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# Editorial

Whatever is the decision in the suit to disenfranchise citizens of Japanese ancestry, it is unfortunately raised at this time.

Many matters will be readjusted after the war. How, will be influenced by public opinion created by time and events now beyond calculation.

A Constitutional amendment to specifically enfranchise Chinese, or to disenfranchise Japanese, doubtless would be approved and ratified in record time. Either would be a "quickie," bad in a matter of fundamental law. It is equally bad at this time to seek legal definitions which must be inconclusive in matters bound to undergo readjustment, even if that be only an affirmation of existing formula.

It is true as Mr. Webb says, that the Declaration, and the Constitution for that matter, was written by white men. It is not true that it was exclusively "for" white men. These charters are of human, not race principles, and to suggest otherwise now is to furnish excuse for unjustified accusation that America is not true to its principles.

## We Want No Citizen-Japs, Webb Says

The right of Japanese and other persons of Asiatic ancestry to hold American citizenship went under fire yesterday in a Federal Court action aimed at disenfranchising perhaps 70,000 persons evacuated from the West Coast's Military area, No. 1.

Appearing on behalf of John T. Regan, secretary of the Native Sons of the Golden West, U. S. Webb, former Attorney General of California, urged Judge A. F. St. Sure to decide a test case contrary to a United States Supreme Court decision of 44 years ago.

### ONLY "WHITES," WEBB SAYS

Webb described that decision, upholding the right to citizenship of a Chinese born in this country, as "one of the most injurious and unfortunate decisions" ever handed down by a court. Not since then had the court had "an opportunity to correct itself," he said.

Webb based his one-hour oral argument generally on the thesis that our naturalization laws and also the Fourteenth Amendment were meant to bar from citizenship persons other than the "whites," except for the American Negroes.

But, he said later, Congress had the power "and should pass an act citizenizing all Chinese born in the United States."

This suggestion was made by Webb after opposing counsel had accused him of advocating "fascist principles" in the midst of a "democratic war."

### WHAT WOULD OUR ALLIES THINK?

"What," asked Charles R. Garry, representing the National Lawyers' Guild and appearing as a friend of the court, "would our allies think if we came out today and said, 'only those are Americans who are Whites?'"

Webb then referred to the "noble struggle China has made in the last five years" and declared Congress, "in a fortnight," could enact legislation giving the American-born Chinese citizenship.

American-born Chinese already are accepted as citizens, of course, under the decision in the Wong Kim Ark case of 1898 to which Webb objected.

Yesterday's hearing was on a suit against Cameron King, registrar of voters, to strike from the election rolls the names of at least 90 American-born Japanese who voted by mail at a recent municipal bond election. The action is being defended by Walter Dold, Assistant City Attorney.

### WHO IS AFFECTED BY 14TH AMENDMENT

Said Webb: "The legal question is Is a member of the Japanese race, born in the United States, a citizen of the United States? And, I may say, that incidentally raises other questions than the Japanese.

"It involves the citizenship and the right to citizenship of all peoples and all races who do not fall within the characterization of 'description of White people.'"

The purpose of the Fourteenth Amendment, ratified in 1868, was, said Webb, to enfranchise the Negro. His contention was that

Continued on Page 4, Col. 1



# More About Webb: Court Is Urged to Disenfranchise All U. S.-Born Japanese

Continued from Page 1

it "citizenizes all persons born in the United States of parents who are eligible to citizenship," a point which, if upheld, he added, would limit citizenship to the White race except for the American Negro.

"It excludes the Chinese, the Japanese, Hindus, Hottentots and the islanders of the Pacific," Webb expanded, in disagreement with any contention that the amendment

would also make citizenship possible for "all persons born in the United States of parents ineligible to citizenship."

## WEBB RECALLS REVOLUTIONARY WAR

The amendment itself reads that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

Harking back to the very beginnings of this Nation, Webb said that, except where American Indians were involved, only white persons were present at Bunker Hill, Lexington, Valley Forge and in the drafting of the Declaration of Independence and the Constitution.

Although modified 12 times between 1790 and 1870, the naturalization law, "like the Rock of Gibraltar" retained the term "white persons" as a limiting factor.

If only white persons can be naturalized, he argued, should children of ineligible aliens automatically be admitted to citizenship?

## ANOTHER ARGUMENT AGAINST WEBB

In answer to Webb, who made no mention of Japanese "dual citizenship," Dold said Webb's argument had "come too late; the law has been established." In addition to the Wong Kim Ark decision, Dold cited a more recent case, Morrison vs. California, in which the late Justice Cardozo stated that "a person of the Japanese race is a citizen of the United States if he was born in the United States." Dold rested his case on these two decisions.

Webb answered that the question of citizenship was not considered in the Morrison case.

A second representative of the Lawyers' Guild, Harold Sawyer, told Judge St. Sure:

"If you had taken the authorities cited by General Webb and changed the word 'white' to Aryan you would have had the same language as in Hitler's 'Mein Kampf.' Any attack on the right to be a citizen is not democratic. We are fighting a democratic war and cannot adopt fascist principles."



## ALIENS MUST QUIT AREAS IN ARIZONA

Biddle Closes 18 War-Activity  
Zones to Subjects of  
Nation's Enemies

### MOVE IS PRECAUTIONARY

Attorney General Also Warns  
Proscribed Nationals to  
Get Certificates

Special to THE NEW YORK TIMES.

WASHINGTON, Feb. 7—Attorney General Francis Biddle today designated the eighteen areas in Arizona from which all Japanese, German and Italian aliens would be ousted by Feb. 24.

The step was taken as a precautionary measure, Mr. Biddle said, as there are relatively few aliens in the proscribed areas, in which are radio stations, power and water plants, and dams for water storage or electric power.

The order provided that in the case of a number of prohibited areas lying within city limits, alien enemies will be permitted, however, to use the streets.

The Department of Justice again warned Japanese, German and Italian aliens in the District of Columbia and the forty States outside the Western Defense Command, that they must register and apply for certificates of identification in the period beginning on Monday, through Feb. 28. The requirement to register applies to all enemy aliens of 14 years of age or above.

In making application for an identification certificate from the nearest first class, second class or county-seat postoffice, the alien should produce:

1. The alien registration receipt card issued following the nationwide registration of aliens in 1940.

2. Three unmounted copies of a photograph with a light background, two by two inches, printed on thin paper and taken not more than thirty days previously. The photograph must be taken front view and without a hat.

