERRY: As far as I am concerned, no questions.

MR. KLEINER: No questions.

MR. BERRY: I don't know about the Judge Advocate.

THE CHAIRMAN: Very well. How long do you think we ought to take for our recess? Will 1:30 be satisfactory?

(Those present indicated assent.)

THE CHAIRMAN: Well, then, we will stand in adjournment until 1:30.

(Whereupon at 12:00 o'clock noon a recess was taken until 1:30 o'clock p.m. of the same day.)

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AFTERNOON SESSION

(1:35 p.m., February 12, 1945)

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THE CHAIRMAN: I think that if everyone interested is present we will proceed.

Before you start, Mr. Home, may I suggest that we place a limitation on the time which may be used? This may not be necessary, but I am doing it now before I know that has developed. The Committee feels that 45 minutes on each side should be sufficient, with, say, 15 minutes to close.

Several of us are in from out of town, and we have to get back, and we cannot afford to let this thing go interminably.

MR. BERRY: Are you talking about the argument?

THE CHAIRMAN: No, I am talking about the hearing.

MR. BERRY: Well, I think there will be very little difficulty then.

THE CHAIRMAN: All right, John, you may proceed.

MR. HOME: We had a conference, and apparently the only issue that the Post cares to make is on two things:

One is that there was no application of Oka's signed prior to the time that he was elected to membership, and;

Two, that the resolution was transmitted to another Post and passed either simultaneously or prior to the time it was passed by this Post.

When I made those two statements, I said I was informed, however, I understand, Mr. Berry, that you have the application.

MR. BERRY: That is correct.

MR. HOME: May it be introduced?

MR. BERRY: Yes, it can be produced, and I will be only too glad to do so.

Supplementing what Mr. Home said, however, I would like to say this: There are irregularities in the administration of the Post as there have been in every Post. There is in my Post and there is in every Post in the Department. We want to stay with the main issue, and these two things were the only two things that we care to contest at all.

Incidentally, so that the record will be clear, it is agreed, is it not, Mr. Kleiner, that our statement is correct that there are just the two things?

MR. KLEINER: Well, not wholly. The contention of the Post is that besides those two statements to be clarified there are the charges made against us in the public press, and I am speaking now for the Post and may say that the Post will not be satisfied until those charges which were made in the press and by the 24th District Commander are cleared up one way or another, not whitewashing any charges or any irregularities.

In our meetings or in following the Constitution we will admit that those irregularities existed. We will

admit that we were in default in not sending our dues regularly, not attending the meetings of the 24th District. We have no bone of contention with that. We will admit that they exist.

I think the purpose of this hearing was not to determine those irregularities; the purpose of this hearing as we demand in our telegram, is plain on its face. We either want to be vindicated or we want these charges proved against us.

MR. BERRY: As to irregularities, we are not offering any evidence on that.

Now, we have here the application of one Harley M. Oka.

MR. HOME: Let me see it.

(Document passed to Mr. Home.)

MR. BERRY: May this likewise be returned when it has served its purpose?

THE CHAIRMAN: It may be. This is the application of Harley M. Oka, for membership in Post No. 591. It may be received and marked Exhibit E.

MR. HOME: May I ask through the Chair: When was that application signed?

MR. BERRY: I think the date is on it, John. I am not sure.

THE CHAIRMAN: On January 9, 1944.

MR. DUNBAR: It is marked 1944.

MR. BERRY: That should be '45.

MR. HOME: To whom was the application delivered?

MR. KENT: The application was taken by Kenneth Dix, who at that time was Service Officer of the Post. It was o.k'd for discharge by him. It was then o.k'd for discharge by the Commander, and on the 9th of January this application, together with 34 other applications, were submitted to the Membership Committee on the mezzanine, where it was o.k'd by the Chairman of the Membership Committee, Millard V. Beesley. Oka was on the mezzanine, together with 33 other applicants and was processed in the manner in which the other 33 applicants were processed.

MR. HOME: Let me ask you this: isn't it a fact that the other 33 had previously been posted for membership?

MR. KENT: Not being the Chairman of the Membership Committee, and not being familiar with the proceedings of the Membership Committee, I don't know, but maybe there is somebody here who knows more about it. So I cannot tell you.

MR. HOME: Mr. Oka was elected to membership that night, was he not?

MR. KENT: Together with 33 others, yes.

MR. HOME: At that time do you know whether or not his dues were collected?

MR. KENT: His dues were collected that evening, and if I remember correctly --

MR. HOME: By whom?

MR. KENT: Comrade Gale, the Finance Officer, was not present, and subsequently I took the money, and I said, "O.K., we will send the money to Chapman Colvin." I didn't send it in, my personal check, but I must admit I waited for two days. I was busy. The Check arrived late, and when I found that the check might not have arrived I handed -- I told Chapman Colvin to tend to the check, and on January 13, Saturday night (my daughter was born that night, so I ought to know) I gave the money to Bill Schneider.

On Monday morning, or it might have been Tuesday morning -- Chapman Colvin told me that the letter with the check did arrive, and subsequently at the Executive Meeting on Tuesday, the 23rd, the money was then given to Bob Gale.

MR. HOME: Who is Mr. Gale?

MR. KENT: Mr. Gale was the Finance Officer.

MR. HOME: You were the finance officer at the Post at the time this money was given?

MR. KENT: No, I was merely -- I felt that I was not -- I just took the money.

MR. HOME: Now, you brought Mr. Oka in here, didn't you?

MR. KENT: No, I did not.

MR. HOME: Who did?

MR. BERRY: Well, he filed his application and that is the answer.

MR. HOME: Wait a minute, let's find out who brought

him in.

MR. BERRY: Just a minute. I want to object to that.  
In the first place --

MR. HOME: (interrupting) All right. I will withdraw  
it.

MR. BERRY: All right.

MR. HOME: Now, then, were you with Mr. Oka at all  
times during that evening up to the time when he was  
elected to membership?

MR. KENT: No, I was not. I was on the floor.

MR. HOME: Are you familiar with the Constitution and  
By-Laws of the Post?

MR. KENT: I am afraid not.

MR. HOME: As a matter of fact, Mr. Kleiner, your  
Judge Advocate, was on the floor during that time, wasn't  
he?

MR. KLEINER: I was on the floor and then up in the  
mezzanine in the member --

MR. HOME (interrupting): You were on the floor?

MR. KLEINER: On the floor, yes.

MR. HOME: You are familiar with the Constitution and  
By-Laws, aren't you?

MR. KLEINER: That's correct.

MR. HOME: And you know Article V of the Constitution,  
don't you, which reads as follows:

"Section 1. Candidates for membership in this

Post shall make application upon form prescribed by the Executive Committee of this Post. Applicant shall furnish evidence of eligibility.

"Section 2. All applications for membership shall be referred to the Membership Committee, which shall, at regular meetings of the Post, report upon all applications received during or before the next previous regular meeting.

"Section 3. Applicant to appear for posting the election. Every applicant for membership in this Post shall, unless excused by the Post, appear at a regular meeting of the Post for the posting of his name, and again at the next regular meeting of the Post for election to membership.

"Section 4. Two-thirds vote required to elect. The affirmative vote of two-thirds of the members present and voting at the regular meeting shall be required to elect an applicant to membership in this Post.

"Section 5. The annual dues for membership shall be \$7.50, which sum shall include the head tax. The first year's dues must be paid before posting of the name of the applicant."

MR. BERRY: Do the records show that Mr. Oka was voted on that night? They do, don't they, and he was taken in by vote of the Post?

MR. KLEINER: Yes.

THE CHAIRMAN: Yes.

MR. BERRY: That is all.

THE CHAIRMAN: May I ask someone connected with the Post this question: I notice that on the application, Exhibit E, the date of enlistment is given as June 21, 1945. Have you any idea what the correct date is?

MR. KENT: It should have been '44.

MR. SCHNEIDER: I believe it was '44.

THE CHAIRMAN: You think it was '44?

MR. KENT: '44.

MR. BERRY: Mr. Robinson, who represents Mr. Oka, says it was '43.

MR. ROBINSON: I am sorry that I do not have my notes with me, but my impression is that it was '43 that he enlisted. I am not certain about that, either, so I --

THE CHAIRMAN: I want it to be right, Mr. Robinson, because --

MR. HOME (interrupting) Well, Mr. Kleiner, you are familiar with those sections I just read?

MR. KLEINER: That is correct.

MR. HOME: And you were present at the meeting?

MR. KLEINER: That is correct.

MR. HOME: And you are the legal adviser of the Post, is that correct?

MR. KLEINER: That is correct.

MR. HOME: Did you raise any objection to Mr. Oka being taken into membership?

MR. KLEINER: I raised no objection whatsoever.

MR. HOME: All right. Now, Mr. Schneider, you have been Commander of this Post since its inception, haven't you?

MR. SCHNEIDER: That's right.

MR. HOME: You were the presiding officer at this meeting, weren't you?

MR. SCHNEIDER: THAT'S right.

MR. HOME: You are familiar with the Constitution and By-Laws?

MR. SCHNEIDER: Fairly so.

MR. HOME: You knew when Mr. Oka was presented for membership that night that he had never been posted, didn't you?

MR. SCHNEIDER: That's right

MR. HOME: And you also knew that there had not been delivered to the Finance Officer or to the Adjutant of the Post the dues of this applicant, didn't you?

MR. SCHNEIDER: No, I did not.

MR. HOME: Did you see this application?

MR. SCHNEIDER: I did.

MR. HOME: When?

MR. SCHNEIDER: When it was presented to me by the membership committee.

MR. HOME: And was it brought into the Post meeting?

MR. SCHNEIDER: They are not brought in.

MR. HOME: I beg your pardon?

MR. SCHNEIDER: They are not brought in to the Post meetings.

MR. HOME: When was it presented to you by the membership committee?

MR. SCHNEIDER: When the whole subject was brought up about the membership of Oka, which I was involved in, I made an investigation of my own to find out where the application was and I obtained it from the Service Officer who had it at that time, who was also on the membership committee.

MR. HOME: That's Captain Dix?

MR. SCHNEIDER: That's Cap. Dix, yes.

MR. HOME: And despite the fact that you knew the routine was set forth very specifically in regard to election of membership, you permitted this man to be elected, is that correct?

MR. SCHNEIDER: That's correct.

MR. BERRY: John, we can shorten this thing. I don't make any contention that there was any posting for membership or anything of that nature. The application was signed on that date. There may have been irregularities.

MR. HOME: Well, I don't stipulate it was signed on that date. I am simply taking their testimony for what it is

worth.

Now, you appointed Mr. Luban Chairman of the Publicity Committee, didn't you?

MR. SCHNEIDER: He wasn't appointed Chairman of the Publicity Committee.

MR. HOME: Who was?

MR. SCHNEIDER: There is no Chairman of the Publicity Committee.

MR. BERRY: Just a minute. There is no issue created on that, Mr. Home.

MR. HOME: In other words, you concede that they gave publicity in violation of the laws?

MR. BERRY: The publicity was given, but I do not say that they gave publicity in violation of the laws. I will concede that there was plenty of publicity, but I will not concede that it was in violation of rules.

MR. HOME: I am not talking about taking in Mr. Oka; I am talking about this Resolution.

MR. BERRY: I will say that the same thing, that is still was not in violation of the rules.

MR. HOME: I think for the sake of the record we should have read into the record, unless you want to take cognizance of the fact that it is in existence, the prohibition against publicity.

MR. BERRY: If you have it, John, I would appreciate it being read in.

MR. HOME: It is entitled, "Authority of the Department Executive Committee."

MR. BERRY: I didn't get that, John.

MR. HOME: It is a part of a Resolution concerning the authority of the Department Executive Committee, and I believe it was passed at the Convention in Stockton, in 1937, and to my knowledge has never been rescinded.

This portion says:

"For the guidance of member bodies, the Department Executive Committee in regular session, December 16, 1934, adopted the following Resolution similar in purport to Opinion previously rendered by Department National Judge Advocates. This action was reaffirmed by the Department Executive Committee on December 11, 1938:

"That any Resolution adopted by Post, District, or Area, concerning the policy of the American Legion be referred to the Department Commander for his attention, and that no such Resolution be given publicity through the press or be sent to officials of the state or national governments or their representatives without permission of the Department Commander or the Department Executive Committee."

