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Tule Lake Defense Committee

Correspondence

1945

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November 1, 1945.

Mr. Fumio Masuoka,
Block 5603-C,
Tule Lake Center,
Newell, Modoc County,
California.

Dear Mr. Masuoka:

Enclosed find copy of the letter sent to Attorney General Clark and a number of other governmental officers, including Mr. Ivan Williams.

It states, in substance, the contentions we shall make in the law suits and is the basis for the suits.

I have sent a like copy to Hiroyuki Taketaya, Block 8007-I, with the request that he discuss the letter with the committee and re-check the names on the lists attached to the letter. If there be any misspelled names ask the committee to make a note of them and transmit the information to me.

We are proceeding here with all possible speed.

I am having A.L. Wirin, Esq., start one case in Los Angeles or Fresno in an endeavor to prevent one person from being taken from Manzanar to Texas - it is only a sample case and is somewhat different from the cases with which we are concerned at Tule Lake.

Very truly yours,

WMC/W

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November 30, 1945

Wayne M. Collins
Attorney At Law
Mills Tower
San Francisco, Calif.

Dear Mr. Collins:

Let me thank you at this late date for your telegram and letter that helped many of us with the non-repatriation registration. Many members in the Defense Committee living in my Ward gives their thanks together with those of mine for the invaluable services you rendered us.

From the latest news relayed to us by the Committee, we found that the hearing for Mr. Ivan Williams on December 10th was postponed for thirty-days and that deportation of all renounciates is temporarily stopped. There are quite a number of renounciates whose parents are planning to leave them here in Tule Lake and relocate now or in the very near future if there is a slim chance of having their children released from detention. Since they are members I am taking this time to request your opinion, legal or otherwise, on this matter.

The general attitude and questions asked by the Department of Justice to those desiring voluntary repatriation has given many of us the impression that they would like to have them remain here in the United States. The reason for this is the tedious way they imply whether the repatriates are sure or positive that they want to go to Japan; the opportunities to change their minds to remain in the United States will always be considered. This is certainly a change in policy if we look back to the orders issued by the Justice Department about a month ago which had in part that all persons refusing to register for repatriation or non-repatriation will be sent to Japan regardless. Would it be dangerous to assume that the Justice will not forcibly send any renouncees to Japan?

There is a young lady who is a member of our group who declines intensely to believe that we will be sent to Japan as long as you are at the helm. Together with the faith she has in you she deems that preparing for the future as a great necessity. She is intending to ready herself for a civil service job pending an examination. If faith is kind she claims that she will be released and be able to take the examination in February of next year. In order to prepare for it she finds that she must indicate her citizen status on the application. Shall she state "American"?

It seems that a newspaper article carried a story on a certain "Mrs. Tamura" of Manzanar Relocation Center who had also filed her case with Mr. Wirin as her lawyer. The facts concerning her case was identical to those of ours except for one point. That is, she was not in Tule Lake Center. Now that Manzanar has closed has she been released from detention? This question has been asked me by many members; therefore, may I have the benefit of some explanation from you to satisfy them?

With a word of thanks may I remain -

Sincerely yours,

Takeo Yamamoto

Takeo Yamamoto
417-C
Tule Lake Center
Newell, California

December 3, 1945

Mr. Takeo Yamamoto
Block 417-C
Tule Lake Center
Newell, Modoc County, California

Dear Sir:

The deportation of all renunciants had been scheduled by the Department of Justice in accordance with the policy it had repeatedly announced. Upon the filing of the suits which was accompanied by publicity, which on the whole must be viewed as favorable, the Department's policy temporarily underwent immediate change. The evident intention had been sudden deportation en masse, which would have solved the Department's problem and relieved it largely from responsibility and criticism, because that would have enabled it to declare that it was merely carrying out congressional policy. The court orders which issued at the time the suits were filed, prevented the Officer in Charge, an agent of the Department of Justice, from removing the internees from the geographical jurisdiction of the United States District Court for the Northern District of California, in which Newell is situated. This prevented the involuntary deportation of any of the petitioners and plaintiffs in the habeas corpus and equity proceedings.

Thereafter, Mr. Burling informed me by telephone that, temporarily, there would be no compulsory deportation until such time as department officials had full opportunity to confer and determine what their future policy was to be concerning deportation and detention. The deportation program was immediately converted from an involuntary basis to a voluntary basis, care being exercised that no person in the suits was accepted for removal. There can be no deportation of any of the persons named in the suits so long as the court orders prohibit it. There could be deportations of renunciants who are not in the suits inasmuch as they are not protected by any court order. It is possible that the Department may yet suddenly take the view that those who have not proceeded to safeguard their own rights by court action do not deserve consideration and may proceed to deport them. My guess is, however, that the Department will hesitate to enforce compulsory deportation upon any of the renunciants until such time, at least, as its new policy has become crystallized and takes definite form. Doubtless, Department officials and congressional committees jointly will determine what the new program is to be insofar as deportations are concerned.

