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# CIVIL LIBERTIES QUARTERLY

News of Issues Calling for Attention and Action by Members and Friends of the American Civil Liberties Union

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## A.C.L.U. Combats Unjust Restraints On Bill of Rights

The Union has distributed to all its members and friends throughout the country a pamphlet summarizing wartime restrictions, under the title "War and the Bill of Rights." It summarizes the restraints on freedom of speech, press, communication, enemy aliens, subversive activities, Negroes and labor. Appended is a directory of federal agencies dealing with each of these issues, to whom members of the Union are urged to write whenever any incident comes to their attention. Members are urged to report violations of civil liberties by local officials to the Civil Rights Section of the Department of Justice.

The Union's position on wartime regulations is stated in the pamphlet thus:

The Union of course recognizes the necessity for controlling military information at its sources; for restricting the activities of the nationals of enemy countries; for registering foreign agents and identifying their propaganda; and for censoring communications with foreign countries. The Union does not therefore contest wartime statutes and regulations with these ends in view. It will contest any unreasonable application of them or any irregularities or injustices.

The Union is opposed to any proceedings under cover of war measures, against utterances or opinions which do not incite to illegal acts, or to restraints on public discussion. It is opposed to censorship of domestic mails and the press; to government censorship or

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### New Members Elected to Board and Nat'l Comm.

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

## Liberty Preserved Despite War-Time Dr. Holmes Asserts

Despite the most "dreadful struggle our country has ever known Americans have so far preserved their liberty and freedom" Rev. John Haynes Holmes, chairman of the board of directors of the American Civil Liberties Union, said at the annual meeting and report of elections of the Union in New York City on Feb. 16. "It would be easy to become discouraged at the dark prospect of a world at war," Mr. Holmes said, but it would be a betrayal of what is true if "we did not acknowledge and proclaim what is of such consequence to the Civil Liberties Union—that America is fighting a war, as England has fought it for two

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## Three Bills in Congress Opposed; Poll Tax Ban Supported by Union

Four issues involving civil liberties are pending before Congress enlisting the activity of the Union to defeat three and support one.

The three bills which the Union is attempting to defeat are:

1. A section in a bill revising the nationality laws which would permit the federal courts to revoke the citizenship of any naturalized citizen if his "utterances, writings or course of conduct indicate loyalty to a foreign government." The bill has passed the House and is before the Senate Committee on Immigration. As originally drafted by the Department of Justice it provided for revocation for conduct only. The Union filed a brief in opposition to the section in any form signed by: Prof. Edwin Borchard of Yale University Law School; Prof. Zechariah Chaffee, Jr., of Harvard University Law School; Morris L. Ernst, general counsel for the Union; John F. Finerty

of the New York Bar; Osmond K. Fraenkel, New York Bar; Lloyd K. Garrison, Dean of Wisconsin University Law School; Arthur Garfield Hays, general counsel for the Union; William Draper Lewis, Director American Law Institute; Prof. Karl N. Llewellyn of Columbia University Law School; Prof. Robert E. Mathews of Ohio State Univ. Law School; and Reuben Oppenheimer of the Maryland Bar, formerly associated with the Wickersham Commission.

Mr. Finerty and Mr. Oppenheimer argued against the section on behalf of the Union on the ground that it would set up two classes of citizens with differing rights and would subject every naturalized citizen to possible proceedings attacking his loyalty to the United States. The Union has urged its friends to address protests to Hon. Richard B.

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## Hearing Boards Urged For Coast Evacuations

Changed Removal Procedure Asked by Union To Avoid Needless Violation of Citizens Rights

Unquestionably the most serious violation of civil rights since the war began will arise with the enforcement of the President's order permitting military authorities to establish zones from which all aliens and citizens alike may be evacuated. In accordance with the order a zone two thousand miles long is established on the Pacific Coast running from Canada to Mexico, from which five classes are to be excluded: (1) persons suspected of espionage, sabotage, etc., (2) Japanese aliens, (3) American citizens of Japanese descent, (4) German aliens, (5) Italian aliens.

## Rights of Negroes Enlist Union Action Throughout Nation

Exclusion of Negroes from most of the armed services, and by employers and unions in defense industries in violation of a Presidential order, is being contested by the Union in cooperation with the National Association for the Advancement of Colored People. The Union has agreed to set up a special citizens' committee to assist in securing changes in the army and navy regulations to admit Negroes. Court proceedings have been begun in one city, St. Louis, in cooperation with the N.A.A.C.P., to compel a defense housing contractor to employ Negro workers on a Negro housing project. The Department of Justice has supported the suit. The contractors claim that the unions will not furnish skilled Negro workers.

The recent housing riot in Detroit, evidently organized by Klan elements to prevent occupation of a Negro housing project, was the subject of representations to Attorney-General Biddle by the Union and other agencies. The Attorney-General has ordered a federal investigation with a view to prosecuting the assailants. Appeals have been made to the Governor of Michigan and the Mayor of Detroit urging adequate police protection. It is expected that the Sojourner Truth houses will be occupied by Negroes as intended.

The Union is participating in a case in Oklahoma in which a Negro farmer, W. D. Lyons, was convicted a year ago of murder on the basis of an extorted confession, and without counsel. The Union's brief was filed in support of the defense conducted by the N.A.A.C.P.

A great step forward in Negroes' rights is seen by the Union in the recent decision of the U.S. Supreme Court voiding the Georgia contract labor law on the ground that compelling Negroes to work off debts constitutes peonage.

Immediately upon issuance of the military order the Union characterized it as unprecedented and based on the evidence of no specific need. At the same time it was stated that: "The Union has not the slightest intention of interfering with any necessary moves to protect West Coast areas. We recognize that as the first and necessary consideration. But we believe it can be done without injustice and abrogation of the civil rights of American citizens. The situation is admittedly delicate with public prejudice and hysteria demanding action. We are confident, however, that between the public authorities and private agencies means can be found to obtain the desired results without sacrificing those rights to which American citizens are entitled."

The California branches of the Union were instructed to confer and develop a policy. Their representatives met on March 1 and agreed on the following statement:

"The President's order authorizing the establishment of military areas from which, at the discretion of the military authorities, all persons, aliens or citizens may be removed raises serious issues of constitutional rights. Aside from the question of the constitutionality of the order, about which opinions differ, the Civil Liberties Union urges that in the administration of the order local racial prejudices and selfish interests shall not be allowed to influence action.

"We recognize the general fairness and impartiality with which, in the course of the war, the Department of Justice has thus far dealt with the problem of enemy aliens and their descendants who are United States citizens. We trust that under military control that may be maintained.