Now, you had a photographer there that night, didn't you?

MR. SCHNEIDER: Who are you talking to?

MR. HOME: To you, Mr. Schneider.

MR. SCHNEIDER: Yes, there was a photographer there.

THE CHAIRMAN: What night are you talking about now?

MR. HOME: The night that Mr. Oka was taken into membership.

THE CHAIRMAN: Yes.

MR. HOME: And at that time you had a Resolution prepared concerning Americans of Japanese extraction and condemning the Hood River Post, did you not?

MR. SCHNEIDER: That's right.

MR. HOME: And it was printed, wasn't it?

MR. SCHNEIDER: Printed?

MR. HOME: Yes.

MR. SCHNEIDER: Not that I know of. I donot know anything about that Resolution. I had no sight of it whatsoever until that same day that I knew that it was going to be presented that night.

MR. HOME: Who brought it to you?

MR. KENT: The Resolution?

MR. HOME: Wait. I was asking Mr. Schneider.

MR. BERRY: I think Mr. Kent can tell you about that.

MR. HOME: All right.

MR. KENT: The Resolution which I co-authored, and I would like to say almost authored, because I co-authored it with one of my comrades who is not in the Army -- he is a Sergeant Gunner. I like to say authored for the simple

reason that the man is taboo now that he is in the Army. His name is Leo L. Shibley, and I would like to keep him out of the proceedings for the reason which I emphasize again. The man is taboo.

The Resolution was drawn up on Sunday, the 7th, and I did not meet Oka until Monday, the 8th. It was read by Comrade Shibley on Tuesday, the 9th, and a copy of the Resolution was then given to Comrade Kleiner, the Judge Advocate. It was printed on the 11th, which was two days after the Post meeting.

At the time the Resolution was read there existed one copy, read by Comrade Shibley, one copy in the hands of the Judge Advocate Kleiner, and one copy I had, because from that we made the copies to be printed

MR. BERRY: When was it printed?

MR. HOME: How many did you make?

MR. KENT: Three copies.

MR. BERRY: When was it printed, Bill?

MR. KENT: The order to print was given after I --

MR. BERRY: What date?

MR. KENT: After I obtained authority from the First Vice Commander, Pete Cann, on the 10th, and it was delivered to me on the 11th.

MR. HOME: And there were only three copies struck off on the typewriter, is that right?

MR. KENT: Three to my -- let's see -- one for him, one

I have here, and one was given to Schneider, so there must have been four.

MR. HOME: When did you give it to Mr. Luban?

MR. KENT: Mr. Luban got it that very same night, because he says, "I have got to have it so it can be given to the newspapers."

MR. HOME: And he took it down that next day to the newspapers, didn't he, or the same night?

MR. KENT: No, I took it -- oh, to the newspapers, I had nothing to do with that.

MR. HOME: Well, I would like to introduce photostatic copies of the --

MR. KENT: Oh, yes, that was struck off, that's right.

MR. HOME: Now, may I see yours?

MR. KENT: Yes.

MR. BERRY: Didn't I give you a copy?

MR. HOME: I want his own copy.

MR. BERRY: Where is the last of it, John?

MR. HOME: That was all that was taken off, and photostated.

MR. KENT: There is a copy of the original that was read. Then on the following morning we struck off about ten copies for the press, and that is the photostatic copy and then after that it was printed.

MR. HOME: Now, I would like to introduce the photostat of the first page of the Resolution that was delivered

to the Los Angeles Examiner, the photostat of the publicity that was delivered to the Los Angeles Examiner, the carbon copy that Mr. Kent has just delivered to me saying that it is one of the ten copies that were struck off the next morning, and the copy that Mr. Kent has delivered to me of one of the three he says were written.

THE CHAIRMAN: They may be received and marked seriatim Exhibits F, G, H, and I.

MR. HOME: Mr. Schneider, do I understand you correctly that Mr. Luban was not appointed by the Chairman?

MR. SCHNEIDER: That's right. The appointment of any chairman on any committee has to be approved by the Executive Committee before it can ever take place.

MR. HOME: Now, you will remember that after Mr. Horton left the Platform there was quite a discussion in your Post, wasn't there?

MR. SCHNEIDER: Quite.

MR. BERRY: Are you talking about January 23 now?

MR. HOME: Yes, January 23. And you were presiding at least part of the time?

MR. SCHNEIDER: That's right.

MR. HOME: And you remember that Mr. Luban made two or three different speeches, don't you?

MR. SCHNEIDER: Yes.

MR. HOME: And do you remember that during the course of --

A VOICE: He is nodding his head.

MR. BERRY: The answer was yes.

MR. HOME: Do you remember during the course of at least one of his speeches that he stated that he was Publicity Chairman of the Post, that he had not given any publicity to the newspapers of the Resolution; that he had simply delivered the Resolution down there to the City Editors of the various papers and the stories were their own stories? Do you remember that?

MR. SCHNEIDER: I remember that, yes.

MR. HOME: And you at that time did not say that Mr. Luban was not the Publicity Chairman of the Post, did you?

MR. SCHNEIDER: That's right.

MR. HOME: Did you, as Commander of the Post, authorize Mr. Luban to deliver this Resolution to any of the newspapers?

MR. SCHNEIDER: Let's see if I can remember my exact -- I don't remember exactly what did take place at that time, whether we were to publicize it or not. Do you remember, Bill?

MR. BERRY: We are not making any dispute that it was publicized. We are not making any issue on that, John.

MR. HOME: And did your Executive Committee authorize it to be publicized?

MR. SCHNEIDER: No.

MR. HOME: When it appeared in the press you did not take Mr. Luban to task for permitting it to be publicized,

did you?

MR. SCHNEIDER: I questioned Mr. Luban as to the release of all this publicity and various things, and he had made the statement that he had not released any publicity on the entire thing.

MR. LAKINER: Mr. Home, may I say something?

A motion was made when that Resolution was read at that meeting, that it was to be publicized, and it was passed in the house to publicize that Resolution.

MR. HOME: And given to Mr. Luban as Publicity Chairman, wasn't it?

MR. KIEINER: Well, I don't know whether the motion stated who was to publicize it, but a motion was made to have it publicized.

MR. JAMES: May I clarify that point, gentlemen?

Mr. Luban, because we could not at the time authorize a Chairman of Publicity, was temporarily appointed to that post until such a time as one could be regularly reinstated.

MR. HOME: When did Mr. Luban join your Post?

MR. SCHNEIDER: He is a charter member.

MR. HOME: A charter member of the Post?

MR. SCHNEIDER: That's right.

MR. HOME: Does he carry a 1945 card?

MR. BERRY: John just a moment. We are not creating any issue on that at all. Here is a statement that the matter has been publicized by resolution of the Post and I

don't know what Mr. Luban has to do with it. There is no issue present. There are just the two points that I told you about it.

MR. HOME: That's all right.

Do you know whether or not he carries a 1945 card or not?

MR. BERRY: I don't know.

MR. HOME: Do you know Schneider?

MR. SCHNEIDER: I don't know.

MR. HOME: Do you know whether or not any record of his membership has ever been transmitted to the Department of California?

MR. SCHNEIDER: That I don't know. That is in the hands of my Adjutant, who handles that.

MR. HOME: Mr. Chairman, and gentlemen, I want to read from a letter of January 30, 1945, on the official stationery of the Department of California, and signed by "Jim" underneath the words "James A. Fisk, Department Adjutant." The letter is addressed to me. I will skip that part of it. It is not pertinent to Mr. Luban. He says:

"I have no record of the membership in any Post in this Department of one Milton Luban. It may be that the card is in the hands of the Post Adjutant and has not yet been forwarded to me."

Mr. Schneider, do you know who sent a copy of this Resolution to Cinema Post?

MR. SCHNEIDER: No, I do not.

MR. HOME: Did you authorize the sending of that Resolution to Chinema Post?

MR. SCHNEIDER: I just said that I did not authorize the sending of it, from which it would stand that I did not have anything to do with that at all. The first I knew about the passing of the Resolution was the day I was met by a member of that Post on Hollywood Boulevard, and he made the statement that they had passed that Resolution that night and immediately afterwards a contingent of the 24th District came in, of which Commander Horton was a member, and they raked Cinema Post over the coals for passing it, and in which various statements were made against me, in which I was Example One. The name I was called was a "half-baked preacher."

MR. HOME: On what day was that?

MR. SCHNEIDER: I don't remember the date. I believe it was the day after the meeting of the Cinema Post.

MR. HOME: Do you remember what day it was in reference to the 9th of January?

MR. ROBINSON: John, is there something improper in sending a copy of that Resolution to Ginema Post?

MR. HOME: Well, I want to find out when it was sent, and according to the statement of Mr. Berry --

MR. ROBINSON ( interrupting): I don't know what the relevancy of that particular testimony is at all on that

particular point.

MR. HOME: Well, apparently I made a statement that I was informed that it was passed by another Post on the same night, which Mr. Berry challenged.

MR. BERRY: You didn't say that. I think you mis spoke there. What you said this morning was that the Resolution had been sent to another Post Before it was passed by this Post, not that it was passed by another Post.

MR. HOME: Well, I may stand corrected on what I said, but the inference was that it was sent to another Post for passage, which you wanted evidence on.

MR. BERRY: Before it was passed by this Post No. 591.

MR. HOME: Do you know who sent it to Cinema?

MR. SCHNEIDER: I know nothing about it whatsoever.

MR. HOME: Who besides you had possession of that paper in No. 591?

MR. SCHNEIDER: Pete Cann, my First Vice Commander, Bill Kent, Ed Kleiner, and the Adjutant, Cap. Dix, had some.

MR. HOME: Did you ever authorize the printing of this resolution?

MR. KLEINER: The Executive Committee authorized it.

MR. SCHNEIDER: It was authorized by --

MR. HOME: Do you know when it was printed, in relation to the time it was supposed to have been passed?

MR. BERRY: I think I can help you on it, I just spoke

to Bill Kent, and he said he sent that to Cinema Post about ten days after it was passed by Post No. 591.

MR. HOME: Then, apparently, gentlemen, I was in error in the statement that I made concerning when it was passed by another Legion Post.

I think I will ask Mr. Horton some questions.

THE CHAIRMAN: Before you go to that, I am puzzled about one thing in relation to that Resolution.

The copy of the Resolution which was Exhibit D was handed to us with the comment that one of the Whereas clauses had been stricken, the one reading:

"WHEREAS, among this falsely attacked group of loyal American Veterans who have served in our armed forces not only in World War I, but are still serving in World War II, many of them having received citations and commendations for valor beyond the call of duty ..."

And I would like to --

MR. BERRY: I think you will find that that paragraph is practically word for word with either the preceding paragraph or the following paragraph.

Was that part of the resolution when passed?

MR. KENT: No, the original is the one on the legal size paper, and then there is a typographical error either by the printer or by what we struck off the next day.

THE CHAIRMAN: Oh, I see.

MR. BERRY: It is a repetition.

THE CHAIRMAN: Oh, it is merely a repetition. All right.

MR. BERRY: Well, before any questions are asked of Mr. Horton, I would like to say this: I had to prevail on Mr. Schneider to leave his business and come over here, and he has got to get back, and if there is anything further that they would like to ask him, I think it should be done at this time.

THE CHAIRMAN: I think that's reasonable.

Have you anything more, John, that you want from Mr. Schneider?

MR. HOME: No, in view of the fact that they don't intend to contest the charges that I made other than these two.

MR. CHAMBERLAIN: Well, if you don't have any questions I have a question or two from Mr. Schneider.

THE CHAIRMAN: Go ahead.

MR. CHAMBERLAIN: Mr. Schneider, this morning the First Vice Commander Cann made some statements that certain correspondence purportedly signed by you were sent out by you without the approval, or I think you said, Conrad Cann, without consulting the Post Executive Committee. Is that correct?

MR. CANN: That is correct.