Printed detailed instructions for making application for identification cards are obtainable at post-offices.

### Union Contract Is Signed

Special to THE NEW YORK TIMES.

## WARNS ENEMY ALIENS



Attorney General Francis Biddle  
Harris & Ewing, 1940

## ENNEY NAMED TO ARMY JOB

He Will Be Port Consultant Here  
to Quartermaster General

Special to THE NEW YORK TIMES.

WASHINGTON, Feb. 7—E. D. Enney of New York City has been appointed Port Consultant to the Quartermaster General, the War Department announced yesterday. Mr. Enney's offices will be at 165 Broadway.

Mr. Enney has been identified with shipping for many years, the department said. Prior to the last war he was associated with the Lord Inchcape shipping interests in London. From 1918 to 1934 he was president of the Corry Mann George Corporation engaged in general shipping, chartering and exporting throughout the world.

## SAKS FIFT

at Rockefe



# BARS ALIEN LINKS AS COAST JOB TEST

California Attorney General  
Rules Against 'Cleansing'  
of Civil Service Lists

CALLS IT 'DISUNITY' STEP

Number Affected May Run to  
Thousands—Includes 779  
of Japanese Origin

By LAWRENCE E. DAVIES

Special to THE NEW YORK TIMES.

SAN FRANCISCO, Feb. 7—California's Personnel Board was blocked today by a State Justice Department ruling in its plan to "cleanse" the civil service lists of hundreds of American-born job eligibles who are descended from nationals of Japan, Italy and Germany.

Earl Warren, State Attorney General, warned that the board's action not only would have a "cruel" effect on citizens against whom no proof of disloyalty had been submitted, but that it was "disruptive of national unity," that it violated the civil liberties of citizens as guaranteed by the Constitutions of the State and nation and was in conflict with the California Civil Service Act.

In moving to protect the civil rights of a large segment of California's population having blood ties to enemy countries the Attorney General remarked that "we'd be in a bad way if we won the war and lost our civil liberties."

"If we begin discriminating against people because of their forbears," he added, "it will bring about a national disunity that will be absolutely disruptive of our war effort."

Reply to Assemblyman

He gave his formal opinion in response to a letter of inquiry from Assemblyman Thomas A. Maliney of this city, who said his constitu-

ents in San Francisco's Latin quarter had besieged his office with questions concerning the legality of the Personnel Board's orders.

The board had directed its administrative staff, according to the Attorney General, to refuse to permit naturalized citizens and native citizens who are descendants of nationals of countries with which we are at war to take civil service examinations; to refuse to certify such citizens for State employment where their names are on the eligible lists after qualifying by taking examinations; to withdraw the names of such citizens from any certifications for employment that have already been made, and to investigate all such citizens who are now employed by the State.

The number affected has not been determined, but it runs into the hundreds, if not thousands. A few days ago, when a representative of Civil Liberties Union argued unsuccessfully before the board for a change in its order, it was revealed that 314 Japanese-Americans now were employed by the State and 465 were on the civil Service eligible list.

Federal Move Held Possible

Assemblyman Maliney's inquiry concerned specifically descendants of Italians and Germans, but the ruling appeared broad enough to include descendants of Japanese, although some State officials were of the opinion that the Federal Government might soon take some action on the "dual citizenship" problem which would segregate the Japanese question from the rest of the picture.

Mr. Warren said in his opinion:

"This order (of the Personnel Board) will vitally and adversely affect a tremendous number of both naturalized citizens and native-born citizens whose loyalty no one has the right to question without affirmative proof of disloyalty."

"It attempts to establish different degrees of loyalty and in so doing discriminates against naturalized citizens and citizens by birth of the first generation, in favor of those citizens whose forbears have lived in this country for a greater number of generations. Such distinctions are neither recognized nor sanctioned by any provision of the Constitution or by

any law, and unquestionably constitute a violation of the civil liberties guaranteed to all citizens by the fundamental law of our land.

"In addition to the fundamental questions of rights of citizenship and civil liberties involved, this order is in direct opposition to the letter and spirit of our civil service statutes which contemplate an opportunity for public service by all citizens on equal terms.

Cites Service and Sacrifices

"A substantial portion of the population of California consists of naturalized citizens born of parents who migrated to this country from foreign lands. They have in the past and do now represent the highest standards of American citizenship. Many of them are now in the armed forces of our government. Some have already given their lives in our cause.

"Many of them—the naturalized citizens—left the countries of their birth for the express purpose of acquiring citizenship because of their hatred of the tyrannies which we are now fighting. This has intensified their appreciation of American citizenship and increased their loyalty.

"To question that loyalty or place them in a category different from other citizens is not only cruel in its effect upon them but is also disruptive of the national unity which is so essential in these times.

"It is my conclusion that such an order, discriminating as it does against naturalized citizens and against American-born citizens of the first generation, violates the civil liberties of citizens as guaranteed by the Constitution of the United States and of this State, and is in conflict with our Civil Service Act."

Heads City College Council

David Helfeld, a senior, has been elected president of the City College Student Council for the current semester. It was announced yesterday by Dr. John Roscoe Turner, dean of men. Stanley Halpern and Lawrence Waldman were elected vice president and secretary, respectively. Dean Turner also announced the election of thirty-two class delegates to the council and four class presidents.

TH AVENUE

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Down by an Ameri-  
New York  
Times Radio



# The Drive on Aliens

## Constitution Saves the American-Born; New Law May Give Army Full Powers

2/8/42

### Warren Calls Civil Service Curbs Illegal

Japanese, German and Italian nationals, naturalized citizens and their descendants found their civil liberties protected yesterday by the United States Constitution—the instrument which symbolizes all that the Axis governments seek to destroy.

Attorney General Warren ruled that the State Personnel Board violated the U. S. Constitution and the State civil service act in a recent staff order which provided that all naturalized citizens and native born citizens who are first generation descendants of nationals of countries with which we are at war, be barred from civil service lists or be investigated by the State if already employed.

The ruling was given to Assemblyman Thomas A. Maloney of San Francisco at his request.

#### CERTAIN OF BACKING

Warren said he had not seen minutes of the board's meeting, but could make the ruling since he knew the orders to be staff. He said he was certain the courts would sustain him if the board cares to fight the decision.