"In the event of any impairment of the constitutional rights resulting from the administration of the order, the Civil Liberties Union offers its services in the seeking of relief in the courts. We also consider it highly important that the people generally seek to abate the hysteria directed at aliens or American citizens of the Japanese race.

"President Roosevelt has said we fight to maintain certain freedoms. We must not, in the fighting, lose the freedoms for which we fight."

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## Civil Liberties Quarterly

A review of current news involving civil liberties in the United States. Published every March, June, September and December by the AMERICAN CIVIL LIBERTIES UNION, 170 Fifth Avenue, New York. Telephone, GRamercy 7-4330. Subscription: \$.25 a year.

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### IN TIME OF CRISIS

We have entered the first few months of the greatest war in history with our liberties intact to debate freely the policies of the government and to protect the right of dissent. Not a single person has been prosecuted for utterances. Not a publication has been suppressed. Not a single case of mob violence or vigilanteism has arisen. The public temper is free of intolerance save toward the Japanese on the Pacific Coast.

This condition, remarkable for the United States in time of crisis, is in sharp contrast to the early months of World War I, marked by mob violence, prosecution, repression and fear.

But despite the generally favorable condition maintained so far under the stress of war there are ominous danger spots where civil rights may be sharply curtailed. Seven stand out among them.

First, the control of military information likely to be of use to the enemy may be so construed as to deprive the public of those facts on which fair criticism of government policy rests.

Second, the Espionage Act, now again in full force, offers the opportunity for the government to institute prosecutions for utterances and publications. So, too, does the so-called Smith Act penalizing advocacy of violence or military disaffection. That these laws are unlikely to be invoked is indicated by the Attorney-General's attitude. But only ceaseless vigilance will check the pressures on the government to resort to repression.

Third, the Post Office Department has the unchecked power to bar from the mails any publication regarded as seditious,—that is, opposed to the war. Efforts are being made to change the system from the unreviewed authority of a single lawyer in the Department at Washington to the collective judgment of a group of officials.

Fourth, the treatment of enemy aliens, fair enough up to the present, may develop unreasonably in face of Fifth Column scares over Japanese, German and Italian spies. The unprecedented action in setting aside a vast military zone on the Pacific Coast from which all enemy aliens as well as citizens of Japanese extraction are to be excluded, already appears to be an effect more of unreasoning fear than military necessity.

Fifth, dangers to civil rights lurk in the current investigations of so-called subversive activities by the Dies Committee, F.B.I. and other investigating agencies who conceive of subversion in terms of Communism, rarely of Fascism. Inevitably the drive against Communism envelops progressive, liberal and labor activities. It is a singular paradox that while we are engaged on the international front in fighting Fascism, these agencies at home are engaged in fighting the enemies of Fascism.

Sixth, the treatment of pacifists is likely to be marked by injustices, particularly that largest of all pacifist groups, but rarely so considered—the half-million members of Jehovah's Witnesses scattered throughout the country, all zealous opponents of all wars save a mythical one for Jehovah. Their treatment for refusal on religious grounds to salute the flag, and equally on religious grounds to support war, is already marked by a lawlessness which began long before the United States entered the war.

Seventh, the entirely desirable truce declared between employers and labor in resorting to strikes and lockouts in defense industries may be unfairly extended to other industries as well, on the specious plea that all production in war-time is defense industry. Along with the labor movement, defenders of civil liberty must guard against establishing any precedent to suspend labor's elementary rights.

Even more important to democracy than any of these dangers to some minority's liberties is the injustice to Negroes through their virtual exclusion from the armed forces and from defense industries. They are not admitted to the naval forces save in menial positions; only a few are given air training; in the army they are segregated under white officers.

It may be that the United States, contrary to its record in times of crisis, will achieve the high level of democratic liberty which marks England after two years of war. If it does it will be only by the unremitting efforts of all of those to whom the Bill of Rights is the heart of democracy. Debate, minority dissent and free criticism of government policy constitute the basis of democratic action. On their survival rests the hopes of a victory for a democracy which will transcend decisions at arms.

## Supreme Court Set to Review Cases Settling Major Civil Rights Issues

The Supreme Court is doing a brisk business in civil liberties. The Union has just filed briefs in two cases and has obtained review of two more, with several other cases on their way.

The two cases in which briefs have been filed, in which arguments will be shortly made, involve freedom of the press, covered in a libel suit, and the right of indigent aliens to obtain citizenship. The two cases in which reviews have been secured deal with the right to counsel in a criminal case and with freedom of commercial hand-bill distribution on city streets.

The freedom of the press case involves a libel suit brought by Congressman Martin Sweeney of Ohio against the publishers of the Schenectady (New York) Union Publishing Company. Sweeney sued the publishers for printing a Pearson and Allen syndicated column which stated he had opposed the appointment of a Cleveland federal judge because he was a Jew and not born in this country. The New York State courts upheld his contention that the column was libelous per se in implying that he was an anti-Semite. The Union brief before the high court, signed by Edmund Campbell, Washington attorney, maintains that it is not libelous to say of a public official or candidate that he holds a certain view. It points out that if the suit is sustained newspapers will be seriously hampered in discussing political issues.

The right of indigent aliens to become American citizens is supported by the Union in a brief filed in the Supreme Court March 9 in the case of Louis Weber, elderly California alien. The brief is signed by A. L. Wirin, counsel to the Southern California Branch. Weber was denied citizenship by a Los Angeles federal judge last year on recommendation of naturalization officials because he had been on county relief. Although the government later filed a confession of error the Circuit Court of Appeals upheld the decision.

The case to be heard involving denial of counsel concerns a Maryland Negro, Smith Betts, sentenced to seven years for robbery. The Union will maintain that the Maryland practice of appointing counsel only in capital cases is an unconstitutional violation of the due process clause of the Fourteenth Amendment.

The issue of hand-bill distribution on the public streets, several times passed upon by the Supreme Court, involves a new angle, that of the right to distribute commercial hand-bills. The issue arose when a New York showman was prevented by the New York City Police Department from distributing hand-bills describing his show. The case reaches the Supreme Court on appeal by the city from a decision in the lower federal courts that such interference is unconstitutional. The Union is supporting the lower court decision on the ground that the line between commercial and non-commercial literature is so vague that restraint of commercial matter may restrict freedom of the press.