MR. CHAMBERLAIN: Will you clarify that for the Committee, or do you care to do you care to do so.

MR. SCHNEIDER: Yes, I can. I am supposed to be Commander of the Post, representing the Post in all affairs and incidents that happen, and my purpose in sending that letter to Commander Bolt was to inform him exactly as we saw the situation and present the incidents that had happened. We believe that this should have been cleared up, and we wanted it to be cleared, and so, because of certain incidents that have happened, we felt that he should know about it immediately, because of various things.

For example, the day that two men walked into the store in which I am employed, and I was standing there in a group of about ten people, and two men walked up to me and said, "We are from the Sheriff's Office," and they told me their names and they said they had been sent there by Ed Bolt.

MR. CHAMBERLAIN: I don't mean to cut you short, Comrade Schneider, but the facts were related substantially as you are relating them now, I think, this morning, by Mr. Berry. I didn't mean to trouble you to repeat it. Unfortunately I realize that you weren't present this morning, but is there any statement you care to make now which will clarify your position with reference to the Post Executive Committee?

MR. SCHNEIDER: I feel as Commander I was within my rights in notifying the Department Commander of the incident

and stating everything that was in there, because that was to my mind, the proper thing to do, from one Commander to another, representing the Post to the Department Commander representing the Department.

MR. CHAMBERLAIN: I understand that is the first communication you sent Commander Bolt, namely, the telegram, and that was authorized by the Executive Committee, is that right, Comrade Cann.

MR. CANN: That's right.

MR. SCHNEIDER: Yes.

MR. MARTIN: You were using the word "we" when you wrote the letter. Whom do you infer by the word "we"?

MR. SCHNEIDER: I meant my Post and the members of it.

MR. CHAMBERLAIN: In signing this letter, therefore, of February 3, 1945, and in the closing paragraph stating:

"Our Post and its members are entitled to and intend to have speedy and public vindication of the false charges," and so forth,

as to that statement you had not consulted the Post Executive Committee before you put that in, is that right?

MR. SCHNEIDER: That I believe was in accordance with the telegram that we sent Commander Bolt. In other words, that was just repeating the same thing that we had placed in the telegram.

MR. CHAMBERLAIN: Was this letter signed by you drafted by you, or was it drafted by someone else?

MR. BERRY: For the purpose of the record I will say that I dictated that letter.

MR. HOME: Might I ask you who gave you this information, Ben?

MR. CHAMBERLAIN: What information?

MR. HOME: In the letter of February 3?

MR. BERRY: I made a pretty thorough study of the entire situation, John.

MR. HOME: And with whom did you talk?

MR. BERRY: That, John, is a matter that is personal to me.

THE CHAIRMAN: You don't have to answer that.

MR. BERRY: I don't think I will.

MR. CHAMBERLAIN: That's all the questions I have.

MR. BERRY: All right, Bill, thanks for coming up.

THE CHAIRMAN: All right. You may proceed.

MR. BERRY: Thanks, John, for letting us finish with Bill.

MR. HOME: I would like to ask Mr. Tuller some questions.

MR. BERRY: Who?

MR. HOME: Mr. Tuller?

You are a member of Post No. 591, are you not?

Mr. Tuller: Yes, sir.

MR. HOME: And have been since its inception?

MR. TULLER: Well, not quite; almost since its inception.

MR. HOME: Well, shortly after it was organized?

MR. TULLER: Shortly after it was organized.

MR. HOME: Within a month or so?

MR. TULLER: Yes.

MR. HOME: And you have been a member of the Membership Committee during all of your membership in the Post, have you not?

MR. TULLER: Yes, sir.

MR. HOME: Now, addressing yourself particularly to the Oka application, were you present at the Post meeting on January 9?

MR. TULLER: Is that the meeting in question here?

MR. HOME: Yes.

MR. TULLER: Yes, sir.

MR. HOME: I show you this application which is marked Exhibit E, and ask you if you have ever seen that before?

MR. TULLER: No, sir, I have not.

MR. HOME: Was there any meeting of the Membership Committee that night?

MR. TULLER: The membership, the ones who were there, were all up on the mezzanine floor as usual.

MR. HOME: Were you there?

MR. TULLER: Yes.

MR. HOME: Did you see Mr. Oka that night?

MR. TULLER: Yes, sir.

MR. HOME: Who brought him up?

MR. TULLER: That I can't say, sir. I was at a desk. You know how you are in little meetings, boys bringing applications up, and I saw him come in, but I don't recall who he was with.

MR. HOME: And you didn't see his application that night?

MR. TULLER: No, sir, I did not.

MR. HOME: Did you ever have a meeting after the application had been finished, in which you discussed who would or would not be sent in for membership?

MR. TULLER: No.

MR. HOME: And at any time has your membership committee ever approved Mr. Oka's application?

MR. TULLER: Not to my knowledge, sir, no.

MR. HOME: Did you ever authorize Mr. Beesley, the Chairman of the Membership Committee -- when I say "you" I mean the members of the Membership Committee -- ever authorize Mr. Beesley to approve that application on behalf of the Membership Committee?

MR. TULLER: No, sir.

MR. HOME: Did the members of the Membership Committee ever authorize Mr. Dix to approve that application on behalf of the Membership?

MR. TULLER: Not the Membership Committee. What the Chairman might have done, I don't know.

MR. HOME: I mean at any meeting of the Membership

Committee?

MR. TULLER: No, sir.

MR. HOME: Do you know whether or not Mr. Oka paid any dues that night?

MR. TULLER: I do not, sir. I asked a few questions. I said, "What is the story on the thing?" and I never got any satisfaction from any body, so I shut up.

MR. HOME: Whom did you ask?

MR. TULLER: Other members of the Membership Committee.

MR. HOME: And no one told you.

MR. TULLER: Nobody knew anything or would tell me.

MR. HOME: Nobody knew anything, where he came from or where the dues were?

MR. TULLER: No.

MR. HOME: Do you know whether or not a card was issued to Mr. Oka that night?

MR. TULLER: I wouldn't be able to say, sir. You would have to ask the Adjutant.

MR. HOME: Did you know at that time that he was to be elected to membership that night?

MR. TULLER: I did not, no, sir. They ran him in at the last minute.

MR. HOME: When you say, "they ran him in at the last minute," what transpired?

MR. TULLER: Well, there was a crowd of boys that they were bringing in that night, if I remember correctly, and I

was busy as a bee up there with these fellows. It was just one after the other, a string of them. They had, oh, 20, 25, or 30, something like that, and at the very last it looked like there was only one or two left. They were holding up the boys downstairs because they got one or two more to go in, and they were bringing up one or two, and if I remember, I think Brill brought me one up that night and turned him over.

MR. BRILL: That was the next meeting.

MR. TULLER: Was that the next meeting? Anyway, there were a crowd of fellows in and this fellow so-called, this Oka, was brought up -- he was only up there for a short time, but where his application came from or who had it in their hands, I don't know. I never saw it. But I presume -- I didn't get to go down until a little later. I had to wind up what papers we had upstairs. And the boys had gone into the meetings by the time I got downstairs, and he was evidently in. I didn't see him in the crowd, but I presume he was taken in at that time.

MR. HOME: Had they elected him to membership at the time you got down?

MR. TULLER: I think so, yes.

MR. HOME: Had the chairman left the meeting at that time, to report to the commander?

MR. TULLER: Yes, he wasn't up there with us. He had gone down on the floor, gone downstairs to the meeting.

MR. HOME: Did you ever have occasion to talk with the Commander regarding per capita tax?

MR. TULLER: No, I never have.

MR. HOME: Not his, but in regard to membership applications in the Post and the remittances to the Department of California?

MR. TULLER: No, sir, personally I have not; no, sir. The Chairman of the Membership Committee might have, but I never have had.

MR. HOME: Isn't it a fact that some 42 members were taken in last October and a number of the per capita taxes on those members had never been remitted that you know of?

MR. BERRY: Just a minute. We are not making any issue on that irregularity.

MR. HOME: All right. Do you know anything about this Resolution?

MR. TULLER: This?

MR. HOME: 591, how it was made up?

MR. TULLER: No, the origination I don't know anything about.

MR. KIEINER: I would like to ask Mr. Tuller some questions.

MR. TULLER: Yes?

MR. KIEINER: On the night in question there were 34 members admitted, is that correct?

MR. TULLER: I don't remember.

MR. KLEINER: Approximately?

MR. TULLER: Approximately, somewhere around there.

MR. KLEINER: Did you see every one of those 34 applications?

MR. TULLER: Not every one.

MR. KLEINER: You never see every application?

MR. TULLER: No, I never see every application.

MR. KLEINER: There was nothing irregular about your not seeing every application?

MR. TULLER: Not as far as that procedure is concerned, no.

MR. KLEINER: What is your procedure in viewing these applications? Does each member of the Membership Committee look after certain applications and discharges? Is that correct?

MR. TULLER: Yes. One member of the Membership Committee never sees all of them.

MR. KLEINER: And after these discharges are checked and the applications are made and dues are paid, what is the procedure then?

MR. TULLER: It could happen like this one did.

MR. KLEINER: What is the procedure after the application is checked and the discharge is checked?

MR. TULLER: The members that check the discharges write their o.k. on the application.

MR. KLEINER: And it is never referred to the Committee

as a whole, is it?

MR. TULLER: Well, never has been yet.

MR. KLEINER: It never has been yet?

MR. TULLER: It would be, I suppose, if there was some question as to a member coming up. It should have been.

MR. KLEINER: In all your experience, then, on the Membership Committee, the Membership Committee never held a meeting where they considered all the applications as a whole, did they?

MR. TULLER: Not -- never where the whole Membership Committee was there, no.

MR. KLEINER: And after these applications and discharges are checked, isn't it the custom to send the member downstairs to be introduced? Or wasn't it?

MR. TULLER: It was. I never agree to it. I said several times it shouldn't have been done.

MR. KLEINER: Was it the custom?

MR. TULLER: Well, do you mean the same night they came up, Mr. Kleiner?

MR. KLEINER: Yes.

MR. TULLER: They pushed some through that way, yes.

MR. KLEINER: Do you know of any cases where they did not?

MR. TULLER: Where they did not?

MR. KLEINER: Yes.

MR. TULLER: When we first organized the Post we didn't

do that.

MR. KIEINER: How long do you know that they were doing it that way?

MR. TULLER: What?

MR. KIEINER: How long do you know that they were doing it that way, taking the application and checking the discharge and accepting the money and sending them downstairs?

MR. TULLER: Oh, I am trying to think back when they first started that.

MR. KIEINER: Was it several months?

MR. TULLER: What do you mean by "several"? Three or four months anyway.

MR. KIEINER: Three or four months anyway?

MR. TULLER: Yes.

MR. KIEINER: Then you would say as a member of the Membership Committee that there was nothing irregular, according to custom, of taking Mr. Oka's application, consulting his discharge, and sending him downstairs to be introduced?

MR. TULLER: No, sir.

MR. KIEINER: In other words, he was treated like every other member during the last three or four months?

MR. TULLER: Except it was done a little hurriedly.

MR. KIEINER: There was no exception made in Mr. Oka's case, as far as you know.

MR. TULLER: No, not as far as I knot.

MR. HOME: Has it been your practice not to post members?

MR. TULLER: They had been doing it.

MR. HOME: Did Mr. Kleiner, the Judge Advocate, call the attention of the Post to the Membership Committee, that they weren't posting members?

MR. TULLER: No.

MR. HOME: Did Mr. Schneider, the Commander, call that to your attention?

MR. TULLER: No, sir.

MR. KLEINER: Mr. Tuller, do you know personally that I did not call your attention to that?

MR. TULLER: Not to me, no.

MR. KLEINER: Oh, to you. I mean to the Post?

MR. TULLER: Mr. Home asked me if he did to me personally.

MR. KLEINER: No, I mean to the Post. Well, for your information, I did call that to the attention of the Committee several times, but they still insisted on doing it that way. The only point I am questioning you on -- I admit the irregularity was not conforming to the Constitution. The point I want to bring out, Mr. Tuller, is that Mr. Oka was not treated as a special case, was he?

MR. TULLER: Well, I wouldn't say so, no.