Mr. Takeo Yamamoto

12/3/45

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Congress cannot, by special legislation, deport those whose actions are pending in court. Detention is another matter. The Department may assert its right until such time as Congress declares that the declared war is terminated, or the President issues a proclamation terminating detention, to detain all renunciants who are in the suits as well as those who are not. In the event, however, that the Court sitting in Habeas Corpus, decides that the persons in the suit are not subject to detention, they must be released, but its decision will not determine the validity of the detention of the renunciants who are not in the suits.

The equity suits will determine whether the renunciations of those in the suits are valid or void, and upon the determination of this the loss or recovery of their citizenship depends. It is not likely that the determination of the petitioners' rights of citizenship will determine the citizenship rights of those who have not proceeded to protect themselves by court action.

One of the chief reasons why the Department of Justice is anxious at the present time, to ascertain whether a prospective repatriate really desires to go to Japan and gives ample opportunity to such a person to change his or her mind, is because it now wishes its actions to be viewed in a favorable light. In the suits the Government is directly charged with having been guilty of duress, among other things, in that it long ago embarked upon a systematic program of causing a mass banishment of persons of Japanese ancestry, and in that the long period of imprisonment and its accompanying mistreatment was pursuant to such an unconstitutional policy. Obviously, if these charges be sustained by the Court, the Department would prefer that the blame therefor be upon the Military authorities responsible for the evacuation, and not upon the Department of Justice.

Since the young lady to whom your letter refers intends to ready herself for a civil service position, and is required to indicate her citizenship status on the application, which status is now in issue in the suits, I suggest that she state thereon that she "claims American citizenship by birth".

With reference to the Tamura case, filed by Mr. Wirin in Los Angeles, I wish to inform you that the case is not identical with the Tule Lake cases, either as to fact or as to law. Mrs. Tamura is still detained, not at Manzanar, which has been closed, but at the Home of the Good Shepherd, at Los Angeles, by arrangement with the United States Attorney and officials of the Department of Justice, pending the outcome of her case. It is my understanding that the Tamura case will not proceed to a hearing before the Tule Lake cases.

Mr. Takeo Yamamoto
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12/3/45

Newspaper reports as to the status of that case, or for that matter, of any case, are not to be relied upon, as they seldom are reported accurately.

Yours very truly,

WMC jl

GILBERT

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-3- CONTENT

December 3, 1945

Mr. Toru Matsumoto,
Director, Committee on Resettlement
of Japanese Americans,
Home Missions Council of North America,
297 Fourth Avenue,
New York, 10, N.Y.

Dear Sir:

The purposes of the suits which have been filed on behalf of some 1000 Tule Lake renunciants, are to prevent their deportation to Japan, to obtain their discharge from detention, and to have their renunciation of U. S. nationality declared void and their citizenship restored.

Final determination of these issues may not be had for sometime, inasmuch as it is apparent that whether the petitioners or the Government prevails in the District Court, appeals will be taken which ultimately must be decided by the United States Supreme Court. Whether or not the final decision in these cases will determine the similar issues of law and of fact which other internee-renunciants in Tule Lake Center and elsewhere might have urged had they proceeded to assert their rights in Court, I can not state with certainty.

If the renunciation statute be declared null and void, it is obvious that all renunciations will be deemed void. However, it is a rule in equity that one may not sleep on his rights -- and a renunciant who fails to proceed to preserve his rights may not, after the lapse of a reasonable period of time, be permitted to assert those rights, and, consequently runs the risk of not being able to assert his right to citizenship.

Temporarily, at least, and until the Department of Justice determines what its new policy is to be, deportations have been placed on a voluntary basis, according to information which reaches me from that Department. Court orders prevent the Department from deporting any of the persons who appeared in the proceedings.

Mr. Toru Matsumoto, Director

12/3/45

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I do not know the nature of the statistics and the background of the 985 adults and children, male and female, which Mr. Myer vouchsafed to you, but I express doubt that the information as to particular individuals could have been wholly accurate, inasmuch as I doubt that Mr. Myer then had a list of the names of the petitioners and plaintiffs in the proceedings, and a pronouncement presumably emanating from him, which appeared in the Pacific Citizen and doubtlessly reported partially and inaccurately, indicates that he disbelieves that governmental duress played a role in the renunciations. If he made such a statement or harbors such a belief, he is mistaken. It appears to be a matter of common knowledge that duress, consisting of unlawful imprisonment and of unnecessary harassment while confined, was the condition under which all of the internees were held. That the internees were treated, not as citizens, but literally as prisoners of war, before and after their renunciation, does not lend itself to a suggestion that they were victims of any thing but governmental duress.

The fact that terroristic groups in the camps also played a role in compelling renunciations does not relieve the Government and officialdom from like charges and responsibility.

I have not yet filed any briefs in the cases, inasmuch as I intended at the outset to urge that the Court take judicial notice of duress, governmental and private, and endeavor to have it determine the issues of law without resorting to hearings on issues of fact, unless the Court deems hearings of fact essential.