Another case shortly to be argued in the Supreme Court is that of William Schneiderman, secretary of the Communist Party of California, whose citizenship the government is seeking to revoke on the ground that when he got it in 1928 he was a member of the Communist Party and therefore could not be "attached to the principles of the Constitution." Wendell Willkie is arguing the case.

Two recent decisions of the Supreme Court are hailed by the Union as advancing civil liberties. One affirms the right of free speech of employers under the National Labor Relations Act. Although it does not clear up all points with entire satisfaction, the court expressed substantially the same position taken by the Union, that employers should be free to express their views to their workers save where there is a threat of coercion.

The other decision struck down Georgia's contract labor law which permitted employers to buy up debts, usually of Negroes, and to work them until the debts were satisfied. The court held that the practice constituted slavery and peonage.

## Liberties Held Intact Despite War-Time

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years gone by, without the loss of liberty."

Dr. Holmes said that although opinion is free, and the government is "conscientious and vigilant" in the protection of the people's rights, this does not mean that the fight for civil liberties is won. There are some unhappy things taking place. "But it does mean that we are enjoying as large a measure of civil liberties as we deserve, and are still free, even in war-time, to fight against their abridgment, denial, and outrage."

Roger N. Baldwin, Union director, who also spoke at the meeting, said conditions in this war are in sharp contrast with the mob violence, persecution, repression and fear in World War I. He attributed this improvement to three causes: first, there is comparatively slight opposition to this war, while in 1917, a formidable opposition existed; second, the Supreme Court has established civil rights on former legal foundations in recent years, and the Attorney General and other governmental officials and agencies

have protected them; and third, public opinion, intolerant in the first World War, is markedly tolerant today.

Another speaker at the meeting, Quincy Howe, chairman of the National Council for Freedom from Censorship, said that censorship conditions, in view of the war, were "amazingly good, and left little to be desired from the government." Mr. Howe said that he could only express the wish that that motion picture and radio producers would show more enterprise in using the freedom which they enjoy.

Other speakers, reporting for standing committees of the Union, were Carl Carmer, author and member of the board, for the Committee on Education for Civil Liberties; Prof. Karl N. Llewellyn of Columbia University Law School, chairman of the Committee on Academic Freedom; Alfred Bingham, editor and board member, reporting for the Committee on Democracy in Trade Unions; Rev. Allan Knight Chalmers, of the National Committee on Conscientious Objectors; and Thurgood Marshall, N.A.A.-C.P. counsel and board member, who reported on Negro problems.

## 1 Appeal Supported In Election 'Fraud,' 2 Cases Dropped

The American Civil Liberties Union will support appeals of three Harrisburg, Pa., citizens convicted of conspiracy to evade the election law in connection with Communist Party petitions circulated for the 1940 elections. The Union found the evidence against the defendants, two whites and a Negro, entirely insufficient to sustain the convictions, and sees in the verdicts a factor of political persecution.

The Union has decided to withdraw from cases in Pittsburgh and Reading, Pa., arising out of similar circumstances. In the Reading case, the Union found evidence of irregularity in the petitions upon which two defendants were convicted of perjury and violation of the election code. Furthermore no issue of conspiracy or grouping of large numbers of defendants was involved.

In the Pittsburgh cases the Union decided to withdraw after supporting an appeal in the intermediate courts. It found that no evidence was produced by the majority of the defendants, charged with conspiracy to evade the election law and perjury in swearing to Communist Party petitions. Three of the defendants admitted that they swore to petitions they themselves did not circulate, on the theory that they were not liable for perjury for swearing to petitions about which they knew nothing. This theory is legally untenable, the Union pointed out.

A similar case in Lancaster, Pa., was settled when six convicted defendants were fined.

### Judge Finds "Communism" Too Vague for Indictment

In a recent decision the Federal District Court at Newark, N. J. dismissed an indictment on the ground that the word "Communist" is too vague and uncertain of definition to furnish a ground for legal action. The case arose when William Hautau, Newark WPA worker, was indicted for alleged false swearing that he was not a Communist on an affidavit in connection with his WPA status.

In dismissing the indictment the court cited dictionaries, works on semantics, and court decisions to show that "communism" is so broad and inaccurate a term that the defendant "is in a position of doubt as to what the charge against him is, and cannot be called on to defend himself."

### Coast Ballot Suit Heard

The first step in a legal fight to invalidate California's anti-Communist election law of 1940 was concluded recently when arguments were heard in the Los Angeles Superior Court on an application made by the Communist Party for an order forcing the Secretary of State to place the party on the ballot in the forthcoming August state primaries.

A. L. Wirin, attorney for the Southern California branch of the American Civil Liberties Union, participated in the argument as a friend of the court acting "in the interest of the preservation of the American constitutional guarantee of freedom, and not out of concern for the rights of the Communist Party as such."

## Mob Violence on Witnesses Curbed, But Discrimination Still Continues

Attacks on Jehovah's Witnesses for refusal to support the war or salute the flag have diminished throughout the country although cases constantly arise, particularly in the southwest.

Mob violence, frequent in the west and southwest, has decreased, in part as the result of intervention by the Civil Rights Section of the Department of Justice, and in part as the result of offers of reward posted by the Civil Liberties Union for information leading to the conviction of assailants. Several cases have been put up to grand juries by U.S. District Attorneys. No indictments have yet been found.

Court proceedings involving Jehovah's Witnesses have brought decisions from the U.S. Supreme Court and state supreme courts. The U.S. Supreme Court has recently held that Jehovah's Witnesses cannot claim immunity from prosecution where profane or scurrilous language is used. The case was appealed from the New Hampshire courts by counsel for Jehovah's Witnesses. An attempt by witnesses to get the Supreme Court to intervene failed when the court refused to review an Alabama conviction involving the sale of literature on public streets. The Union supported the appeal in a brief signed by Senator James A. Simpson of Birmingham and Osmond K. Fraenkel of New York. The court held that the remedies in Alabama courts had not been exhausted. Another case involving the same issue, also from Alabama, is likely to be brought before the court after a final

judgment.

In Indiana the Supreme Court recently reversed the conviction of two elderly women members of Jehovah's Witnesses under the state sedition law, sentenced to two to ten years in prison. Their offense grew out of refusal to salute the flag and distribution of literature advocating a "theocratic government by Jehovah," alleged implying overthrow of the U.S. government. Efforts are being made to dismiss the indictments in view of the Supreme Court decision, not only against the two women but seventy-five other members of the sect held at Connersville on similar charges. The case in the Supreme Court was argued for the Union by former Supreme Court Justice Julius Travis of Indianapolis.