"This order will vitally and adversely affect a tremendous number of citizens, both naturalized and native born, whose loyalty no one has the right to question without affirmative proof of disloyalty," Warren said.

"It attempts to establish different degrees of loyalty and in so doing discriminates against naturalized citizens and citizens by birth of the first generation in favor of those citizens whose forebears have lived in this country for a greater number of generations.

"Such distinctions are neither recognized nor sanctioned by any provision of the Constitution or by any law, and unquestionably constitute a violation of the civil liberties guaranteed to all citizens by the fundamental law of our land."

Warren added: "We'd be in a bad way if we won the war and lost our civil liberties.

"If we began discriminating against people because of their forebears, it will bring about a national disunity that will be absolutely disruptive of our war effort."

#### MARTIAL LAW RUMORS

New rumors came from Washington that martial law may be used as a weapon to handle the Western alien problem. The Department of Justice may ask the War Department to take over alien control, the rumors had it.

Certain sections might then be declared under martial law and all citizens removed from the areas. Re-entry would be made by permit and supposedly suspected alien would not receive permits.

Assemblyman Maloney wired Governor Olson yesterday requesting another regiment of the State Guard for protection of Northern California and particularly San Francisco.

George J. Knox, State superintendent of banks, applied to the courts for authority to sell several thousands of dollars worth of furniture of the Sumitomo Bank of San Francisco. The request was made to save storage charges since the bank has been closed by Government freezing of Japanese assets.

District Attorney Tom Scott of Kern county said he was investigating ownership of lands around Bakersfield and had learned of Japanese ownership in odd areas.

Some of the holdings are near railroad lines in the desert, near oil leases, near emergency landing fields and power lines, he said. "Much of this land is of no apparent value as real estate or farm land."

### House O. K's Fund for Honolulu Damage

CANBERRA, Australia, Feb. 7 (AP)—Many persons have been questioned and others are under close surveillance in a Commonwealth-wide spy hunt started with the knowledge that at least one important military secret has reached Tokyo, it was disclosed today.

Authorities believed persons other than Japanese nationals were conducting much of the espionage, and that a secret radio station was used to transmit information.

### 21,000 Trained As Instructors In Defense Jobs

Job training has gained new impetus with the report of Alexander Heron, San Francisco Training-Within-Industry representative, that 125,000, "lead men" are scheduled for the organization's streamlined instructor program.

He said 20,898 "lead men" and supervisors in 938 plants of the Nation with 1,500,000 employees have been trained to instruct war workers.

"Our goal is to develop 200,000 such supervisors by July 1 in factories from coast to coast. This army of supervisors will teach essential skills to the millions of war workers now required for present war plants and those being converted to war production," Heron said.

to move will be aided by Government agencies.

#### ROUNDUP CONTINUES

Federal officials, meanwhile, continued their alien round-up. Four Japanese were jailed at Portland. FBI agents said they had large quantities of dynamite in their possession near Bonneville dam. They will face an enemy alien board next week.

"One man had 15 sticks of dynamite," said an FBI agent. "We also found a cache of dynamite, caps, and fuse."

The four were arrested during FBI investigation of 81 locations at Hood River, Oregon.

In Los Angeles and Seattle, FBI agents swept down on Japanese colonies again in a search for contraband cameras, arms, radios and other material.

The Seattle raid was made on Bashon Island in Puget Sound. In Los Angeles, deputy sheriffs and FBI men raided the Palos Verdes Hills colonies of Japanese truck farmers.

The farms are near oil fields, military establishments and overlook the Catalina channel through which shipping passes to and from Los Angeles harbor.

#### OLSON ASKS CALM

Associated Press reported from Sacramento that Governor Olson asked for calm and individual treatment of California's Japanese. He told a conference of social workers:

"It is easy for our people to be overcome with hysteria and to undertake unwise measures to insure our defense. Instead we must try to get the active and voluntary co-operation of the Japanese to avoid regimentation."

And in Washington, United Press reported that U. S. Senators are cold to Justice Department suggestions that "protective arrests" be allowed for the duration of the war in order to handle the alien problem. The Senators regard such a move as unconstitutional, the dispatch reported.

#### FBI DOESN'T REST

There was no halt, however, in the Department of Justice move to exclude enemy aliens from all vital defense sectors of the Western States.

Eighteen areas in Arizona were ordered cleared of Japanese, German and Italian nationals by February 24. They included power plants, dams, broadcasting stations and reservoirs.

The order was an extension of previous areas restricted in California, Washington and Oregon.

In California the Government was preparing to clear 10,000 enemy aliens from their homes between February 15 and 24. Notices to that effect were in the mail.

However, aliens were warned they must move whether or not they receive such notices. Social Security headquarters at 785 Market street will answer questions of aliens in this district and inform them of their obligations and their rights.

Aliens who do not have the money



## Congressmen Give Their Own Views

*Special to The Chronicle*

WASHINGTON, Feb. 7—Legislation which would enable the War Department to declare martial law for prevention of sabotage and an ironclad control over enemy aliens is being prepared for submission to Congress, it was learned today.

Under the measure, the Army presumably would have the power to order everybody out of any designated area and license only "desirable persons" to return.

Senator Sheridan Downey (D., Cal.) said he understood such legislation is being drafted and he would support it for the vulnerable West Coast region. Other members of Congress from California, Oregon and Washington expressed similar satisfaction with the proposal.

Growing dissatisfaction has been evidenced in Congress over the current handling of the enemy alien problem by the Department of Justice and the Federal Bureau of Investigation, which is headed by J. Edgar Hoover. Transfer of alien control to the Army under broad powers for effective action has been urged as the most logical solution.

### BIDDLE CALLED SLOW

Attorney General Francis Biddle has been accused in some quarters of being too bemused by legal technicalities and too slow to act.

The West Coast with its ship and navy yards, its numerous air bases and oil refineries as well as public utility and water systems, these critics assert, should be afforded greater protection than is possible under the present setup.

A joint statement issued earlier in the week by Biddle and Secretary of War Henry L. Stimson, insisting that the problem is being met, was regarded as an Administration attempt to stem the mounting tide of criticism on capitol hill.

Meanwhile, reports that the Justice Department will ask for authority to take persons of dual nationality, children of the aliens but citizens by virtue of their birth in the United States, into "protective custody" drew strong criticism from a number of Senators, indicating a congressional battle over the scheme.