It is my belief that these cases should arouse the interest of churches and churchmen, and that these people are fully worthy of anything that may be done for and on their behalf, even if the efforts be confined to writing letters of protestation to President Truman and to the Attorney General protesting their deportation, detention and loss of citizenship rights.

Yours very truly,

WMC jl

President
HERMANN N. MORSE

First Vice-President
MRS. J. D. BRAGG

Second Vice-President
WILLARD M. WICKIZER

Recording Secretary
MRS. C. S. SMITH

Treasurer
EDNA R. HOWE

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THE INTERCHURCH AGENCY OF HOME MISSIONS BOARDS AND SOCIETIES OF TWENTY-THREE DENOMINATIONS

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297 FOURTH AVENUE, NEW YORK 10, N. Y.
TELEPHONE GRAMERCY 5-4658

Executive Secretaries
EDITH E. LOWRY
MARK A. DAWBER

December 10, 1945.

Mr. Wayne M. Collins,
Mills Tower,
220 Bush St.,
San Francisco 4, Calif.

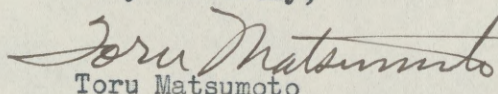
Dear Mr. Collins:

I appreciated your letter of December 3rd very much. I am going to have this mimeographed and sent to as many churches and religious organizations I can think of.

We had two meetings recently and at both meetings this matter was taken up and we are doing all we can to protect the rights and welfare of those who wish to remain in the United States.

I think the American Civil Liberties Union is doing a simply wonderful job.

Very sincerely,



Toru Matsumoto
Director, Committee on Resettlement
of Japanese Americans

TM/R

Copy

603-D
Newell, California
December 12, 1945

Mr. Takao Harry Takeuchi
Rm. 31-B Box 300
Bismarck, North Dakota

Dear Mr. Takeuchi:

As a member of the Defense Committee and on advice of your sisters, parents, and friends, we are requesting that you file this petition with our attorney, Wayne M. Collins, 1721 Mills Tower, San Francisco, California. As received from authoritative sources, you who are in internment camps are scheduled for deportation. If you desire to remain in the United States or desire to regain your freedom and privileges, there remains but one course to take and that is to file suit by giving authorization to an attorney to represent you and your friends. You, as well as many of your friends, were influenced and coerced by center propaganda and pressure. And, by the fact that you were under continuous duress, you as well as many of us here were not free agents. The Constitution of the United States gives everyone the privilege to fight for his civil rights. I believe the officials there will understand and let you and your interested friends proceed with the case. Time is the essential element so proceed with utmost speed. This is your only chance. File your request first as instructed--financial matters can be straightened out afterward. Letters are being sent to several interested residents there telling of the proper procedure; please consult them. Peace is here, so be not afraid to voice your opinions nor be bound by friends, or enemies.

At your earliest convenience send a personal letter or a petition as a group directly to the attorney asking representation. Please sign in ink. If letters are being censored or held by the officials there please notify us promptly. We have duplicate copies of this letter and a copy will be filed by the Attorney. Information has also been sent to your brother in Santa Fe. Everything depends upon your own judgement, do what you believe best. Please write to me immediately upon receipt of this letter and let me know of your intentions and the steps taken.

Written by

Larry

For the defense Committee

Dec. 15, 1945.

Dear Mr. Collins

Since, I have spoken to other interested parties concerning internment cases. To all - I suggested that they telegram or write to who ever is in internment to go and contact the Takeuchi brothers. Individual letters to the attorney or as a petition by a group would be satisfactory. I informed them our lawyer would do his utmost to protect them if requested to do so but they had to ask for representation before complications set in. Everything depends on Justice Department's policy but that Attorney Collins wanted to help and make these suggestions and etc - no guarantees. People are learning to appreciate how much you are doing for us.

Ling

Dec. 15, 1945.

Dear Mr. Collins

Copies of these communications were not released for general public usage. Four sheets were typed and only as confidential material. Although I tried to grasp the general idea from your conversations I have to admit there are misinterpretations. Please make allowances. Copies were distributed to -
1. Mr. Collins 2. Defense office 3. Committee "Uchida" 4. Myself.

All news & informations are being passed to the members through word of mouth only. The moral of the members as a whole is high. "they believe in you." They seem not too much concerned over the Justice Department's recent announcement, but nevertheless all dying to be released. "poor guys they had enough of camp life"

Long

If any Nisei who, under duress, renounced American citizenship at the Tule Lake Center or elsewhere wishes to cancel the renunciation and be restored to citizenship in the equity suits which have been won in the U.S. District Court in San Francisco he or she may write attorney Wayne M. Collins, Mills Tower, 220 Bush Street, San Francisco, California, requesting to be joined in said suits. Inform him of the following facts, (1) your full name, (2) present address, (3) date of birth, (4) place of birth, (5) place of renunciation and (6) whether or not you received a letter from the Attorney General approving the renunciation. The judgment restoring citizenship will become final on July 29, 1948.