A proceeding against a parent for influencing children not to salute the flag is pending in Topeka, Kansas, where a mother of three school children was sentenced to a year in jail. A similar case is pending on appeal in New Jersey.

A new type of case involving Jehovah's Witnesses has arisen in their dismissal from jobs on account of their religious views. In Clarksburg, West Virginia, seven members were discharged by the Pittsburgh Plate Glass Company when C.I.O. truckers refused to handle glass cut by them. A postal clerk at Turlock, California, member of the sect, was discharged under pressure by local American Legionnaires. His case has been appealed to the U.S. Civil Service Commission by the Union.

## Conscientious Objectors Denied Status Difficulties at Four Points Require Adjustment

Although the system of handling conscientious objectors under civil authorities outside the army has on the whole been working well, at four points difficulties have arisen which are in process of at least partial adjustment.

First, and most important, a growing number of objectors are being denied that status even on appeal to Selective Service headquarters at Washington. Interpretations of religious training and belief required by law as the basis for conscientious objection, appear to be unnecessarily narrow. The Union and others have urged that the dictionary definition of "adherence to a moral principle" should be sufficient. Selective Service authorities are requiring some evidence of formal religious training. The men whose claims are denied are ordered to report for military service and upon failure to do so are indicted, tried and sentenced. After a month in prison practically all such men are paroled to conscientious objector work camps. In a few cases they have been put on probation and sent to camps directly from the courtroom.

Second, dissatisfaction with service in civilian camps has been expressed on several grounds; objection to the payment of board and lodging, which has resulted in the authorization of one government-run camp, not yet established; objection to the relatively unimportant character of camp work, which has resulted in an increasing number of furloughs from camp to engage in hospital service or agricultural labor, and in a few cases to engage in foreign service under the auspices of the Quakers. New regulations provide that all conscientious objectors shall continue to render service until six months after the close of the war or demobilization.

Third, the refusal of many members of Jehovah's Witnesses to accept the status of conscientious objectors, claiming total exemption as ministers. Those listed by Jehovah's Witnesses as regular ministers have been exempted; others claim similar privilege and, being denied it, have been sentenced for refusing to report for military service. In prison they refuse parole to work camps. Over fifty of them are already serving long sentences.

Fourth, a growing number of cases of men who have already served sentences for refusing to register and who are being sent questionnaires, which they refuse to fill out. They will presumably be prosecuted again, despite informal assurances from the draft authorities that they do not intend to follow a "cat and mouse policy" of prosecuting men repeatedly for what is in effect the same offense.

The decision of the Statutory Court in New York was based upon jurisdictional grounds, and did not deal with the actual effect of the regulations. The court stressed that it was not "refusing" to grant an injunction but that the contested FCC regulations were merely a declaration of intention, and therefore could not be enjoined.

The Union brief before the lower court took the position that the FCC regulations should be enforced or radio monopoly will reach the point where "the American people will have to choose between control over the air waves by a few corporation officials and control over the air waves by a few government officials." Both these alternatives, the Union held, are "destructive of the free market in thought" necessary to the maintenance of democracy.

## Pennsylvania School Teacher Reinstated After Dismissal on Communist Charge

A recent decision of the Pennsylvania Supreme Court ordering reinstatement of James Gillies, Allegheny County public school teacher dismissed for signing a Communist Party nomination paper in 1940, "concludes a case that never should have been brought," the American Civil Liberties Union says. The Western Pennsylvania Committee of the Union had supported Gillies' defense before the Pennsylvania State Department of Public Instruction, which ordered Gillies reinstated. Subsequent appeal to the courts by the local school board that had dismissed Gillies led finally to the Supreme Court decision, which closes

An incidental issue which has arisen affects pacifist teachers not liable for military service, who have refused to sell defense stamps to school children. Both the Treasury Department and the U.S. Commissioner of Education have taken the position that no coercion should accompany the sale of defense bonds, and that teachers objecting on conscientious grounds should be relieved of that obligation. Nevertheless two teachers in California have been dismissed for refusal. A California Quaker teacher was suspended when classified as a conscientious objector, but was reinstated after protest.

The National Committee on Conscientious Objectors, organized by the Union, is endeavoring with others, to reach a satisfactory solution of these difficulties.

## Big Networks Lose Injunction Suit to Revoke FCC Rules

Application by the National Broadcasting Co. and the Columbia Broadcasting system for an injunction restraining the Federal Communications Commission from enforcing regulations which would end monopoly practices in network broadcasting was dismissed on February 20th by a three-man Federal Statutory Court sitting in New York City. The American Civil Liberties Union had presented a brief in the injunction suit through general counsel Morris L. Ernst supporting the FCC regulations as necessary to insure free speech over the air.

Both radio chains have filed notice of their intention to appeal the decision to the U.S. Supreme Court. The contested regulations will continue to be held in abeyance until the outcome of the appeal. The A.C.L.U. is also preparing to file in the high court.

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the case.

The Supreme Court decision held there was no evidence Gillies was a Communist, pointing out that he was a registered Democrat and secretary of the local Democratic committee. It held that signing a nomination paper was not evidence of Communist affiliation. The decision does not clarify the position of actual Communists who are dismissed, the A.C.L.U. says, but emphasizes the need for "clear procedure, established standards, and adequate hearings before government employees can be discharged on vague grounds of 'subversive' views or activities."

## On the Civil Liberties Front

**Sedition Trial**—Permission to file three more briefs as friend of the court in appeals from the Oklahoma criminal syndicalism convictions has been granted the American Civil Liberties Union. The briefs cover the cases of Alan Shaw, Eli Jaffe, and Mrs. Ina Wood, all convicted of membership in the Communist Party or distribution of subversive literature, and sentenced to 10 years imprisonment and \$5000 fine.

The Union has already filed a brief in the case of Robert Wood, previously convicted. Eight more defendants await trial under similar charges, which the Union has characterized as invoked in a manner to "abridge the defendants' rights to freedom of speech and of the press and deprive them of their liberty without due process of law." The appeals will be heard in the Oklahoma Criminal Court of Appeals in the near future.

**Bridges Decision**—The deportation order against Harry Bridges, West Coast labor leader has been unanimously reversed by the Immigration Appeals Board. The Board disapproved the finding of Special Examiner Charles B. Sears that Bridges had been affiliated with Communist organizations and was therefore deportable. This decision if approved by Attorney General Francis Biddle, is expected to put an end to repeated attempts to have Bridges deported.