MR. BERRY: No questions.

THE CHAIRMAN: This is perhaps a matter of no importance,

but I notice that on the back of the Resolution, Exhibit I, which I think was supplied by Mr. Kent, there are some longhand notes relating to Harley M. Oka, in which it says: "In Army 6/21/44" Would you look at that, Mr. Kent, and see whether that is your handwriting, and if so, I assume that is probably the correct date of his enlistment.

MR. KENT: This is not my handwriting, no.

THE CHAIRMAN: You don't know whose it is?

MR. KENT: No.

THE CHAIRMAN: All right.

MR. KENT: That is not my writing.

THE CHAIRMAN: All right. As I say, it is probably of no importance.

All right. What else have you?

MR. HOME: I think I will ask Mr. Horton some questions.

THE CHAIRMAN: You have now, I will say, consumed your 45 minutes, Mr. Home.

MR. HOME: Well, if I may have just a few minutes more --

THE CHAIRMAN: Very well.

MR. HOME: Did you at any time, Mr. Horton, demand, or did you at any time charge that Mr. Schneider or Mr. Kent were Communists, during the time that you were appearing in that meeting on the night of the 23rd?

MR. HORTON: I did not.

MR. HOME: At any public meeting or gathering have you made such a charge against either of these men?

MR. HORTON: I did not.

MR. HOME: Did you request Mr. Contreras, as a Deputy Sheriff, to make an investigation of either of these men?

MR. HORTON: I did not.

MR. HOME: Did you talk to Mr. Contreras at all?

MR. HORTON: Yes. Yes, as a member of the Radical Research Committee.

MR. HOME: What did you say to Mr. Contreras?

MR. HORTON: I stated to him that I had made a complaint to the Judge Advocate as to the general conditions in Hollywood's World War II Post, and that I had received an answer from the Department Adjutant advising me that the Department Commander would be down here to investigate the matter. That was on January 17. Then in this letter the Department Adjutant advised me that in discussing the situation with Department Commander Bolt he desired me to say that he expected to be in Los Angeles on February 10 and 11 and that he will stay at the Jonathan Club. It is his thought that perhaps your Area Commander Dunbar, and George Contreras, a member of our Radical Research Committee might confer together at that time and consider the various items mentioned in your letter.

Pursuant to that I saw George and explained the situation, and any action that he might have taken was beyond my

control in any way.

MR. HOME: Now, did you make any statement to the "Evening Herald"?

MR. HORTON: At no time.

MR. HOME: Have you ever made any statement to any reporter or to any newspaper or to any news service since the meeting of the 23rd?

MR. HORTON: Not once. And quite the contrary; I have had to shoo them off, both the news reporters and photographers, and I refused at all times to give them any statement of any nature.

MR. HOME: Now, you did not appear before the Post Executive Committee?

MR. HORTON: I did not. I still fail to see why I should have.

MR. HOME: Did you tell anyone that any one person or persons had kidnapped Oka?

MR. HORTON: That was the first I ever heard of that, was when I read it in the paper.

MR. HOME: Previous to this evening when you took over the meeting of January 23, had you appeared before the Post meeting and discussed with the Post membership present the irregularities that had been going on?

MR. HORTON: I had at their November meeting.

MR. HOME: And had you appeared before this Executive Committee?

MR. HORTON: I had not. I had appeared before the Post as a whole. I thought that was sufficient.

MR. HOME: And did you at that time advise them in what what that they were not following Legion rules and regulations?

MR. HORTON: I did.

MR. HOME: And was one of the matters that you discussed the matter of publicity?

MR. HORTON: Not at that time; not publicity.

MR. HOME: Did you discuss that with them at any time.

MR. HORTON: I did at a later date, on January 23. I might state that I did complain of in November was that they were not cooperating in the Legion Program; that they did not attend to their hospital obligations; that they had not paid their dues to the District or the County; that they had no delegates at District and County meetings; they were not sending cards to the Department or checking discharges, and that they were running a one-man show. Those are the complaints that I made in November. At that time it was very hot because another Post had to pay their share on that hospital visitation, which was later reimbursed to that Post out of the District Funds.

THIS meeting later in January was a follow-up of the meeting in November, but it was also prompted by their publicity of the Hood River Resolution.

MR. HOME: That is the Resolution which has been

introduced here?

MR. HORTON: Yes.

MR. HOME: I think that is all.

MR. KLEINER: Now, Mr. Chairman, I would like to ask Mr Horton a few questions.

THE CHAIRMAN: Go ahead.

MR. KLEINER: Referring to the night of Tuesday, January 23, 1945, is it not correct that you made these statements, quoting in part that "the Communist Party has infiltrated into every organization, and the method and manner of your handling this whole situation smells to high heaven of the tactics pursued by the usual Communist groups."

MR. HORTON: It is not.

MR. KLEINER: You did not make those statements?

MR. HORTON: I will dispute the greater portion of your so-called text of that meeting.

MR. KLEINER: Commander Horton, I take it you read--

MR. HORTON: Just a minute until I finish in answering you. What I said was a quotation from the Americanism Manual of the National Headquarters:

"The right of totalitarian nations to maintain their present forms of government cannot be denied. But we deny their right to force their principles upon us, either by infiltration or otherwise."

And added:

"Your tactics smell to high heaven of Communist

activities."

That's exactly what I said.

MR. KLEINER: Commander Horton --

MR. HORTON: Just a minute. Just a minute. Your text is distorted very nicely to sound the way somebody else wanted it to, and you produced through some member of your Post a transcript of that to one Fleetwood Lawton, a radio broadcaster, who, in quoting me --

MR. CHAMBERLAIN: What was the last phrase you used?

MR. HORTON: Fleetwood Lawton, a radio broadcaster.

THE CHAIRMAN: You say the Post produced him and "you produced through some member of your Post a transcript of that to one Fleetwood Lawton, a radio broadcaster."

MR. CHAMBERLAIN: Go ahead.

MR. HORTON: Who, in quoting over the radio, stated:

"So that Horton adduced no specific authority for his action, but in his speech furiously denounced the Post's leadership. He even went so far as to say it could be no concern of ours if the nations we are fighting establish and maintain totalitarian forms of government."

If that isn't a deliberate smear and distortion of what was said there, no further evidence could be presented that would be of value.

MR. KLEINER: Now, Commander Horton, did you come up there with a prepared speech?

MR. HORTON: I certainly did.

MR. KLEINER: Have you a copy of that entire speech that you delivered to us that night?

MR. HORTON: Yes, I have.

MR. KLEINER: Will you present it to this Committee?

THE CHAIRMAN: Let John bring it up.

MR. KLEINER: May I see a copy of that, please?

MR. HOME: Will you kindly point out in this --

MR. HORTON: (interrupting) No. 11, and I will add that that last part about the Communists was extemporaneous and not part of the speech, and that the notes of the Adjutant taken at that time add that portion.

At the meeting we had our District Adjutant making notes, and if you would like his copy I will furnish that.

MR. KLEINER: I think we would appreciate a copy of those notes.

MR. HORTON: That isn't for you; it is for the Committee.

MR. KLEINER: That's for the Committee.

THE CHAIRMAN: Mr. Kleiner, do you wish this to go into the record?

MR. KLEINER: Yes, in comparison with our sworn reporter's statement of the testimony taken at that time.

THE CHAIRMAN: That will be J.

MR. KLINER: At this time may I ask whether or not the

transcript that you have there, that we have presented as evidence, is a sworn statement?

MR. BERRY: Is that sworn to be the court reporter? I don't know whether it is or not.

THE CHAIRMAN: I didn't see any certificate.

MR. KLEINER: Then I suggest before the Committee considers it, that it be sworn to before the court reporter.

MR. BERRY: We can get a statement from the court reporter.

MR. KENT: There is one copy sworn to.

MR. BERRY: We will get one for you.

MR. CHAMBERLAIN: Well, we didn't ask for it. Mr. Kleiner is the one who asked for it.

MR. BERRY: It is a certified court reporter.

MR. KLEINER: I am asking for it in the name of Post No. 591.

MR. CHAMBERLAIN: I didn't want to interrupt your proceedings, but I take it you have finished asking him questions?

MR. KLEINER: Not yet.

THE CHAIRMAN: Let's proceed because time is going on.

MR. KLEINER: Comrade Horton, did you read the various charges and quotes, which were supposed to be made by you, in the newspapers?

MR. HORTON: I certainly did.

MR. KLEINER: Did you take any steps to notify the

newspapers that you had not made those statements?

MR. HORTON: I did not, as yet.

MR. KLEINER: You have not as yet?

MR. HORTON: No.

MR. KLEINER: In other words, up to now the general public is believing those statements that appeared in the newspaper as quotations that were made by you?

MR. HORTON: That's true, much to my sorrow, because the spirit of the Legion, if you only know it --

MR. KLEINER: What is the spirit of the Legion?

MR. HORTON: I am trying to teach you. I am keeping my mouth shut for the good of the Legion and after this Schneider matter is over and thoroughly thrashed out, the matter will be covered by the press and by Mr. Lawton and a few others.

MR. KLEINER: That is all.

MR. BERRY: I would like to ask just a couple of questions. You mentioned writing a letter to, I believe, the Department Judge Advocate. Do you remember writing that letter? Do you have a copy of that letter?

MR. HORTON: I have.

MR. BERRY: May I see it?

THE CHAIRMAN: Ben, you don't propose to embarrass me by showing the advice I gave?

MR. BERRY: No, I do not want to embarrass you.

THE CHAIRMAN: Go ahead.

MR. BERRY: If it is going to embarrass you I will withdraw it.

THE CHAIRMAN: No, not in the slightest. I haven't anything to hide.

MR. HORTON: I might add that that was my guide when I entered that meeting.

MR. DUNBAR: What is that date?

MR. BERRY: January 11, 1945. We will not offer that in evidence.

Mr. Horton, when you went down to see George Contreras you went down to see him at Second and Spring Streets, did you not?

MR. HORTON: Where?

MR. BERRY: At Second and Spring Streets?

MR. HORTON: That's the address he gave me, yes.

MR. BERRY: At his office?

MR. HORTON: Sure.

MR. BERRY: That's the office of the sheriff, is it not?

MR. HORTON: I went down to see George Contreras.

MR. BERRY: That was at the sheriff's office?

MR. HORTON: I don't know definitely. It is some sort of an investigating division. It doesn't say "Sheriff's Office."

MR. BERRY: You know he is a deputy sheriff?

MR. HORTON: The sheriff's office officially is in the

Hall of Justice. That is not the sheriff's office.

MR. BERRY: It is not the sheriff's office?

MR. HORTON: It is not the sheriff's office. That's a special investigator's office.

MR. BERRY: May I ask you whether or not you know that office is maintained as a part of the organization of the sheriff's office?

MR. HORTON: I couldn't say as to that.

THE CHAIRMAN: I think we are splitting hairs here. I don't think it makes any difference.

MR. BERRY: All right.

Did you tell George Contreras of any persons in the Post that you desired to have him look into?

MR. HORTON: I think that's immaterial. I went there for a certain purpose, which was naturally to give him the story.

MR. BERRY: Did you mention the name of William Kent?

MR. HORTON: Yes, I did.

MR. BERRY: Did you mention the Name of William Schneider, the Commander of the Post?

MR. HORTON: I mentioned the names of all of the boys. No exceptions were made.

MR. BERRY: Did you mention the name of Harley Oka?

MR. HORTON: Yes.

MR. BERRY: Did you ask him to look into or investigate William Kent, either as a member of the Radical Research

Committee or otherwise?

MR. HORTON: As a member of the Radical Research Committee, yes.

MR. BERRY: Did you ask him to investigate William Schneider?

MR. HORTON: Yes.

MR. BERRY: Did you ask him to investigate Harley Oka?

MR. HORTON: Yes.

MR. BERRY: No further questions. Wait just a minute.

MR. HOME: You asked him to make that investigation not as a member of the sheriff's office but solely as a member of the Radical Research Committee, did you not?

MR. HORTON: Absolutely. It had nothing to do with the sheriff in any way.