It is the contention of many that the American born Japanese, who enjoy the privileges of citizenship, as well as the offspring of foreign born Germans and Italians, are potentially more dangerous than their parents, who are already under some semblance of control.

### EXHAUSTIVE STUDY

Senator Frederick Van Nuys (D., Ind.), chairman of the Senate Judiciary Committee, warned that legislation permitting the arrest of citizens would be given long and exhaustive study by himself and his colleagues.

"Passage of such an act would set an extraordinarily dangerous precedent," he said. "It would certainly have to be limited so as to cover the Japanese situation in the Far West and similar situations exclusively."

Senator Robert M. LaFollette (Pros., Wis.) said that in his opinion the granting of any blanket authority to take a citizen into custody would be a totalitarian action. Senator Mon C. Wallgren (D., Wash.) asserted such legislation would be in direct conflict with the principles of the constitution.

A different view was expressed by Senator Edwin C. Johnson (D., Col.) who said:

"I don't believe in concentration camps but if anyone belongs in one we had better put him there."

### 'Sailor' Doesn't Own Any Civilian Clothes

Clifton Soucek, 18, of Cleveland, who has enjoyed the hospitality of an Oakland USO center for more than a month, appeared in Federal Judge St. Sure's court yesterday charged with impersonating a U. S. Navy seaman.

He wore the evidence against him right into court.

"I don't own any civilian clothes," he explained.

Judge St. Sure asked for a probation report on February 24.



5/7/42 CCCC\*\*

## Enemy Aliens: America Will Strip 226 Fifth Columnists Of Their U. S. Citizenship

The Federal Government yesterday moved to strip the protective mask of American citizenship from foreign-born fifth columnists.

In a lightning thrust against these "immune" enemies, Attorney General Biddle ordered the start of court proceedings to denaturalize 226 of them. The largest number of cases—31 so far—will be tried in California.

No Japanese are concerned, since Japanese aliens cannot be naturalized. All 226 are believed to be natives of Germany and Italy.

### NINE CASES UNDER WAY

The names of those involved will be revealed as soon as naturalization petitions are filed against them.

According to a United Press dispatch, Biddle described denaturalization as a "highly effective weapon with which to combat fifth column activity." Nine cases, he said, are already before the courts, and the others will be brought to a swift conclusion.

Officials here declared denaturalization of German and Italian born citizens will subject them immediately to current control measures against enemy aliens. Since they are already claimed to be disloyal to America, most are expected to be interned for the duration.

### EVACUATION SPEEDED

Meanwhile, with the halfway mark at hand, Lieutenant General John L. DeWitt continued to speed the evacuation of Japanese from the West Coast. Three more orders were posted to clear strategic areas by early next week.

About 900 will be moved by Wednesday, May 13, from the southwestern portion of Tulare county, one of the chief centers of strong anti-Japanese feelings in California.

All of Kings county will be cleared by May 13, involving about 600 Japanese.

Both groups will be taken to the Fresno assembly center between

Sunday, May 10, and Wednesday, noon, May 13.

In Oregon, approximately 700 will be taken to the Portland assembly center by Tuesday, May 12, from all of Clackamas county and from eastern Multnomah county. Most of these affected are berry farmers.

More than 2500 Japanese arrived at assembly centers yesterday as the result of earlier evacuation orders. Nearly 1000 went to the Tanforan center from proscribed areas in Alameda, Contra Costa and San Joaquin counties; more than 1000 from parts of Los Angeles county to the Tulare center, and 550 from parts of the city of Los Angeles to Santa Anita.

The same number will be moved from the same areas today.

Wartime Civil Control Administration offices announced 31,938 Japanese had already been moved from their homes in California, Oregon and Washington by Tuesday night, and an additional 19,320 are either moving now or will be out by early next week.

## Too Good A Deal for This Family

First the tenants brought in a boarder. Then they began cooking at home all the food for the restaurant they owned. Finally, they added a dog and cat to the household.

This was the justification a landlord offered to the Fair Rent Committee yesterday for a raise in rent from \$55 to \$65. The committee agreed.

In 13 other rent raise complaints heard yesterday, two were decided for the tenant; and 11 were held over for further investigation.

## Deny All Japs Citizenship, Webb Asks

Special to The Chronicle

5/20/42  
HOBBERGS, May 19—A plan whereby the constitution should be interpreted or amended so as to deny citizenship to all Japanese was proposed here today by former State Attorney General U. S. Webb.

Webb spoke before the 65th annual grand parlor of the Native Sons of the Golden West.

In nominations for State officers for the coming year, Richard F. McCarthy of Berkeley, was named for the position of grand third vice president, a system whereby he would succeed to the presidency in three years' time.

Other nominations were:

John P. Regan, San Francisco, grand secretary; John A. Corrotto, San Jose, grand treasurer; Eben K. Smart, Grass Valley; Walter H. Odemar, Los Angeles; Thomas C. Ryan, San Francisco; Louis Bosch, Sonoma; Walter N. Bailey, Elk Grove; Ben Hill, Los Angeles; Grover Power, Colusa, and Joseph E. Tinney, San Francisco, grand trustees.

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John, chairman of California Navy Re- been advised that er, signed by the re Navy, will be panies whose em- collectively to the

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CLAND, CALIFORNIA, FRIDAY, MAY 22, 1942

# Native Sons To Challenge Jap Citizens

Several Measures  
Planned to Curb  
Orientals in Future

Delegates to the 65th annual grand parlor of the Native Sons of the Golden West returned to their home communities throughout California today carrying details of the successful conclave to members in their home parlor, who were unable to attend the sessions at Hoberg's.

Primary concern of the Native Sons, now under the leadership of newly elected Grand President Lloyd J. Cosgrove of San Francisco, will be the initiation of several measures aimed at challenging Japanese who hold American citizenship.

## LEGAL FUND STARTED

By resolutions adopted at the concluding session yesterday at the Lake County resort, the organization voted \$1000 to start a fund to seek legal means of challenging citizenship of American born Japanese, and also to seek a constitutional amendment prohibiting granting of such citizenship in the future.

Assuming the badge of his office as president, Cosgrove today issued a statement calling upon members of the Native Sons to participate to the hilt in the war effort.

"We must place all things on a new basis," he said. "We must adjust ourselves to the National emergency and dedicate ourselves to the winning of the war."