**Free Press**—Freedom of the press was affirmed in a recent decision of the U.S. Circuit Court of Appeals in Philadelphia following an appeal against a Federal Trade Commission order by the American Civil Liberties Union. Howard J. Force, president of the Force Manufacturing Co., at Scranton, Pa. had been ordered by the FTC to stop circulating pamphlets stating that aluminum kitchenware is poisonous. The A.C.L.U.'s brief pointed out that Force, a graduate pharmacist, had no pecuniary interest in the kitchenware business. In setting aside the FTC order, the court ruled that Congress had not intended to authorize the FTC "to foreclose honest opinion."

**Beal Pardon**—Fred Beal, former

Communist, arrested as a fugitive after his return from Russia, where he had gone to evade a twenty-year sentence in North Carolina, has been paroled by Governor J. M. Broughton after serving three years and eleven months. Beal had been convicted of conspiracy to murder arising out of the Gastonia textile strike disorders of 1929, where he had been active as a labor organizer.

Beal was arrested in Massachusetts in 1938 and extradited to North Carolina. Efforts by a special defense committee in his behalf resulted in lopping off seven years from his sentence. The A.C.L.U. supported the appeals for commutation on the ground that Beal was not guilty. The Union had unsuccessfully presented the case of Beal and his associates to the North Carolina Supreme Court, retaining U.S. Senator Thomas W. Hardwick of Georgia as counsel.

**Right to Meet**—The right of minority political parties to meet in California school premises was upheld in a recent decision of the California First District Court of Appeals in a suit supported by the Northern California Branch of the A.C.L.U. The court overruled a decision of the lower court which had refused to order the San Francisco Board of Education to permit the Socialist Party to meet in school buildings.

The Court of Appeals held that unless the Board of Education can prove that a group is "subversive," the group has a right under California law to use school buildings for discussion of any issue they please. A further appeal to the State Supreme Court by the School Board is being made.

**Right to Boo**—Following an offer by attorneys for the American Civil Liberties Union to appeal the conviction of Edward A. Loss, Jr., 23-year-old Chicago welder jailed for booing President Roosevelt in a movie theatre, the case was reviewed by the trial judge. Loss was freed on two years probation after he had agreed to buy defense bonds to the amount of a \$200 fine, which he had previously refused to pay. Loss ascribed his act to "automatic response" as a Republican.

## Three Bills in Congress Opposed; Poll Tax Ban Supported by Union

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Russell, chairman of the Senate Committee on Immigration.

2. A bill to permit limited wire tapping sponsored by the Department of Justice and pending before the House Judiciary Committee. The bill would permit the Attorney-General to designate wires to be tapped and would authorize the use of information obtained in court proceedings involving sabotage and espionage and other violations of war statutes. The Union has filed a brief in opposition to the specific provisions of the bill but has agreed that limited wire tapping in wartime must be conceded if practiced by authority of a court, not of the Attorney-General, and is confined to suspected violations of specific statutes.

3. The "Official Secrets Bill" sponsored by the Department of Justice would penalize any employee discussing information marked "secret and confidential" by any department head, and also any newspaper which printed it. The Union's attorneys maintain that existing law adequately protects confidential information and that no new provisions are necessary. The bill was condemned as a threat to freedom of the press by penalizing publication.

The Union also opposed the contin-

uation of the Dies Committee in the House, sending communications to every member protesting against its procedure, bias and lack of any legitimate results. The opposition, while slight, was larger than in previous years, mustering 46 votes against 313.

The Union opposed amendments by Rep. Martin Dies to the foreign agents registration bill adopted by the House, specifying the Communist Party and two German-American organizations as foreign agents. The amendment was stricken out in conference, but the President vetoed the whole bill on the ground that in wartime it imposed unnecessary restraints on the agents of friendly governments. The bill, although backed by the Department of Justice, will probably not be reintroduced.

The Union is supporting a bill introduced by Senator Claude Pepper of Florida to abolish the poll tax as a requirement for voting for federal officers. A memorandum was filed with the committee in support of the constitutionality of the bill. A hearing before the Senate Judiciary Committee on it was organized by the National Committee to Abolish the Poll Tax, supported by many other agencies. The Union urges members to write senators in support of S. 1280.

## Changed Removal Procedure Urged

(Continued from page one)

A plea to President Roosevelt to minimize injustices in executing the evacuation order was sent by the Union over the signatures of its national officers and California representatives. Modification of the order was urged to make all reasonable distinctions in evacuating aliens and citizens rather than applying the order "blanket fashion." Specific recommendations were made for hearing boards to examine individual cases before or after removal in order to permit those found loyal to remain. The Union cited a similar recommendation by the Tolan Committee of Congress for hearing boards to examine Italian and German aliens and urged its extension to American citizens of Japanese ancestry.

Among the signers of the letter to the President were Prof. Edward Alsworth Ross of Madison, Wis., national chairman of the Union; Rt. Rev. Edward L. Parsons, Episcopal Bishop of California, Vice-chairman; Dr. John Haynes Holmes, chairman of the board of directors; Arthur Garfield Hays, general counsel; Roger N. Baldwin, director; Rev. Edwin P. Ryland of Los Angeles, chairman of the Southern California Branch; Norman Thomas and Oswald Garrison Villard of New York, national board members; and as California representatives, E. W. Camp, A. L. Wirin, Jerome W. MacNair, Los Angeles attorneys; Carey McWilliams, Industrial Commissioner of California; and San Francisco attorneys, Morris Grupp, Philip Adams, Charles R. Garry; and Joseph S. Thompson of San Francisco.

## A.C.L.U. Combats Unjust Restraints On Bill of Rights

(Continued from page one)

ownership of domestic radio save in areas under military control; and to racial discrimination, especially in the armed forces and defense industries.

The Union's work is conducted in wartime as in peace on the general principle that civil liberties are essential to the preservation of democracy, and that we must not suspend in wartime the very principles for which the country is fighting.

The federal government has wide powers to check abuses by state and local officials under recent Supreme Court decisions, and by mobs and vigilantes. The public temper is far better than it was in the corresponding period of the first World War. But eternal vigilance by both public and private agencies is obviously needed to check inevitable tendencies to intolerance and repression.

A supplementary pamphlet for lawyers has been distributed widely throughout the country under the title "Wartime Restraints" containing the texts of regulations affecting enemy aliens, labor, Negroes, and censorship. Both pamphlets are available to Union members without charge.

## Post Missouri Reward

Following mob violence against a meeting of sharecropper members of the Southern Tenant Farmers' Union in Carruthersville, Mo., the American Civil Liberties Union has posted with

## New Books

"*Censorship 1917*," by James R. Mock. Princeton University Press. A timely story of censorship during the first World War.