MR. HOME: You did not expect that he would send any deputy sheriffs out to see anyone?

MR. HORTON: I did not.

MR. BERRY: No further questions.

MR. HOME: In view of the limitations put on the matter before this Committee, I think there is nothing further that we have.

THE CHAIRMAN: I will ask if the Committee has any questions.

MR. CHAMBERLAIN: Yes, I do have one question.

Comrade Horton, on the night of January 23, when you went to the meeting of Hollywood World War II Post did you

take with you any member of the Press?

MR. HORTON: I did not.

MR. CHAMBERLAIN: Any newspaper man?

MR. HORTON: I did not. I had, however, prior to that meeting, met with Commanders and Adjutants of the District, and they voted unanimously that I should attend that meeting, and 33 members of the District, Commanders, and Adjutants, and other members of other Posts, were at that meeting. If there is any doubt in the Committee's mind as to the truth of any statements I made or denial of the so-called shorthand reporter, we have Commanders here from different Posts to answer those questions. They were at the meeting with me.

MR. CHAMBERLAIN: No, I think you probably gave the wrong significance to my question. You did not take any newspaper reporter with you?

MR. HORTON: No, not a one.

MR. JAMES: Gentlemen, may I have the floor a moment?

MR. CHAMBERLAIN: I hadn't quite finished my questions, Mr. James.

MR. JAMES: Oh, I beg your pardon, sir.

MR. CHAMBERLAIN: I was going to ask you, Mr. Berry, or any member of the Post, to clear up a question in my mind: this transcript which has been presented to us was taken by some court reporter, and you said he was an official court reporter?

MR. BERRY: That is correct.

MR. CHAMBERLAIN: How did he happen to be there at the Post that night?

MR. BERRY: I can answer that very easily. Prior to that Post meeting -- there had been a matter of some feeling prior to that time. Prior to that time there were many rumors going around that something was going to happen to the boys that night, and I discussed it with my clients, and I said to them, "If you are smart you will have a shorthand reporter present."

I discussed it with Carl Gould, who is also a member of this Post. He is an attorney in the firm of Hill, Morgan and Bledsoe, and it is my understanding that he arranged to get the shorthand reporter.

MR. CHAMBERLAIN: Can you, or any member of the Post who were there that night clear up another matter in my mind? Was there any newspaper reporter there?

MR. BERRY: I understand there was.

MR. CHAMBERLAIN: I don't know whether you were there, Mr. Berry.

MR. BERRY: No, I was not.

MR. CHAMBERLAIN: Well, would you ask the various members if there is anyone who can clear up in my mind how a newspaper reporter happened to be there that night and at whose invitation?

MR. KENT: I don't know. There were a lot of people.

there whom I had never seen, so it is very possible that some of them, attracted by all of these rumors, went to see what was going to happen. Whether these Legion men are newspaper men or not, I don't know. My colleagues maybe can tell you.

MR. KLEINER: No, they are not.

MR. HOME: The only members who were there were members of Post No. 591 --

MR. CHAMBERLAIN: Let me develop it.

MR. HOME: you asked a question, if there was any reporter there. The only members there were members of 591 and members of the 24th District who belonged to other Posts in the 24th District. Now, I can't say as to the membership of 591, I don't know. But as to other members who were present who belong to the 24th District, none of them were newspaper reporters.

MR. BERRY: I can say this, that there were some other people who were there who were not members of Post No. 591 or the 24th District. I know that the Commander of the Don E. Brown Post was there.

MR. HOME: I might say other that Legionnaires. There were other Legionnaires, but no outsiders were present.

MR. CHAMBERLAIN: Who is Mr. Gould?

MR. BERRY: Mr. Gould is a member of the Post. He is an attorney, and he is on the Americanism Committee of the Post, and he is a member of the firm, or employed by the

firm of Hill, Mergan & Bledsoe, which is one of the largest law firms in the city.

MR. CHAMBERLAIN: Yes, I understand that. Is he the Sergeant-at-Arms, or was he this night?

MR. BERRY: I beg your pardon?

MR. CHAMBERLAIN: Was he the Sergeant-at-Arms of the Post?

MR. BERRY: No.

MR. CHAMBERLAIN: Will you inquire too from the members of the Post, at least those who were present, if there was any effort made to exclude from the persons present that night those who were not Legionnaires.

MR. BERRY: There was, as you will notice in the first part of the transcript, but the thing was never completed.

MR. CHAMBERLAIN: I notice that Commander Horton asked the Sergeant-at-Arms to ascertain whether all members present were members of the Legion, and the next one to speak was Mr. Gould, and that was why I asked if he was Sergeant-at-Arms.

MR. BERRY: There was considerable confusion, as you can see from reading the transcript.

There was one other thing I wanted to --

MR. HOME (interrupting): Let me follow up on that point. That is not a full transcript of the meeting.

MR. BERRY: Oh, no.

MR. HOME: I think Mr. Kleiner will admit that after

the close of what is in the transcript that he and Mr. Schneider demanded that every person who was not a member of 591 Post leave.

MR. KLEINER: That's correct.

MR. HOME: And that I then stated that I would not leave, and that then Commander Schneider stated that we did not have to leave.

MR. KLEINER: That's correct.

MR. HOME: That's correct.

MR. BERRY: There is one other thing that I want to state in order to make this entire picture clear, and that is that there were some men there whose names I don't know, who were veterans of World War II and who had come out to the Post to see how the Post operated, with the idea of joining the Post.

You told me that, did you not, Mr. James?

MR. JAMES: That's right.

MR. BERRY: Tell whatever the facts were on that. I don't know what the facts were.

MR. JAMES: I am a member of the Post's Americanism Committee, and inasmuch as our names are just as heavily combined as Mr. Kent's in this, I should like to tell you something which I feel is important. I will tell it simply because I am not familiar with jurisprudential juggling in any way. It is this:

After that meeting half a dozen men came up to me,

Young fellows just out of the Army, and I will tell you exactly what they said so this cannot refer to me as my viewpoint. One of them said, "There are three of us here tonight and we have heard that the Legion had a helluva stinking record, and we didn't know whether we could join it or not. We are looking for something to act as a voice for us now that we are out."

And he said further, "Since what has happened tonight, you fellows in this Post have given us new hope. It looks like there is going to be a resurrection of all the principles and things we really believe in are going to be fought for and if there is anything you want us to do, anything, let us know, and give us the Committee and we will go to work."

I am sorry, gentlemen, that I haven't the name of that new man. Subsequently he told me he was joining, and he introduced me to two other men who came from his own Unit, and I derived from that -- and I think it is important without attempting to be dramatic -- that what you do here is going to largely determine the future of the Legion, because those other fellows are out yet and they take much the same viewpoint; at least they did when I was in. And I want to say further that I joined because I was looking for a voice for the fellows to see what we could do to help.

Here is the thing ( and I am sure I state this for others): I cannot understand by what monstrous contrivance

our direct attempt was un-American (and believe me we were acting in perfectly good faith, perfectly unselfishly) to actually make the elements in our Constitution and the principles in the Legion itself alive by showing to the whole world that this Japanese is a Yankee and has fought and he has a right to all the things that Americans are supposed to have -- and we want the world to know it! Yet, in the same spirit we condemn the action of the Hood River Post because what they have done is un-American.

And, gentlemen, I am asking you now upon what grounds can we be held up as un-American? What is this all about? All of our Post wants to know.

MR. CHAMBERLAIN: Well, Mr. James, speaking as one member of the Committee, I doubt if any member of the Committee wants to undertake the burden of trying to explain to you, with equal sincerity, Comrade James, in the limited time available, just why this Committee is assembled, but I trust that Mr. Berry has explained to you that we are not trying to crucify you. I appreciate your sincerity. Perhaps you have asked the Chairman before I said this. I certainly appreciate your sincerity, but if you will talk with Mr. Berry I am sure he will bear out the sincerity of this Committee in not wanting to pillory or crucify the Post.

Just so that I get it in my own hand, Mr. Kent said he thought there was a newspaper reporter present.

MR. REET: I can only say that I saw a veteran of the

second World War wearing a discharge button, who went around and asked, "Who is this? Who spoke there? Who is this?"

And I think during the course of the evening I had been asked that question at least a dozen times, so it is entirely possible, since there were new faces, men from Posts I have never seen, asking questions. And Comrade Home also asked me who those men were. You will hear me out on that?

MR. HOME: I am no newspaper reporter and I never have been.

MR. KENT: Therefore, I submit it is possible that maybe one or two or more -- in fact, some of them did not wear Legion pins -- were newspaper reporters.

MR. BERRY: I would like to offer rebuttal if I may. It will be very brief.

The first thing I would like to offer in rebuttal is a letter from National Headquarters, stating that they have interested Look Magazine and that they have asked for photographs and they want to know some details about the men, and then they state this:

"I am securing from Acme a picture of your welcoming Harley M. Oaka, the American-Japanese veteran whom you have admitted to membership."

I am offering that and stating that for this reason: that if National, pursuant to this, issues any kind of publicity I don't want any gentleman on this Committee to

think that it came from us. That's number one.

THE CHAIRMAN: Are you going to put that in?

MR. BERRY: Yes.

MR. HOME: It didn't come from his Committee, but it certainly is no part of the issues as defined by Mr. Berry.

MR. CANN: I think that matter of that letter is an issue in the Post rather than individual, because it is addressed to the Post.

MR. BERRY: As a matter of fact, I don't care whether it is in evidence or not. I just want to make the statement, and then I have some other things I want to offer in evidence.

THE CHAIRMAN: It will be received.

MR. BERRY: Now, I would like to offer in evidence a press release from Indianapolis of the statement of the National Commander in regard to the Hood River Post. Have you seen it, John?

MR. HOME: Yes.

MR. KLEINER: We also ask that that be entered as evidence for Post No. 591.

MR. ROBINSON: You agree that all the matters that are introduced on behalf of the Post are introduced on behalf of Mr. Berry and the individuals whom he represents at the same time?

MR. KLEINER: Those that pertain to the post, yes.

MR. HOME: Might I say that this was issued, if I remember correctly, after the Resolution.

MR. BERRY: It bears the date of January and I don't know whether it was before or after, but the theory is simply the same. If the National Commander puts out publicity on the thing, why, I think we are justified.

THE CHAIRMAN: It will be admitted as Exhibit L.

MR. BERRY: I would like to offer in evidence a copy of a Resolution of Los Angeles Post No. 8, of the American Legion, which was passed on December 21, 1944, and widely publicized all over the United States.

MR. HOME: For which Los Angeles Post No. 8 could be severely criticized.

MR. BERRY: I welcome that.

MR. HOME: They not having sent it to Department Headquarters.

MR. BERRY: I would also like to call attention -- for the purpose of dates, it was on December 2, 1944, that the Hood River Post blast came out. I want to offer into evidence-- and these I will just have to call your attention to, because I cannot deliver them to you -- that the Wolverine Post No. 360, of Detroit, Michigan passed a resolution in which it waid that it was sending notice of its distrust and alarm in regard to the Hood River Post action, and it suggested to the Hood River Commander that you and your Post review the reports of the actions of the Japanese-American regiment in Italy, where a large percentage of the personnel wore the purple heart medal. It proposes too that

the Constitution of the American Legion be re-read to see if your reported action conforms to the spirit of tolerance, democracy, and 100 percent Americanism.

Commander Leonard Grimm, of the Wolverine Post, then declared as follows:

"It is the opinion of this Post that your reported action is not only an insult to those men whose names were removed, but also to every member of our armed forces, and to the American Legion as well, upon whom this action has brought discredit and shame."

That was publicized. What I was reading from was a press release to the Michigan Free Press of Detroit, Michigan, under date of December 7, 1944.

In New York, under an AP dateline, December 13, there was a statement published to the effect that the 16 American soldiers of Japanese ancestry had been invited to become members of Captain Elvidere Brooks Post No. 450, of the American Legion. Post officials took the action because they said they felt a black eye was given to the Legion.

There is another Post that gave publicity.

MR. HOME: Let me ask you, Mr. Berry, do you know whether those Departments have any rule regarding publicity similar to the rule in the Department of California?