## WAR AID URGED

"I recommend to each of you that if possible, that you enlist, and if that is not possible, participate to the fullest extent in civilian defense. Buy war bonds and stamps, and engage in the increasingly important affairs of our State and Nation. Preserve the natural resources of our country and our historic shrines."

First official act of Cosgrove after taking office was to appoint Roger M. Johnson, of Los Angeles, grand organist, and Peter T. Conny, of San Francisco, grand historian.

Berkeley members were proud of the fact that Richard F. McCarthy, of that city, was elected third vice-president of the order, assuring him of succession to the presidency in three years, under the rule of automatic succession.

## FETE IS PLANNED

Plans also were being made for this year's Admission Day fete, September 9, when the theme will be the 400th anniversary of the discovery of California by Cabrillo.

High lights of the grand parlor session were dedication of a plaque at Bloody Island, Lake County, scene of a historical battle between Federal troops and Indians, nearly 100 years ago, and the annual banquet at which Attorney General Warren was principal speaker.

## District Attorneys Consider Suspending Jap Civil Rights

YOSEMITE, May 23.—(P)—California district attorneys today pondered a recommendation that all civil rights for all Japanese, whether alien or American-born, should be suspended for the war's duration.

The proposal, made before the attorneys' convention by former State Attorney General U. S. Webb last night, followed his discussion of the California alien land lease and ownership law, directed against the alien Japanese.

Although the country as a whole did not wake up to Japan's character until the Pearl Harbor attack, Webb declared, Californians have been wide awake to Japanese designs for many years.

"It required a Pearl Harbor to convince Washington what you and I have known for forty years," Webb said. "We were on the frontier and knew it was California that Japan had decided to colonize and settle, while four-fifths of the people of the United States had never seen a Japanese twenty years ago."

the time.

'being forwarded to him.'

## Native Sons: A Movement Which Would Deny All Japs American Citizenship

The next big job of the Native Sons and Daughters of the Golden West is to obtain legislation to deny American citizenship to all Japanese, District Attorney Ralph Hoyt of Alameda county stated yesterday.

Hoyt was a speaker at the Native Daughters' 56th annual convention at the Hotel Oakland. The convention, which opened Sunday, will close tomorrow night with the installation of new officers.

"These people who do not assimilate, who do not become Americans, who will always be a liability and a potential threat, should be denied citizenship," Hoyt said.

"We can all be proud that the members of this organization had the foresight to recognize many years ago the threat from the Japanese. They have done splendid work in this program."

The District Attorney and county Civilian Defense chief described the war as "a fight to the finish for survival of things we hold most dear."

Other convention speakers on the convention program are Attorney General Earl Warren and Mrs. Eleanor Wilson MacAdoo, United States Treasury Department.

Delegates from the 184 parlor in the State attended a ritual in the Scottish Rite Auditorium in Oakland

last night. They will nominate and elect officers today. Mrs. Claire Lindsey of Oakland, now grand vice president, will advance to the presidency.

## Jap Evacuees in Sacramento Moved to Modoc

SACRAMENTO, June 15 (P)—Today is moving day for the first contingent of approximately 4800 evacuated Japanese now housed temporarily at Camp Walerga near here.

The evacuees will begin moving northward to their assigned permanent homes in the relocation center at Tule Lake, Modoc county.

At the rate of one-half a camp block a day, Camp Walerga residents will be moved by the wartime Civilian control administration by train steadily until the camp is emptied on or about June 24.

## 'Brevity' Hero Makes It Briefer

PITTSBURGH, June 15 (UP)—Called upon to speak at a luncheon honoring 15 touring war heroes, Ensign Donald F. Mason today excelled in brevity his famous "sighted sub, sank same" message.

The text of his luncheon "address":

"Hello."



## Jap Sent to Federal Prison

John Ura, a 19-year-old Japanese born in California, was sentenced to one year in a Federal penitentiary yesterday by Federal Judge St. Sure for "failing to observe the military regulations defined by the commanding general."

Specifically, Ura was charged with entering Military Area No. 1, from which all persons of Japanese ancestry have been barred, when he returned to his home in Emeryville to get his typewriter. Ura received the maximum sentence because at the time of his apprehension he had cameras and firearms in his possession.

# THE VALVE

Japanese June 26/42

Editor The Chronicle—Sir: Your correspondent, John Colby Harvey, asks two questions in your issue for June 22. First: What is this American Civil Liberties Union? And, second: Is it trying to hinder the country from winning the war by defending a Japanese-American who is being prosecuted for failing to abide by the evacuation orders?

First: The Union is the only national non-partisan organization that defends civil liberties for all without distinction.

Second: We think we are not hindering the prosecution of the war by affording counsel in a case where grave civil liberties issues are at stake. Under the law the defendant is entitled to be represented by counsel just the same as anybody else. If such counsel does his duty, he cannot fail to raise such constitutional questions as usurpation of legislative power by the executive and the military, the denial of due process of law, and the interference with the right of the people to be secure in their persons against unreasonable seizures.

The military has accomplished its purpose and no Japanese are outside assembly centers or relocation projects in the prohibited areas. Since the evacuation is an accomplished fact, and the legal issues cannot be decided by the United States Supreme Court for from one to two years, it cannot be said that the test cases in any way interfere with the necessary defense plans of the military. Moreover, some good may result from having the constitutional questions determined by the courts. After that we'll know where we stand.

Finally, three test cases have arisen on the West Coast—one in San Francisco, another in Seattle and a third in Portland. In the latter case, a Japanese-American lawyer walked into a police station and offered himself to the police in order to test the curfew regulations. The Federal Court at Portland has asked several law firms in the city (including A. C. L. U. attorneys) to file briefs on the constitutionality of the law, noting the grave issues involved. Thus, in one instance at least, the courts themselves have welcomed the assistance of competent lawyers in determining the constitutional issues raised by the evacuation of citizens of Japanese extraction.

ERNEST BESIG,  
Director Northern California Branch, A. C. L. U.  
San Francisco.

SAN FRANCISCO CHRONICLE, TUESDAY, JULY 21,

## Evacuation: Court Asked to Question De Witt's Right to Intern Japanese-Americans

A demand that Lieutenant General John L. DeWitt be summoned into court to show cause why Japanese should be interned yesterday startled the courtroom of Federal Judge Roche.