Mr. Mock collaborated with Cedric Larson in the study of the records of the Creel Committee, published two years ago under the title: *Words That Won the War*. The earlier book dealt with the Creel Committee's positive propaganda. "Censorship 1917" is a study of its restraints on mail, cables, radio, telegrams, books, films, and military information. In addition Mr. Mock covers censorship through Department of Justice prosecutions, and Post Office orders. A prologue covers the aftermath of the war in restraints by states under criminal syndicalism, anti-red flag, sedition, and other laws.

The book constitutes a warning for today by reciting the excesses of caution and bureaucratic unreasonableness in the first World War. For the first time it brings together in a brief volume of 200 pages information of the utmost significance to democratic liberties in wartime.

"*Clarence Darrow for the Defense*," by Irving Stone. Doubleday, Doran and Co. 570 pages.

With emphasis on Darrow as the advocate of liberal causes this biography of the "propagandist for humanity" traces Darrow's growth from a country lawyer to a corporation lawyer to a household name as a defender of the underdog. The histories of the famous trials in which Darrow participated are of special interest to all friends of the Civil Liberties Union, with which Darrow was associated.

"*Modern Democracy*" and "*New Liberties for Old*," by Carl L. Becker. Yale University Press. 100 and 180 pages respectively.

These two collections of Professor Becker's essays on democracy constitute a fresh challenge to common preconceptions. Prof. Becker comes to grips with virtually all the dilemmas which confront thoughtful people today; and while he comes to no dogmatic conclusions he throws much light on the uses and goals of liberty.

"*Fountainheads of Freedom*," by Prof. Irwin Edman of Columbia University with the collaboration of Prof. Herbert W. Schneider.

This massive volume of almost 600 pages traces the growth of "the democratic idea" in 400 pages of documents from the ancient world to the present. The first 200 pages consist of Prof. Edman's analysis and comment on the material presented in the body of the book.

As a source book of reference material otherwise not easily available the volume is indispensable for students of civil liberty. The material is edited with skill and a fine sense of balance.

the Sheriff's office of Pemiscot County a reward of \$500 for information leading to the arrest and imprisonment of any persons responsible for the outbreaks.

The reward was offered after the Union had learned that sharecropper meetings in a hall belonging to the International Union of Operating Engineers, A.F.L., in Carruthersville, had been broken up, and the life of W. M. Tanner, sharecropper's union organizer, had been threatened on January 16, and that a later meeting on January 23 had resulted in further outbreaks, despite police protection.



"Eternal vigilance is the price of liberty."

## FREEDOM OF ASSEMBLAGE DENIED BY SAN FRANCISCO SCHOOL BOARD

Acting contrary to the advice of its attorney, and succumbing to a highly organized pressure campaign that was reminiscent of the days when the American Legion opposed the use of schools by Communist organizations, the San Francisco Board of Education, with two members absent, voted 3 to 2 to deny the use of a civic center to the Payroll Guarantee Association, popularly known as the Ham & Eggers, for meetings whose stated purpose was "To acquaint and educate the electorate with the proposed constitutional amendment to be placed on the ballot the next general election." The Ham & Eggers had requested the use of the Commerce High School auditorium on the evenings of October 26 and November 9, for meetings to be addressed by Gerald L. K. Smith. As we go to press the issue will again be presented to the board and legal action to compel the issuance of permits is scheduled to be undertaken if the board does not reverse its position.

The Oakland School Board, on the other hand, on the advice of their attorney supported by Clarence E. Rust, appearing for the A.C.L.U., granted the use of Technical High School to the Ham & Eggers for October 27 and November 10, reversing their previous denial of the applications. In Los Angeles, Pasadena, San Bernardino and other communities school boards have respected the law and even though they were in hearty disagreement with Gerald Smith, granted the use of schools for the meetings. In San Diego, however, the school board turned down a request for the use of an auditorium and a petition for a writ of mandate was immediately filed in the Superior Court which is scheduled for a hearing on November 1.

In San Jose, the City Council denied the Ham & Eggers the use of the Civic Auditorium for a Smith meeting. Municipal auditoriums do not come under the terms of the Civic Center Act, but since they are public buildings their use must be open to all on an equal basis. Since the auditorium had been paid for, a suit may be filed for breach of contract. Incidentally, over a year ago, Jehovah's Witnesses were denied the use of the same auditorium at the behest of the American Legion and similar groups, because the Witnesses do not salute the Flag. In Sacramento, public officials recognized the clear legal right of the Ham & Eggers to the Municipal auditorium and the use was granted. Only 100 persons attended the meeting.

The Ham & Eggers had originally scheduled meetings for Smith at the Elks Hall and the Scottish Rite auditorium on San Francisco, but these private owners cancelled the meetings when pressure was exerted upon them. Likewise, in other communities, private owners have taken similar action.

Refusal to allow the Ham & Eggers to use school auditoriums is in clear violation of the Civic Center Act, particularly as interpreted in the case of *Goodman v. Board of Education*, decided in December, 1941. The Civic Center Act provides: "There is hereby established a civic center at each and every public school building and grounds within the State of California, where the citizens may meet and discuss, from time to time, as they may desire, any and all subjects and questions which in their judgment may appertain to the educational, political, economic, artistic and moral interests of the citizens of the respective communities in which they may reside."

In 1941 this branch of the Civil Liberties Union initiated a suit to test the right of school boards to exclude certain groups from using the schools. The Socialist Party of San Francisco applied for the use of an auditorium "for the purpose of meeting and discussing the Socialist Party's position on the question of 'peace'." The school board denied a permit on the ground that it would not permit political meetings in the schools. The Superior Court sustained the board, but the First District Court of Appeal on December 29, 1941, reversed, and the California Supreme Court refused to grant a hearing.

"The only discretionary power conferred upon the board," said the District Court's opinion, "is that it may deny permission to use the schoolhouse by subversive organizations, the burden of proving the character and affiliation of the group being upon the board . . . If . . . the board is unable to prove the subversive nature of the applicant society or organization, then the public schoolhouse may be used and the group may meet and discuss . . . all subjects and questions which in their judgment may appertain to the . . . political . . . interests of the citizens of the respective communities in which they may reside"

The court also pointed out that a board also exercised no discretion over the subject to be discussed. ". . . there may be a diversity of opinion on the advantage to the community of discussing in an open meeting subjects pertaining to politics, art or morals; the advocacy of certain social and economic views may be denounced by a majority of the citizenry of a community as repugnant to the constitution of this country; such advocacy may tend to undermine in adult and youth, moral responsibility, or may stir up antagonism and hatred to constituted authority, but, unless it is sought thereby to overthrow the government by force or violence, or other unlawful means, the group determines whether the discussion of the subject is in the interests of the citizens of the community."