MR. BERRY: No. I am coming to that later.

MR. HOME: Well, I would like to ask you, why are those material to the question?

MR. BERRY: They are very material.

MR. HOME: Why are they material to the Oka application and the sending of it to another Post, the Resolution?

MR. BERRY: On December 9, the Cheney Post in Washington, Post No. 72, also issued a public communication which was publicized in the Journal of Salem, Oregon, protesting against the action of the Hood River Post.

On December 22, 1944, Justice Department Post No. 41, in Washington, D. C. ( and I am reading from a clipping from the Washington Star) publicized their condemnation.

On January 6, 1945, American Legion Post No. 1. of Omaha, Nebraska, took into their membership one Corporal Ando, an American Citizen of Japanese extraction, upon this discharge from the armed services, and that was publicized. And the publicity I am reading is from Salt Lake City -- I beg your pardon, I gave you the wrong date. He was taken in on November 22, 1944. The publicity that I am reading is from January 6, 1945.

The David Latkin Post in New York, on December 17, likewise publicly criticized the Hood River Post.

On February 6, 1945, the Don E. Brown Post No. 592, (Department of California) passed a resolution supporting Hollywood Post No. 591. That Post consists of the Veterans of this war.

Gentlemen, I think we can all agree that we are all interested in the good name of the American Legion and what

the American Legion stands for, and I would like to call your attention to an article that appeared in Stars and Stripes, in Italy, in regard to -- in Marseilles -- I beg your pardon -- in regard to the action of the Hood River Post. I would like to read from it for just a short bit here.

Referring to the American citizens of Japanese extraction, this is what they say:

"We have been fighting alongside them all through Italy and France. Our boys don't say these Nisei are as good as we are. We say they're a helluva lot better, that they've got more guts. And we ought to know.

"Those Legion people ought to sell their property and give it to these Nisei. They deserve it more. If these Japanese-Americans are good enough to die for their country, they ought to be good enough to live in it."

"Why do they keep calling them Japanese-Americans? I'm of German decent and nobody calls me a German-American. Why don't we just call them Americans? Why are some people back home so narrow minded?

"We expected more than that from the American Legion. If that keeps up, we don't want to have anything to do with the Legion. I'm just wondering if the Legion Headquarters feels the same way that their HoodRiver Post does."

"I'm ashamed to be fighting for the freedom and liberties of people who say things like that."

I would like to offer this into evidence. This was published in Marseilles.

THE CHAIRMAN: Exhibit N.

MR. BERRY: I would like to also offer into evidence the issue of Collier's Magazine of January 20, 1945, particularly the editorial occurring on page 74, entitled, "Dirty Work at Hood River."

THE CHAIRMAN: The editorial will be admitted as Exhibit O.

MR. BERRY: I would also like to offer into evidence --

MR. CHAMBERLAIN: The by-line on this is by Ralph Martin, on that story in Stars and Stripes.

THE CHAIRMAN: The Committee is packed. (Laughter)

(Informal remarks outside the record.)

MR. BERRY: However, I think you would want to make it appear that it is not the same Ralph Martin.

MR. MARTIN: Very definitely.

MR. BERRY: I would like to offer into evidence the Infantry Journal of December, 1944, particularly calling attention to an article entitled "The 100th Battalion (Nisei) against the Germans" by Lieutenant Colonel James J. Gillespie and Captain Lauren E. McBride. The articles appears on pages 8, 9, 10, 11, 12, 13, 14, and 15. It is of particular interest because of the fact that a member of the Americanism

Committee, Post No. 591, was in the same outfit as Lieutenant Colonel James J. Gillespie, and served under him, and I would like to introduce at this time, if I may, Captain Holmes, a member of the Americanism Committee of this Post.

THE CHAIRMAN: Mr. Berry, I have no desire to keep out anything that you think might be helpful, but I do find myself wondering what possible bearing any article of this character would have on the issues that are before the Committee.

MR. BERRY: Oh, I beg your pardon. I think it has a great bearing. I think it has a great bearing! Regardless of the use of the words or the language, there is no question but what at the meeting of Post No. 591 Mr. Horton made a suggestion that the situation smelted to high heaven of communism. If that is communism, the Army is too.

MR. HOME: Mr. Chairman, I want to raise to a point on that. Mr. Horton did not say that it was communism. Furthermore, as far as Oka is concerned, or any other American of Japanese descent, or even a foreigner of Japanese descent who served in our armed forces honorably, as I stated before, we have no quibble with him as to his eligibility in the American Legion and we have never raised that point and never intend to. Our whole point has been the irregularities of this Post and the fact that they did things deliberately with a total disregard of rules and regulations of the American Legion. As far as Oka is concerned, as I told

you to begin with, we know nothing concerning him and we are willing to limit it to that.

THE CHAIRMAN: We will make this Exhibit P, but, as I say, I can't see what possible hearing it has.

MR. BERRY: In order to clarify the situation, however, I don't think there is any doubt but that at this time Mr. Home -- and I don't want any suggestion or any thought that I am indicating that I think he is acting in bad faith, because I have known John for two many years, and we have been friends for many years -- I think you will agree, John. We make the contention here that there were these irregularities, but the Post was criticized on account of the Japanese, and they even brought Dr. Lechner up there to give these boys a lecture in what they ought to think.

MR. HOME: That isn't true.

MR. BERRY: It certainly is true, and it came right out of the mouth of your District Commander.

MR. HORTON: I deny that. I think that the whole Japanese issue is set up to becloud the real issue. Here are irregularities in the Post which have been away back --

THE CHAIRMAN: Commander Horton --

MR. HORTON: And those were cited at that meeting, and you will note from the talk that I gave that the principal part of it was about those irregularities, and we did concede that there was no battle about the admission of the Jap. There was no defense of the Hood River Post action.

In fact, it was condemned there on the platform.

THE CHAIRMAN: I think we had better not get into a debate on the subject here at the present time. Let's hear any evidence that may be adduced.

Is there any more, Mr. Berry?

MR. HOME: I have a statement from Mr. -- go ahead.

MR. BERRY: Go ahead, John. I want to make one further observation while we are on this subject, and that is, I want to call the Committee's attention to Page 12 of the transcript, that is all.

MR. HOME: I have a letter from Mr. William L. Roper --

THE CHAIRMAN: Wait a minute. Is there anybody else in the Post No. 591 who has anything to offer?

MR. KLEINER: I would like to offer this for the record: in the meeting of January 23, after Commander Horton lambasted the efficiency of our Commander, that a motion was passed giving a vote of confidence in the leadership of our Commander, and a motion was made by Comrade Gould that we enter a unanimous vote of confidence in the record, and this motion was seconded and passed.

MR. HOME: And if you will remember, Mr. Kleiner, there were five members of your Post who voted against the resolution as originally presented, and also --

MR. KLEINER: That's true.

MR. HOME: And also they voted against the unanimous passage of the resolution, and you stated from the rostrum

that being the Judge Advocate you would have to rule that since one member had protested it could not be unanimously carried. Now, if you doubt the name of the one man who voted against it, I can give it to you. It was John J. Stone, who is a good, paid-up member of your Post.

MR. KLEINER: Was the motion for the vote of confidence passed?

MR. HOME: The motion was declared passed by you -- no, by Schneider.

MR. CANN: That's right.

MR. HOME: Who happened to be holding the gavel at the time.

MR. KLEINER: Also I wish to have in the record that at that time Bill Kent read the letter from Commander Horton removing him from the Americanism Committee of the 24th District and that a motion was passed at that meeting that in view of the letter written by the 24th District Commander, that our Post was to withdraw every one of our committee members from any committee of the 24th District. This motion was seconded and passed.

THE CHAIRMAN: Was that action taken, Mr. Kleiner?

MR. KLEINER: That action was taken at the regular meeting and passed.

THE CHAIRMAN: I mean, were the committee members of the 24th District removed?

MR. KLEINER: Yes, they were. The Commander was in-

structed at the following Executive Committee meeting to write a letter to the Commander formally removing them.

MR. JAMES: I should like to ask a question in regard to this, since Mr. Horton or his representative has said that this business of the Japanese soldier is not an issue and formed no part of this controversy, and I would like to ask why is it that at this meeting Mr. Horton brought forth, to enunciate for him, a man whose total speech was simply one of hatred for the Japanese, and he told us that we were babes in the woods and didn't understand it at all, the malignant influence and subversive actions that were taking place underneath our noses and so forth. This Mr. Lechner, or whoever he is, followed Mr. Horton, who made a similar statement, and then he let Mr. Lechner have the floor. I want you gentlemen to know that we very definitely resent it because of two implications; one that we had no idea what was going on and that we had to be coached in it, which isn't too bad, but secondly that our indirectly taking in a Japanese was a definite detriment to our country and our Legion, because we didn't understand all Japanese being subversive. I should like to ask, if this question is relevant, why Mr. Lechner was brought to our Post by the 24th District Commander to tell us this?

MR. CHAMBERLAIN: I guess this Committee can't answer that.

THE CHAIRMAN: No, no. We are here to see the answer.

MR. JAMES: Gentlemen, I asked the question to Commander Horton.

MR. HOME: I don't think it is relevant, Mr. Chairman, however, if you believe that it should be answered, I will answer it -- no, I would like to ask Commander Horton one or two questions.

The transcript, as I recall it, recites that the Commander with six other men in Legion uniform appeared at the meeting and I believe that you testified here this morning, or stated that you had several other Legionnaires with you?

MR. HORTON: Yes.

MR. HOME: Would you mind naming those men for the record?

MR. HORTON: Yes, John, but could I preface it and tell you the reason for doing it that way?

~~MR. HOME:~~ <sup>MR. HORTON:</sup> Well, ~~the six other men~~ were the District Sergeant-at-Arms. I brought my own Sergeant-at-Arms; two Assistant District Sergeant-at-Arms, in uniform, the District Adjutant, and the speaker, all in Legion uniform or caps. Those were the people.

THE CHAIRMAN: I thought you said they were Commanders of other Posts in the District?

MR. HORTON: The Commanders of other Posts in the District were scattered around the Hall. There were a total

of 33 in all from the District. John Home was one of them, and here sitting were a number of others.

THE CHAIRMAN: There were a total of 33?

MR. HORTON: 33 old time Legionnaires, Past District Commanders, and Commanders, Past Commanders and Adjutants of Posts in the District.

MR. BERRY: And the speaker that you refer to was John R. Lechner?

MR. HORTON: Yes, it is true that it was John R. Lechner, and I have the text of his speech here.

MR. CHAIRMAN: Very well, then, let me ask you a question: You had been to meetings of the Post before, had you not.

MR. HORTON: Yes, sir.

THE CHAIRMAN: And you had been to a meeting of the Post along about the middle of November?

MR. HORTON: That's right.

THE CHAIRMAN: At any of those meetings, Dick, did you encounter any discourtesy on the part of the Post officers in giving you the privileges of the floor?

MR. HORTON: Most assuredly. When I got up to speak in the November meeting it was difficult to get any order until finally I had to shout an abrupt "Attention!" a couple of times. While I was speaking the Commander paced to and fro back of me, and two or three times reached out to take the microphone. An argument came up. I finished

my talk. And at that time I outlined to them that the Legion Post was only one of a unit in the whole greater organization and we expected them to cooperate and conduct themselves like a Legion Post, and at that time stated (and you know the reason why) that the Charter could be revoked if they did not operate as a Legion Post.

Now, an argument came up and I started for the microphone and the Commander refused to permit me to speak. So, a short while later I left the platform.

From that experience, when I went again in January, I went prepared to say my say without interruption and with attention. I therefore took the Sergeants-at-Arms and I had my own Sergeants-at-Arms who attempted to announce me, and I said, "No, we will have the District Sergeant-at-Arms announce me," and we did that. He announced my presence. And the Commander waived it aside and said, "That will come some other time."

And we went on with the meeting.

After we had completed the reading of the minutes, the Sergeant-at-Arms again announced me, and this time, without more ado, we walked right up to the platform. There is the story.

THE CHAIRMAN: Do I understand you to say, then, that because of your experience at the former meeting and because of your apprehension that you would not be given a hearing, that you took the procedure that was followed?