The demand was made by James C. Purcell, attorney for Mitsuye Endo, Japanese-American girl, now in the Tule Lake reception center, who recently filed an action contesting the removal of Japanese from Pacific Coast States and their resettlement in guarded camps as ordered as a military necessity by General DeWitt.

Attorney Purcell called for a decision which would not merely release Miss Endo from the center, but which would also turn loose nearly 75,000 American-born Japanese now in assembly and relocation stations throughout the West.

The action to test their constitutional rights is being heard by Judge Roche without a jury.

Purcell's arguments were opposed by Assistant U. S. Attorney A. J. Zirpoli, who battled any attempt to call General DeWitt from his duties as head of the Western Defense Command to testify in the hearing.

"The President's proclamation," he said, "was putting the public on notice that we face a dangerous situation."

"The Japanese have already set foot on Alaska and shelled this Coast. That makes it an invasion."

"If Japanese parachutists should land here," he claimed, "the average citizen would not know which was an alien and which a citizen."

The theater of war, he added, "runs from San Francisco to Indianapolis."

He quoted from a Supreme Court decision in the case of Moyer versus Peabody, which said: "When it comes to a decision by the head of the State upon a matter involving its life, the ordinary rights of individuals must yield to what he deems the necessities of the moment. Public danger warrants the substitution of executive process for judicial process."

Purcell denied the release of Japanese citizens from custody would result in any danger to the country. He quoted from a

letter to the Tolan congressional committee written April 20 by James Rowe, Jr., Assistant Attorney General.

"John Edgar Hoover (FBI head) has advised me there was no sabotage there (in Hawaii) prior to December 7, on December 7, or subsequent to that time."

He likewise quoted Secretary of War Stimson as saying, "There have been no reports of sabotage in Honolulu."

Purcell declared that, so far as he knew, "there never has been a decision of the Supreme Court of the United States upholding the right of a military commander to hold a citizen of the United States without a hearing."

He asserted Miss Endo's rights as an American citizen were violated for she was being held under armed guard without any charge of a violation.

He said there appeared to be no doubt that under the President's proclamation General DeWitt has the authority to force anyone, citizen or alien, to leave any specific zone.

"But the power to exclude certainly doesn't contain in it the power to detain after exclusion," Purcell contended.

In the President's executive order under which areas were set up for exclusion of Japanese aliens or citizens, there was no authorization for detention after exclusion, he said. The Army may provide transportation, food and shelter or other necessary accommodations until other arrangements are made, he said, but there is no legal basis of compulsory detention of the evacuees.

"There is no state of martial law here," he said. "No presidential warrant has been issued for Miss Endo's arrest."

A large number of Japanese among the population was no inherently dangerous in Hawaii, he concluded, and it need not be dangerous here.

Members of the staff of the Army's Judge Advocate department representatives of the State Attorney General's office, and attorneys of the American Civil Liberties Union sat in on the hearing.

Judge Roche gave both sides 10 days for submission of their case.



# Western Defense Army Reveals Names Of 13 More Ordered Out of Control Area De Witt Has Directed Total Of 46 'Potentially Dangerous' Persons to Leave Coast

Forty-six "potentially dangerous" persons have been ordered out of the Western Defense Command coastal frontier on orders of Lieutenant General John L. DeWitt, it was disclosed yesterday.

Names of 13 "potentially dangerous" individuals, including three physicians, who have been ordered excluded, were released for the first time yesterday. They are:

Giovacchino Anguzza, 1956 Stockton street, janitor.

Harry B. Eisel, 1835 McAllister street, checker.

Melvin K. Blesmel, 651 Grant street, Vallejo, electrician.

Herman A. Bohme, 3021 Washington street, textile wholesaler.

Bernhard C. Bremer, 639 Forty-second avenue, bookkeeper.

Dr. Joseph Karl Delssler, 50 Satefo avenue, Piedmont, physician.

Harry B. R. Dothee, 2662 Bryant street, waterfront checker.

Dr. Ernst Gehrels, 900 Chestnut street, surgeon.

Dr. Franz Gehrels, 726 Burlingame avenue, San Mateo, surgeon.

Karl Gaubaum, 370 Eighteenth avenue, printer.

Herman Harjes, 675 Sixth avenue, hull planner.

Henry Louis Klute, no address given.

Karl Offer, 848 Gough street, unemployed.

Names of Sylvester Andriano, attorney; Ettore Patrizi, editor and publisher; Renzo Turco, attorney; Remo Bosia, San Carlos editor, and Sam Fusco, dried fruit merchant, were revealed by the Army Saturday.

Offer, who was ordered out of the area on September 24, was a captain in the German army and was interned in Utah in the last war. In 1925, while a broker here, he was indicted by the Grand Jury in connection with speculation in German marks and his license revoked.

Three years earlier he had married Miss Elaine Holst of San Francisco. They were divorced in 1933.

He was arrested in 1927 during an investigation into the sale of "wine bricks," and was acquitted.

Klute was also a San Francisco broker. He filed a petition in Federal Court in 1925, alleging bankruptcy. In 1938 he was suspended from membership by the Steuben Society, representing some 500,000 California voters of German origin, in connection with charges he received \$6000 from a political campaign for endorsing a candidate.

He was also under investigation by the FBI as San Francisco head of the German propaganda agency, German Library of Information.

Dr. Franz Gehrels, who was ordered out September 30, has already left his San Mateo home, and inquiries at the San Francisco home of his brother, Dr. Ernst

*Continued on Page 8, Col. 6*

## More About The Army's Ouster Orders

Continued from Page 1

Gehrels, were replied with a curt "no comment" yesterday.

Mrs. Helga Harjes, mother of Herman Harjes, said her son left for Denver two weeks ago with Harry B. R. Dothee, another excluded alien, immediately after being served notice by Army officials.

Harjes was corresponding secretary for the San Francisco Men's Choir, and both he and Dothee were employed in the Moore drydocks in Oakland. Mrs. Harjes said her son was 35 years old, unmarried, and had been a naturalized citizen for many years.

She said her son had written from Denver that he was required to report regularly to officials, and that neither he nor his friend, Dothee, had been able to find a job.

Colonel Karl Bendetsen, chief of the Wartime Civil Control Administration, said exclusion orders were not in the nature of a criminal charge and a crime was not to be presumed.

Since the Army worked out the procedure by which individuals deemed to be dangerous or potentially dangerous to the military security of this coastal area were to be excluded a total of 125 cases have been heard.