Prior to the decision in the Goodman case, issues had frequently arisen throughout the state involving discrimination by boards in granting the use of schools as meeting places. The Communist Party had repeatedly been denied the use of schools, over the objections of the A.C.L.U. Also discriminated against at one time or another were the American League Against War and Fascism, Friends of the Soviet Union, Workers Alliance, Tom Mooney, the Socialist Party, Upton Sinclair and his Epic movement, and Mankind United. During the sharp public debates in 1941 concerning issues of war and peace, the America First Committee was barred from many public meeting places throughout the country, including San Francisco, where the subject of their meeting was held to be "too highly controversial." And, it may be interesting to recall that Sinclair Lewis and Lewis Browne were not allowed to debate the question of dictatorship in the San Francisco Opera House, under the title "It Can't Happen Here," because the board thought it was not a fit subject for a debate.

In March and April of 1940, Harry Bridges of the C.I.O. was permitted to speak in certain school auditoriums but was turned down in others, such as Vallejo. The issue at that time, according to a statement by Louis Goldblatt, State Secretary of the C.I.O., "involves the right of the C.I.O. to use public buildings on an equal

(Continued on Page 4, Col. 1)

## Dr.. Clinton J. Taft, ACLU So. Calif. Director, Retires

Dr. Clinton J. Taft, director of the Southern California branch of the ACLU since 1923, has resigned his post effective November 1 and will be succeeded by Rev. Allan A. Heist, long associated with the branch. Dr. Taft relinquishes his post after twenty-two years in order to devote himself to his private affairs. He is 68 years of age. He will continue as a member of the directing committee of the branch. A dinner in his honor was held in Los Angeles on October 25.

## Primary Vote for Georgia Negroes Seen in Federal Court Decision

Another step toward the enfranchisement of the Southern Negro is seen by the American Civil Liberties Union in the decision of the Federal District Court at Macon, Ga., on October 12, holding that Negroes are entitled to vote in Georgia's Democratic primaries. The decision by Judge T. Hoyt Davis on a suit brought by Primus King of Columbus, Ga., against local Democratic Committee members held that primaries are an integral part of the election machinery and pointed out that "the Democratic party is the dominant and controlling political party in Georgia. No other party has held a state-wide primary during the last forty years. Judge Davis ruled that Mr. King had not been permitted to vote on account of his race, and that this constituted violation of the Fourteenth, Fifteenth, and Seventeenth Amendments to the Constitution.

## PROSECUTION AGAINST TERRORISTS FAILS WHILE ANOTHER PENDS

Another prosecution against persons terrorizing returned Japanese ended in failure last month when a jury in the U.S. District Court in Sacramento acquitted James and Claude Watson on charges of unlawful possession of dynamite and conspiracy to violate a law requiring a permit from the Bureau of Mines. The case arose out of the attempted dynamiting and arson of the property of Sumio Doi in Placer county. They were acquitted of state charges on their attorney's plea that "this is a white man's country."

In another case, attempted murder and assault charges are still pending against Robert Hailey and Charles Custom, who on September 16 sent shot gun blasts into the homes of two Japanese near Centerville, Alameda county.

## House Adopts Bill Allowing Citizens of India to Acquire U.S. Citizenship

On October 10 the House of Representatives adopted, by a vote of 207-83, H.R. 3517, which provides that Indians resident in the United States may become citizens, and authorizes an immigration quota based, like other countries, on the 1890 census of Indians then resident, allowing about 75 to 100 admissions annually. This bill does for the citizens of India what was done for the citizens of China by the repeal of the Chinese exclusion laws.

May we urge you to address Senators Downey and Knowland, and the Chairman of the Senate Immigration Committee, expressing your support of H.R. 3517?

JUSTICE HOLMES — If there is any principle of the Constitution that more imperatively calls for attachment than any other it is the principle of free thought—not free thought for those who agree with us but freedom for the thought we hate.

# CIVIL LIBERTIES FOR MINORITIES

Following is the address of Dr. Hubert Phillips, Prof. of Social Science at Fresno State College, entitled "CIVIL LIBERTIES FOR MINORITIES IN POSTWAR CALIFORNIA," delivered at the Eleventh Anniversary Meeting of the American Civil Liberties Union of Northern California, held in San Francisco on October 19, 1945.

An address on the subject assigned me can quite naturally follow two lines of approach: one being somewhat akin to prophecy, and the other being a reaffirmation of convictions and ideals. Insofar as I shall venture into the field of prophecy, it will only be to conjecture upon probabilities—to conjecture on what is apt to happen because of local factors and because of what has gone before.

A pioneer society is almost perforce an intolerant one, at least a lawless one. California, until quite recently, could properly be called a frontier state—a state which has had a record for direct action against groups economic, political or racial that many citizens thought at a particular time endangered the social structure. If one were to recall only the peaks of such activities, they would include the anti-Chinese riots of 1877; the agitation for, and the passage of, the Criminal Syndicalism Law of 1919; the IWW trials of 1919-20; and, most recent of all, the attacks upon land titles of some of Japanese descent, and the movement in certain communities to exclude all future residents of Japanese ancestry.

## A Trial of an IWW in Stockton

It was during one of these so-called highlights of community intolerance that I first became conscious of the fact that the safeguards of civil liberty have to be constantly strengthened; that man's hard-won liberties constantly have to be defended; and that it can well be fatal to be proud of the work of our ancestors but to do nothing about strengthening and broadening their work. I became acutely conscious for the first time that they simply had laid the foundations upon which the structure of civil liberty has been reared, but the finishing of the building is a never-ending task demanding unceasing vigilance. The occasion bringing to me that conviction was a trial of an IWW in Stockton, California. The accused was an employee of mine at the time he was arrested. I considered him a good man, meaning by that word "good," not a perfect individual but all that we usually mean by it when we apply it to a man. He asked me to testify for him, which I gladly consented to do. As I look back on the experience, I think that I approached that trial with startling naivete, with a surety that it was a temporarily embarrassing and unpleasant matter that would soon be over; that, when called to the witness stand if asked about my background, I could offer quite a list of college presidents and bishops who were close friends; and if asked about the prisoner I could say that in my judgment he was trustworthy and honest; and that those factors, coupled with the fact that the prisoner was charged with no specific overt act, and had committed no such act, would end the matter and he would be promptly freed. Well, the trial was about as short as I had imagined it would be; but the outcome was quite different. The state made no charge against the prisoner of committing any criminal act. The District Attorney spent not one moment on that. The charge was one of belonging to an organization—a charge readily and, one must say, proudly admitted. The result, the usual sentence of that period, one to fourteen years in San Quentin.