MR. HORTON: Exactly.

MR. KLEINER: I would like to ask Mr. Horton some questions. Isn't it true, Commander Horton, that when you first appeared before us in November, that you asked for the courtesy of the floor? And it was given to you?

MR. HORTON: I don't deny that. That's true.

MR. KLEINER: Isn't it also true that at the meeting of the 23rd, that your Sergeant-at-Arms announced you prior to the reading of the minutes and the roll call, and our commander said, "Just a moment --"?

MR. HORTON: I don't believe it was prior to the reading of the minutes. No, I am sure it was after the reading of the minutes, but prior to the roll call, yes.

MR. KLEINER: Prior to the roll call. After the minutes of the regular meeting were read and the minutes of the last Executive Committee meeting, and the roll call was had, your Sergeant-at-Arms announced you again, isn't that true?

MR. HORTON: That's right.

MR. KLEINER: And isn't it true that at that time our Commander invited you to come to the platform?

MR. HORTON: No, we started right up.

MR. KLEINER: I beg to differ with you. You were invited to come to the platform. You were not invited to speak, but you did not ask for the courtesy of the floor. But you were invited to the platform.

MR. HORTON: Not to my knowledge.

MR. KIEINER: Upon arriving at the platform you immediately walked over and shoved our Commander aside and took over the microphone and signified your intention of taking over the meeting?

MR. HORTON: Just a minute. There was no shoving on the platform. I went over and shook hands with Mr. Schneider and I said, "Commander Schneider, I am taking over the meeting."

There was no pushing or shoving. The only excitement was the Judge Advocate, who sat on the platform and apparently tried to conduct the meeting. That was the principal shouting on the platform. And he yelled at the top of his lungs, "Throw him out."

Now, that started most of the row, the boisterous manner in which he yelled "Throw him out." I stood at the microphone. My Sergeant-at-Arms stood back about three paces, and when I told Mr. Schneider I was taking over the meeting he backed up and he reached for the microphone, and I said, "Bill, I wouldn't do that," and he went back again. He knew just exactly what I meant. I was there after long discussion with other Legionnaires to do it that way, and I was prepared to take the consequences, whether it was by word or by blows, but there were none given and none committed. So that is the story on that.

MR. KIEINER: Isn't it true, Commander Horton, that when you took over the microphone, it was not until a member of

our Post raised the point of order, which you refused to grant him, that I first open my mouth, isn't that true?

MR. HORTON: I can't say the order in which those things came, because they were very exciting and very confused. I cannot see where it is material. It was about at the time that we took over the meeting that you shouted, "Throw him out," and the point of order came later.

MR. Kleiner: I beg to differ with you, Commander Horton, but it was when our member raised the point of order, which you refused to grant, that I took the floor and demanded that you give our member an answer to his point, and it was at that point you told your Sergeant-at-Arms to throw me out.

THE CHAIRMAN: Isn't that all in the transcript?

MR. BERRY: It is.

MR. KLEINER: It is all in the transcript, but he denies it. He denies the words of our transcript, and therefore I feel --

MR. HORTON: I positively deny that I said to throw you out. You started waving your arms.

MR. KLEINER: You said, "Remove this man," and at that time I called upon our Sergeant-at-Arms of our Post to "Throw them out."

MR. BERRY: Mr. Sinclair, if you care to I think you might ask the Judge Advocate of the Post or any of the rest of the men, as far as I am concerned, whether or not the

District Commander was courteously treated by the Officers of the Post and invited to the platform when he came there to speak. I thought you might be interested. I don't care whether you do or not.

THE CHAIRMAN: No. I will be glad to ask them that question.

MR. KLEINER: Well, with reference to the meeting, I think, in November, when Commander Horton came up there, he was given the courtesy of the floor, and he asked to speak, and he was allowed to speak. He came up there and firstly insulted our Commander. He finished what he had to say and sat down, and our Commander then took the microphone and personally, as I say, defended himself and lambasted the 24th District Commander. At that time the 24th District Commander wished to offer something in rebuttal, but our Commander did not allow him to, and I think that since he was the Commander of the Post he had a right to recognize anybody he saw fit, and not to recognize anybody he saw fit when they demanded the floor. He may do that to any visitor or any member of the Post.

THE CHAIRMAN: Well, let's try to stick to what happened and not our own views.

MR. KLEINER: That was the only occasion that I recall where our Commander didn't give Commander Horton the privilege of speaking.

MR. KENT: At that meeting, if I remember correctly ,

Commander Horton accused the Post of not sending a delegate to a District meeting. Being a District delegate myself, I did not know that there had been A district meeting. And if I remember correctly, (probably some of the members of my Post will bear me out on this) I got up and I asked Commander Horton ~~xxxxxxx~~ why we were not notified of this particular District meeting; whereupon Commander Horton said, "I have an excellent Adjutant who mails out notices to meetings."

Where upon I asked all of the members of the Post to get up, who had received a notification of that particular District meeting, and nobody arose; nobody had been notified.

The same pertains to the District meeting held at the Carpenters' Hall, where Commander Bill Schneider made a speech complaining of the fact that none of the members of the Post had been put on the Committees of the 24th District. At that time, for the first time, did we know that there existed this list of District Committees. It was handed to Bill Schneider after he had made the complaint, and for the first time we knew that for, I believe, six to eight weeks any members of our Post had been on the District Committee

Therefore, on October 27 I wrote to Mr. Wallace L. Ware;

"Dear Comrade:

"Apparently due to an oversight the 24th

District did not notify our post or me of my appointment to the Americanism committee of the 24th District.

"Since you are the Chairman of the Committee I consider it my duty to put myself at your disposal, and I would certainly appreciate an early opportunity of meeting you personally. I would have contacted you before, but, as I stated above, it was not until last night, October 26, when I attended the 24th District meeting, that I was aware of the appointment.

"I am also Chairman of the Americanism Committee of our Post, which now has over 380 members, all veterans of World War II.

"Trusting to hear from you, I am, Yours Fraternaly,  
William E. Kent."

That letter was written on October 27, and I frequently complained to Comrade Cann that I was on a Committee but apparently nobody bothered with us. And I understand from -- is it true, Pete Cann, that you telephoned Comrade Wallace Ware saying -- will you please tell us the contents of your conversation?

MR. CANN: Well, when Bill Kent had told me about writing the letter to Wallace Ware I immediately got the telephone busy and phoned Wallace Ware in regard to the matter, and he told me over the phone that he had been out of town, and I think he said he had the flu or had been sick at the time and that he would contact our Americanism Chairman right away, which I think he did.

MR. KENT: I then received a letter from Comrade Wallace

L. Ware on December 4:

"Dear Comrade Kent:

"I regret that absence from Los Angeles and a case of flu has prevented my more active cooperation as Chairman of the Americanism Committee and many Legion activities. Our mutual friend, Pete Cann, phoned me today with reference to the contents of your letter of October 27, which was received and thoroughly enjoyed.

"I am looking forward to calling a meeting of the Committee within the next very few weeks, and you will hear from me regarding this matter within the next 24 hours."

If I remember correctly, Comrade Ware called me after two or three days and asked me to have lunch with him, at which Comrade Dean Bedilion, Comrade Jack Tenney, who is not a member of the Committee itself, of the County Americanism Committee, met for luncheon, and that was the only time since my appointment to the Americanism Committee of the 24th District that I ever had any contact with any member of the 24th District Americanism Committee. The luncheon lasted about an hour, and it was held at the Rosslyn Hotel, and at another table there was Comrade Berry,

MR. BERRY: I wasn't at the meeting.

MR. KENT: You happened to be in the restaurant.

MR. BERRY: I remember I spoke to you and Jack

MR. KENT: I am merely bringing this up for the purpose

of the record, that, as I stated in rebuttal, in the meeting of November 23, the delegates to the 24th District had not been notified of a meeting.

After that we were very careful and I appeared at the meeting on December 22 despite the fact that our Post had a joint meeting with Post 43, but I felt I had to go. And at this meeting of the 2nd District, at which Comrade Dunbar attended and Comrade Shibley, and Dr. Barrow, the Chairman of our Hospital Committee --

THE CHAIRMAN: I was just going to ask if any other Post members had anything to say?

MR. CANN: I would like to ask a question.

THE CHAIRMAN: Of whom?

MR. CANN: District Commander Horton, the 24th District Commander.

Dick, since you have been in office has any mail or any cards or such been sent to our Post in regard to, shall we say, these committees?

MR. HORTON: I will answer that. The committee list was made in the first meeting after I took office in August.

MR. HOME: August of what?

MR. HORTON: August.

MR. HOME: 1944?

MR. HORTON: At that meeting all of these lists were there and distributed by the Adjutant and Assistant Adjutant to every delegate present, and a supply given to those who

had other committees in their Post, who would need this list. Those who did not receive the list, were not present at the meeting, were mailed a list through their Commander. That was in August, I believe.

It was at the October meeting that Commander Schneider arrived and after a long, abusive talk against the Commander who stood patiently and took it, demanding -- not asking -- demanding that there be a member of his Post in every committee in the District. When he had finished speaking I advised him that it was my intention to have World War II men on every committee that we could, and we thought that they could function on, and with that thought in mind we had departed from the usual District procedure of allotting these committees around to the various Posts and giving them a great deal more than their share by putting 12 members on committees in the Post, and read off their names. That ended that incident without apology from the Commander for his tirade against me, and that is the story of the committee list. Does that answer you, Pete?

MR. HOME: I might add this, Mr. Chairman: in Section 2 of Article VIII of the Hollywood World War II Constitution it says: "The delegates and alternates accredited to the annual convention of the Department of California shall serve as alternates to area meetings and to meetings of the District Council." So, assuming that Mr. Kent was a delegate to the last Department Convention he knew or should have known that

he was also a duly accredited representative of the District. It is customary in the 24th District, and has been since its inception that the notices of the District meetings be sent to the Post in care of the Commander, and if there is any failure on the Post's part to get the notices to its own delegates, that's a Post matter.

THE CHAIRMAN: Well, the deadline has been about reached. Let's try to wind this up.

Has anybody else anything?

MR. HOME: Well, I would like to introduce a statement that was given us by William L. Roper, a member of the Alhambra Post, and who was assigned by the proper authority in the Los Angeles Times, to investigate in regard to the publicity that came out concerning the World War II Post. I haven't an extra copy, this is the only copy that was ever given me.

THE CHAIRMAN: What's the purpose of that?

MR. HOME: It is in regard to the publicity and how it reached Mr. Roper.

MR. CHAMBERLAIN: I suggest, Mr. Chairman, if that is all, that we go into executive session.

MR. JAMES: I should like to ask a question, sir, when this is over.

MR. CHAIRMAN: You would what?

MR. JAMES: I would like to ask a question, sir, when this particular business is over.

THE CHAIRMAN: Well, go ahead and ask it .

MR. JAMES: Well, sir, I know that our Post is very vitally interested in knowing specifically upon what grounds Mr. Kent is charged with being all these things he is charged with in that letter . I mean , I have seen nothing brought up, and all our Post wants to know is what Mr. Horton meant when he said it and what grounds he has, and if none, is he going to apologize .

MR. CHAMBERLAIN: Mr. James, that's the second time he has evidenced his apparent sincerity. I think Mr. James should understand that this Committee is called together by the Department Commander on the basis of a telegram, first, and then a letter received from the Commander of your Post. Obviously, you wouldn't expect us, after listening to the statements and the exhibits that have been filed with us today, to announce a decision this afternoon, but we only ask that you realize that it is your Post that has instituted this proceeding, Comrade James . You asked a minute ago what this was all about and why it was here, and I think Mr. Berry can, in more time than I can afford now, explain to you that it is a result of Comrade Schneider's telegram and letter to our Department Commander that this Committee is here today, and we are endeavoring to reach a decision which will be fair and just and equitable.

MR. JAMES: Thank you .