Thirty-six persons have been cleared of suspicion and the cases of 39 others still are pending, General DeWitt declared.

Meanwhile, it was revealed by an authorized Army spokesman that the March of Time broadcast Thursday night which disclosed prematurely the exclusion of Sylvester Andriano, former San Francisco Police Commissioner and County Supervisor, did not contain the name of Andriano when approved by the War Department. The script, minus the names of Andriano and Patrizi, was otherwise approved.

A spokesman for General DeWitt said "an explanation" was to come from the editors of the March of Time broadcast which would explain the premature release of information the Army considered strictly confidential until its authorized release Saturday.

It is essential to military security that the Army maintain personal control over all matters in the disposition of cases involving persons deemed dangerous, DeWitt's spokesman said.

General DeWitt exercises final judgment over the disposition of cases heard by the Army board of officers.

Andriano has until midnight October 17 to be out of the coastal area, after having been given orders to leave on October 7.

The 10-day period was extended in the case of Patrizi, because he is ill in a local hospital, the Army said.



# THAT Broadcast

## Andriano's Name Was Not on the Approved Script

The script of the March of Time broadcast last Thursday night which reported prematurely the exclusion of Sylvester Andriano, former San Francisco Police Commissioner and County Supervisor, did not contain the name of Andriano and Eltore Petrizi when approved by the War Department.

This was disclosed by an authorized Army spokesman yesterday.

A spokesman for General DeWitt said an "explanation" was to come from the editors of the March of Time broadcast which would explain the premature release of information the Army considered strictly confidential until its authorized release Saturday.

An executive of Time Magazine in New York yesterday told the Associated Press that Time's San Francisco correspondent, Robert DeRoos, had apologized to the War Department for the premature broadcast, and that no further explanation would be made by March of Time editors.

2, 1942

CCCCA

## GE EXPERIMENT s Jap Labor ugar Beets

Japanese labor is a plain means of crop salvage.

"It already has gone beyond the matter of harvesting," said Hagen. "Our personal feeling toward the Japanese has nothing to do with the matter. We've got to have them, or the beets, at least a big percentage of them, will stay in the ground."

Nevertheless, the importation of Japanese farm hands from Pacific Coast military zones as replacements for normal labor, which has either been drafted or left the farms for the golden lure of the high wages paid in defense plants, is making the resident citizens of Western Montana anything but happy.

In some communities the opposition has been openly hostile. In Hamilton, county seat of Ravalli County, a meeting of the Chamber of Commerce was called to try to remedy what the visiting Japanese laborers termed unjust discrimination against them.

Two restaurants, one owned by Chinese, the other by white people leasing an establishment formerly owned by a Japanese who was forced to close after the Pearl Harbor attack, refused to serve the Japanese. "No Japs wanted" signs appeared on barber shops, cocktail bars and sandwich stands.

### MEETING A FLOP

"The meeting was a flop," Earlin Buxton, secretary of the chamber, announced. "We managed to swing some of the markets into line—for the time being they've agreed to sell to the Japs

at any time they are accompanied by their employers, but the barber shops and cafes are still a problem."

Since the Japanese are in no sense labor draftees, their resentment of such discrimination is keen. They are volunteers, the majority of them American-born citizens with pre-war rights equal to those of any other American.

In a broad sense, they are wards of the Federal government, being under a rather elastic restrictive set of regulations governed by the War Relocation Authority, a branch of the army military. They have the right to accept or reject the work-contracts presented to them by representatives of the farmers and the sugar company which is underwriting their traveling expenses. The work-contracts, previously filled out and signed by individual farmers inviting Japanese labor, are okayed by the W. R. A. and then submitted to applicants for labor outside the assembly and relocation centers.

### TERMS OF CONTRACT

Such contracts outline the type of work needed, housing facilities, assure the applicants of standard wages prescribed by law (as determined by the Department of Agriculture) and agree to furnish the applicants transportation to and from marketing places, doctors' and dentists' offices and hospitals upon request. The applicant can take it or leave it. Either party may void the contract on a five-day notice.

From strictly a neutral and

reportorial viewpoint of conditions in the Western Montana farm belt, I'd say that the controversy aroused by the importation of Japanese labor still is in the merry-go-round stage. The music won't stop until the crops are laid by.

The Japs are here now and by contract agreement (allowing for the five-day cancellation clause) they're here to stay until December 1, when they are to be taken back to the relocation centers whence they came. Whether or not they return next year depends wholly on a reasonable adjustment of present problems.

## Hawaii Evacuees Arrive on Coast

A WEST COAST PORT, Oct. 11 (AP)—A considerable number of evacuees from Honolulu, including a number of native Hawaiians getting their first glimpse of the mainland, were here today making arrangements for transportation East. Most of the evacuees were women and children.

### Trick 'Chutist

Tomas Picasso, trick parachute jumper, of Buenos Aires, Argentina, who made a jump with three parachutes, opening the second as he threw away the first and the third as he got rid of the second, now plans to do it with six.



# AL PAGE

San Francisco Chronicle

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ERON, PUBLISHER

MBER 8, 1942

say, is that gout has acquired some other names, arthritis, for example, which has no literary connotation of the bottle of port under the waistcoat every night after dinner.

## Manzanar Riots

The disorder at Manzanar is the most serious but not the first and will not be the last. It is inevitable when antagonistic elements are kept in close proximity.

There are decent Japanese, some not so loyal but willing to behave, some vicious bad actors. We have not time or skill to penetrate inscrutability and discriminate as with groups whose psychology and language is more familiar. Total segregation is the consequence and it imposes on the decent ones not only inconvenience and discomfort but also exposes them to malignant dispositions of which we rid ourselves by bundling them all off together.

There has been much solicitude and leniency, as there should be for the benefit of the innocents, and it is used by the bad actors to make trouble for the loyal Japanese they hate even more than they hate us. These elements also have a deeper purpose, to provide material for propaganda to show we are treating Japanese badly.

We cannot select on the basis of the disorders because the bad actors are sure to plant their kind on the other side. There is no ready-made solution. As with other matters, we must make the best of it and increase protection inside the camps. This, of course, means more restriction, which the decent ones now endure but find onerous.

## Rumors

Rumors like the one that Lloyd's of London betting 10 to 1 the war ends...

SAN FRANCISCO CHRONICLE, TUESDAY, DECEMBER 8, 1942

## Japanese Legion Charters Canceled

The executive committee of the California American Legion yesterday canceled the charters of two all-Japanese Legion posts.

At a semi-annual meeting, the charters of the Townsend Harris Post, San Francisco, and the Commodore Perry Post, Los Angeles, were revoked.

## Rationing Puts Gout to Rout in Br

LONDON, Dec. 7 (UP)—Britons that gout has practically disappeared. Medical men reported that has been steadily disappearing the last 20 years.

# Looking for CLOTHES THAT

## Manzanar Jap Relocation Center Under Martial Law One Killed, Nine Wounded in Pro-Axis Uprising

By Associated Press

MANZANAR, Dec. 7—The Japanese relocation center here was under martial law today after a pro-Axis anniversary celebration of the Pearl Harbor attack precipitated a riot in which one Japanese was killed and nine wounded.

Military police, said Director Ralph P. Merritt, fired into a milling crowd of 4000, in which Japanese-born or Japanese-educated shouted "Pearl Harbor, Banzai! Banzai!" and jeered other Japanese of pro-American sympathies who were endeavoring to assist camp authorities in restoring order.

He gave this account of the violence:

Part of the crowd surged toward the soldiers and were met with tear gas bombs. The fumes were blown away, however, and the Japs swept forward, hurling stones. The soldiers then opened fire. This halted the shouting, gesticulating mob, and sullenly they obeyed orders to return to their bungalows.

Trouble between Axis and American factions among the center's 10,000 residents flared Saturday night. Small groups milled through the streets, but the center's Japanese and Caucasian police quieted them. There was no further disorder

until yesterday, when approximately 1000 Kibei—anti-American Nipponese—assembled in a firebreak.

Pro-Axis leaders harangued the crowd and loyal Japanese who attempted to quell shouts of "Pearl Harbor, banzai!" were jeered and insulted. The meeting broke up in a free-for-all in which Fred Tayama, president of the Japanese-American Citizens' League, was so severely beaten he was taken to the camp hospital. Another pro-American Japanese, Tay Uyemo, and his family were taken for safety to the Inyo County Jail at Independence.

The crowd then surrounded the hospital and demanded that Tayama

be turned over to them. A doctor spirited Tayama to safety. The crowd proceeded to the administrative offices, shouting for the return of Uyeno.

It was at this point, Merritt continued, that he asked the assistance of troops and the invocation of martial law. Military police, encamped near the center, at once were moved in. Soldiers patrolled the streets and quiet prevailed for several hours. But the crowd formed again late in the night, ultimately forcing soldiers to use tear gas and gunfire to quell the new uprising.

*Chronicle 12/8/42*



## UPHOLDS JAPANESE IN CITIZENS' RIGHT

Federal Court in California  
Refuses to Deprive 70,000  
Evacuees of Status

### LOWER COURT IS BACKED

Attorney for Native Sons Ques-  
tions Judgment of United  
States Supreme Court

By LAWRENCE E. DAVIES

Special to THE NEW YORK TIMES.

SAN FRANCISCO, Feb. 20—

Without leaving the bench, seven judges of the Ninth Federal Circuit Court of Appeals blocked today a move to deprive 70,000 evacuated Japanese-Americans of their citizenship.

U. S. Webb, former State Attorney General, arguing the case on behalf of John T. Regan, secretary of The Native Sons of the Golden West, inferentially asked the court to rule contrary to the decision of the Supreme Court in the Wong Kim base of 1898. That decision, upholding the citizenship of a Chinese born in this country, has been accepted as applying to American-born Japanese as well.

Mr. Webb told the court that "without committing treason" he believed that that case was "erroneously decided."

"Are you asking this court to overrule a decision of the Supreme Court," Judge Curtis D. Wilbur, senior member of the court, asked.

"I'm asking the court, as God gives it light and power, to give a correct judgment according to law," the attorney responded. "I am aware that you have sworn to uphold the Constitution, but I am not aware that you have sworn to follow decisions of the Supreme Court whether they are right or wrong in your judgment."

When Mr. Webb asserted that the country had been settled and

the government organized by whites, Judge Denman asked: "How about the Indians?"

The attorney admitted that "ethnologically speaking" there was a theory that "in the misty past" the Mongolian had been an ancestor of the Indian, whereupon the same judge demanded:

"Do you know anybody who disputes it?"

"I contend," Mr. Webb replied, "that the American Indian is not an Asiatic."

Without hearing argument by opposing counsel, Judge Wilbur announced that the judgment of the lower court, throwing out the Native Sons' petition to have names of Japanese-Americans stricken from the voting lists, would be affirmed.

The court listened to argument, uncompleted at an all-day session yesterday, on the constitutionality of President Roosevelt's Executive Order 9066 and subsequent proclamations of Lieut. Gen. Dewitt, Western defense commander, authorizing and executing the evacuation of the West Coast Japanese.

Edward J. Ennis, a special assistant attorney general, was asked by Judge Denman whether there was "a single case from Pearl Harbor to the evacuation" wherein one of the 70,000 American-born Japanese had been "found by competent authority to be a menace."

Mr. Ennis said he knew of none, but that "incalculable damage" could have been done "even if only a few hundred" of them had been hostile in event of an attempted invasion of this coast.

### Cudahy Heads Wisconsin Defense

MADISON, Wis., Feb. 20 (P)—

John Cudahy, a member of the Diplomatic Corps from 1933 to 1941, is Wisconsin's new Civilian Defense chief, the third in less than a month. Acting Governor Walter S. Goodland in announcing Mr. Cudahy's appointment said he would "not permit anybody to play politics with the safety of our State and nation in wartime." Mr. Cudahy succeeds Adj. Gen. Alvin Kuechenmeister, who two weeks ago took over headquarters at Milwaukee with a platoon of State Guardsmen.

## Grand Jury Votes To Exclude Japs From Citizenship

LOS ANGELES, Dec. 9 (P)—By a majority vote, the county Grand Jury today approved a resolution recently adopted by the Imperial county Grand Jury calling for new laws to exclude all Japanese from citizenship and bar them from use of agricultural land.

A minority Grand Jury report attacked the advisability of excluding any race or group from the rights of free citizenship.

The Imperial county action was directed to the State Legislature. It was also forwarded to all California Grand Juries, seeking indorsement.