MR. BERRY: Now, there are a few observations

that I would like to make as far as we are concerned  
if the - -

MR. WARE: I wonder if the Chairman and Comrades would allow me to speak in regard to Mr. James' statements and the statements I heard a few moments ago from William Kent ? I think it answers Comrade James and I think it clarifies what right now is in some element of doubt with reference to Mr. Kent's removal from the Americanism Commission. I will be very brief and I crave the indulgence of the Committee long enough to make this statement:

It was three or four months ago that I invited Jack Tenney, Americanism Chairman of the County Council, William Kent, and Dean Redillon, to meet me in my office at noon preparatory to having luncheon. That was immediately after my talking to Comrade Fete Cann and the day that I wrote the letter to Kent that was read, I tried to get Kent at his home and contacted him the next day. So I acted with all the speed and haste that was possible. Kent was the first to arrive at my office. He arrived sometime before noon. We left the luncheon just a few moments before 2:00. For almost two hours Mr. Kent spoke of this Japanese question primarily. He brought in the question of immigrants and how we should treat the Jews, and how we should treat the Poles, and he said that William Kent wasn't his true name. He said, "If I were to tell you

you would never be able to pronounce it."

And it is a correct statement that for two hours no one could get any more than a word in edgewise. We listened to Kent's radical, screwy discussion of these different matters .

I said to him, after listening for about three-quarters of an hour over in the Rosslyn Hotel, "You are making a tremendous issue out of this Japanese question."

He made it very clear that it was not only his purpose but it was the purpose of his associates in his Post and comrades of World War II with whom he had discussed these matters, that they were going to seize upon this Japanese question and make it the paramount issue in the American Legion, to which I rejoined in the presence of these gentlemen present at that luncheon, "Well, Kent, this isn't the most important question. Let's not construct a barrier here in the boulevard of Americanism. There are many other things that we should be very much concerned with: the development and preparation of our children and the proper education and training of them, the teaching of them of the traditions of Americanism, the combating of these subversive forces in this country ."

I was immediately interrupted by Kent who started out all over again on this Japanese question. We listened to that for two hours .

As soon as I could, I contacted Horton and I told him

that it was going to be utterly impossible for me, as Chairman of the Americanism Commission, to make very much progress with a man on there whom I felt had the sinister design of seizing upon an issue to help wreck this American Legion. Horton was very much surprised when I told him about that .

I said, "Well, you mark what I tell you: In very few weeks you are going to see the prophetic truth of what I am telling you now. Kent is going to show himself as a radical, and he and his immediate coterie of associates are going to seize upon this Japanese question as the thing to create disunion, disruption, disharmony, and perhaps complete wreckage of the American Legion ."

Now, there were very many other facets and phases of this situation that developed that noon which could be developed at some length, but I have given you a faithful, accurate, 100-per cent honest account of what happened that day. I think it throws light and I think it clarifies, and I think it completely vindicates and justifies the removal of Kent from the Americanism Commission.

That's all I have to say.

MR. KENT: Comrade Ware, isn't it a fact that to begin with this luncheon didn't last longer than an hour, and that at this luncheon the principal speaker was our Comrade Tenney, who began to expound his theory on the difference between Shintoism and Buddhism, and that in the conversation

between you and Comrade Tenny you made certain remarks that things would be different if our government would be different? I don't want to go into details here. Isn't it also a fact that when I did discuss the American-Japanese question, which I do admit was very much on my mind, merely because of the fact that the 14th Amendment to the Constitution states so, that you said to Comrade Dean Bedillion, "You don't agree with me on that, but I suppose you agree with Comrade Kent?"

And Comrade Dean Bedillion said, "Yes, I fully agree with him."

During that time you have just told me that I harangued you for two hours. I submit that the luncheon lasted less than an hour and that during that time I had very little opportunity to speak, except to say, "Well, I am merely telling you this because this is the opinion of the veterans of the Second World War."

It is quite true that you said, "Let's not throw a gate across the path of the Americanism Committee."

I said, "I am not trying to do that, but this is a very important issue."

We at no time discussed the question of immigration. At no time did we discuss the Poles and Russians but I did say, if I remember correctly (correct me if I'm wrong) "Some day we may take the same point of view as to men of other nationalities and other races."

The question of immigration was not discussed. It is not true that I discussed on the matter for two hours. It is true, however, that Comrade Jack Tenney went into great lengths to explain to me the difference between Shintoism and Buddhism, thereby insinuating that I must have been asleep when I went to college .

I therefore submit that there was no question in my mind to make this an issue. The truth, however, is that at one of our meetings of our Post in December our Second Vice-Commander, Kingsby Morgan, came over to me and said, "Bill, have you seen the article in the Los Angeles Times where a Japanese-American Veteran had been kicked out of a barber shop?"

And I said, "Yes."

I was very much perturbed about it. And he said, "Put that in our next American Bulletin."

And I said, "Well, King, it is a bit hard."

And he said, "No, you put it in."

And I did put it in, and it appears on the second page of the Bulletin of the Americanism Committee, which you probably have seen.

I think that's all I have to say about my radicalism. As to my name--oh, yes--- I have been known by the name of Kent for twenty years, and it is my legal name.

MR. CHAMBERLAIN: Doesn't all this go to the point which is not in controversy, as to whether the District

Commander had power to change his Committees? Mr. Berry stated that there was no point raised on that. I don't see the relevancy of it.

THE CHAIRMAN: I don't see it.

MR. WARE: May it be deemed that he has not asked me any question which needs any answer.

MR. KLEINER: I don't agree with the Committee that it goes only to the point that the Commander has a right to change his Committees. The Commander, in changing his Committee, has no right to say that one of our members is a Communist and a radical, which he did in that letter. He is Chairman of the Americanism Committee of our Post; it is a personal insinuation and an insult against our Post, and ~~it~~ that is one of the charges which we demanded in our telegram be vindicated.

MR. HOLMES: Since this has been brought up--I didn't ask for it to be brought up, but I have always been interested in hearing both sides of any question. Mr. Kent says that Comrade Horton has accused him of a lot of radical activities. That I don't know. I don't know about the proof, but Mr. Kent has accused Comrade Horton of radical activities and has linked him with Fascists, such as Dillingham and Fritz Kuhn of the German-American Bund and William Dudley Felley of the Silver Shirts. Now, I don't have a thing against Kent or Mr. Horton. I haven't met Mr. Horton personally. But I think both sides of this should

he brought out. If he has some evidence of Horton's activities with these Fascist groups, I think he ought to get up and say so, because he issued a bulletin to every member of the Americanism Committee accusing Mr. Horton of being linked with these Fascist groups.

MR. KILMER: There is nothing in any Americanism bulletin charging Commander Horton with any un-American activity.

MR. HOWE: These are the letters that you referred to, Comrade Holmes?

MR. HOLMES: Yes. I sent that to get both sides of the question, which I told Kent I was going to do back in November. And in the presence of Bill Jennings and others I said I wanted to get both sides of the question. I didn't know that ~~that~~ that was going to be brought up today because it was a personal matter of my getting information for my own use. But I have no objection to it being brought up, and Kent shouldn't either.

THE CHAIRMAN: We want to have a little opportunity for an Executive Session.

(Short recess)

THE CHAIRMAN: Let's be in order.

Now, gentlemen, we have to bring this to a conclusion. One of our members of the Post has asked me for the privilege of making a statement, which he says won't exceed two minutes, and which he thinks will clarify the situation,

and I am going to give him that privilege. I think with that we will have to forego hearing from anybody else.

I will call on Lieutenant Brill.

LIEUTENANT MARTIN BRILL: Gentlemen, I happen to be now acting in the capacity of Ritual Chairman. I have had a great deal of interest in the American Legion. Ever since I was a youngster I have been a member of the American Legion. We have an issue here today that we are trying to find a solution to that has not come to a conclusion or has not even tried to come to a conclusion by previous meetings executive meetings and by talks between certain prominent members within the Legion concerning this discussion that we are having today. I am afraid that all this discussion( with no inference to the Fact-Finding Committee and Commander Bolt)-- I believe that we are not getting very far now. I believe there are personal sentiments that are involved here which should have never come up in the first place. We have now a letter sent by Kent to the four members of his Americanism Committee, which was presented just now, and we have a letter sent by Commander Horton to Mr. Kent; in other words, tit for tat. The personal issues, I don't believe, are involved in this meeting. I want to say one thing, that our Post 691 has not been functioning with reference to public service, which is 90 per cent of the American Legion: service to the community, to the state, and to the nation.

We haven't contributed anything. I feel that this matter should be taken in all sincerity and in earnest by the Fact-Finding Committee, by the Department, to make a conclusion immediately to this discussion, excluding the personal grievances between the two gentlemen involved, as to their letters and the other conversations. I believe we should get to this point, that if members of this Post have been inefficient( and I know that's the way it is in the Army), if they have been inefficient in carrying out the principles and by-laws and constitution of the American Legion, that they should be either removed or a suitable spot found for them so that they will not interfere with the continuation of this Post 891 .

As I say, I have been looking at this thing and I feel very bitterly disappointed. I want my ritual to go ahead. I want more support given to veterans organizations. I want to go out here and raise some money for bonds. We want all this to happen, but we cannot have it happen if we are going to be impeded by these things and to be dragged on the way they have been going.

So that's all I have to say. They are all friends of mine in 891 . I have made a personal issue of the Post, of knowing the names of most all the members, of all the boys I bring in on my ritual, and I introduce the boys on the floor. I am not supposed to do it , and it is supposed to be the Sergeant-at-Arms, I understand, but I

have been doing it, marching them in and having them introduced.

But I believe that if these discrepancies that have occurred with the full knowledge of the Executive Committee, which I believe has not been functioning, by the Commander, who has not been functioning, are corrected, you will find that all of these difficulties will fade away. And that must be done for the Legion and for the boys who are going to come back. We should avoid the personal grievances like those which have been inserted in this meeting here.

I thank you very much.

MR. KIRKNER: For the purpose of the record, I wish it understood that Comrade Brill is not a member of the Executive Committee of 591 and neither is he an officer of the Post, and his statements are just those of a member of 591. They do not bear the official sanction of representatives of this Post, but the representatives of this Post have stated through their telegram that we are demanding that these charges be filed against us and that we be vindicated. We are not admitting any statement that Mr. Brill made.

MR. BRILL: That's all right.

MR. KENT: I would like to correct <sup>the</sup> Judge Advocate. Just a few minutes ago another charge was brought up by Comrade Holmes. I feel like Brill, that Post 591 comes first and that personal issues should not involve the Post

in any way, shape, or form. And I feel and I think the Judge Advocate and most of the members of our Post feel the same way, that we would like to get the matter cleaned up, if that is the term to use, and to go on and function as a Legion Post. I speak for the men, because we have a mighty fine group of fellows. They really are. They really are a mighty fine group of World War II boys. And myself, I will have to admit it, although Bill Schneider is not here, that in all fairness there is dissension between the First Vice-Commander and our Commander. I bring this in now because I would like the Fact-Finding Committee to know how I stand, and I hope that we can come to a solution and that fair play will be followed all around, which I know it will. What I would like to do is get this thing squared up as quick as possible and get back on the Legion program and start to function as a Legion Post.

MR. HOWE: Let me say this, that Comrade Brill's statement of what he hoped to see come out of this investigation is exactly what we hope to see in the 24th District come out of this investigation .

MR. KLEINER: It is not the expression of 591. We refuse to have this thing white-washed.

THE CHAIRMAN: Very well. This concludes the hearing.

Two members of the Committee have to go or rather have to leave here almost immediately, so we want to have a few



AMERICAN LEGION  
HOLLYWOOD WORLD WAR II, POST 591

PROGRAM OF THE AMERICANISM COMMITTEE

PARAGRAPH 5 --

The Post expresses full confidence in the ability of the Federal Government and the FBI to segregate disloyal Japanese from loyal Japanese who are American citizens. The Post insists on the deportation of disloyal Japanese and all other persons who have been shown to be disloyal to the USA or loyal to an enemy nation. The question of the return of loyal Japanese-Americans should be left to the discretion of the US Army, the Federal Government and the Congress of the USA. In view of the fact that Nisei soldiers have won honors on the battlefield it is necessary to re-affirm our adherence to the "Bill of Rights" of the Constitution of the United States which provides for protection of these men.