From the incident just described, I received a shock from which I have never recovered, and I suppose it explains why I have belonged to this organization so many years. The shock did not come from what had happened to my friend, sorry as I felt for him, for he asked for no sympathy, and thought of himself as a martyr willing to suffer for a cause. The shock came when it dawned upon me that had I, by conviction, shared his social and economic philosophy all the years I had worked to make this a better and more intelligent world, all the character witnesses, no matter how famous, that I could have mustered, the inability of the state to prove I had ever done a serious anti-social act—all this would have meant absolutely nothing to that jury of Californians in 1919, and I, too, would have gone to San Quentin with a one-to-fourteen-year sentence.

## Postwar Periods Favorable for Intolerance

Instances such as I have described, and similar ones, happened in the disturbed years following World War I. Such periods are favorable for intolerance, so I think there is no use assuming that the years ahead of us will be much different. May I remind you of the growth of the Ku Klux Klan, following World War I, until it

held the balance of power politically in several of these United States. Also, do you recall the anti-Semitic campaign of America's wealthiest man, Henry Ford, whose Dearborn Independent is said to have been read regularly by five million people, a paper which widely publicized the discredited Protocols of the Elders of Zion. Yes, any postwar period is a fertile time for the growth of the noxious plants of racial and religious intolerance. War not only from its very nature breeds hate, but modern governments have discovered ways of increasing and stimulating hate by playing up atrocity stories and by use of the motion picture. I need only remind you of some of the Hollywood productions of the past three years.

Now the trouble with this whole business of hate, especially the artificially stimulated kind, is that when you are through with it, or when you think it has served its purpose, it cannot be turned off as one snaps off an electric light, or as one turns off a water faucet; that it continues to plague the society that indulges in it long after the occasion producing it has passed. It is that fact that will make the postwar years dangerous ones for civil liberties—years in which it will be all too easy to set group against group, race against race, and creed against creed.

## Economic Maladjustments

Then again, the postwar period in which thousands of men will have to readjust themselves to civil pursuits, is almost bound to be one of economic maladjustments, one of more or less unemployment, both of which things prepare a seed bed in which racial conflict easily generates and grows. Until quite recently I thought, and many others thought, that this time we were going to do a much better job of readjusting the economic strains resulting from having geared our productive machinery for war; but recent attitudes of powerful factions and groups in Congress make it impossible to be very optimistic along this line. It would seem that all too many Congressmen have learned no economics and no political science the day of World War I. What I refer to, of course, is the refusal of Congress to pass a Fair Employment Practice Act; a statesmanlike act for the reconversion of industry from war to peace production, and the evident intent to refuse passage to a proper and adequate unemployment compensation measure for the immediate postwar period.

## An Increase in Anti-Semitism

In the light of what has been said, what are the possible infringements of civil liberties in California in the postwar years? There are several: 1. An increase in anti-Semitism. For the reasons already given there will be some of this. The psychology of any postwar period with its legacy of hate, suspicion and distrust, revivifies racial and religious strains that would otherwise lie dormant. We here on the Pacific Coast cannot hope to escape entirely the wave of anti-Semitism that seems to be rising in certain parts of the Eastern United States. Incidentally, I talked this past summer with a former student and a Ph.D. from the University of California, now a lieutenant senior grade in the United States Navy, and he felt that a certain segment of the officer corps of the Navy was a nucleus for a fascist group in the United States, with its chief spearhead being anti-Semitism and its second bias being an anti-trade union one. What had led him to this conviction, rightly or wrongly, was that at least a half dozen times he said he had been asked by superior officers, after making a vigorous defense of some principle of civil liberties, "Are you a Jew?" It happens that he is by every definition, scientific and non-scientific, a Nordic. But, in the period just ahead of us, I cannot envisage another Dearborn Independent, or any prominent industrialist lending his name and prestige to an anti-Semitic program. So, unless there is a catastrophic depression which would force men to fight like animals, as they will for survival, men of good will in the postwar world will continue to hew away at the age-old problem of anti-Semitism in the faith and the hope of its eventual disappearance.

## The Field of Labor

A more probable area of conflict and of denial of certain civil rights will be in the field of labor. Here, as in practically all aspects of the denial of civil liberties, one finds example of the irrationality of man under certain circumstances. Labor unions that twenty years ago were denounced as a menace to society, will now be acclaimed sound and safe, and an honor to our society, by the very same men who then denounced them; but newly organized labor groups, or the extension of older organizations into formerly unorganized fields of activity will be viewed with alarm, will have to fight for their right to exist and for the right to extend their activities into new areas of organization.

It is probable, I suspect, that it is in this field we will see some of the bitterest strife in the postwar period. Some industries which accepted organization of their employees during the war as a "war necessity" will try to return to a non-union basis in the postwar years. Two such industries, airplane and automobile manufacturers, have come out of the war years with a great backlog of war earnings which will in all probability be increased by tax refunds, so they can sit back and let the fight come. Whereas the organized workers in such industries must win their fight for a higher peacetime wage scale, and for union recognition, before the strength of their unions is dissipated by lay-offs and by hunger. On the one hand, the struggle will be fought by powerful industries determined to break the organization of their workers, and on the other hand by men the standard of living of whose wives and children is at stake. The prospect is not a pleasing one.

## Mexicans Face Discrimination

Not only the Mexican national who remains in this country illegally, but also the long-time resident of Mexican extraction, faces, I fear, when unemployment comes, a recrudescence of the latent dislike of the Mexican on the part of many Californians. You will recall an article in Fortune magazine about a year ago describing one of the largest ranches in this state, and which stated that the manager of this particular ranch, while he used Mexican labor, felt they were of a lower order of human beings. Many share that view, and when one holds such a view it is easy to practice discrimination against this person of a lower order because along with that attitude seems to go the other assumption that such people do not have the civil rights one claims for himself or for his group. That the people of Mexican origin in this state fear trouble is shown by a recent statement of the pastor of a church of Mexican communicants. He said that for years he had urged his people, with some success, to become citizens; but that recently they met such a suggestion by coolly informing him that after witnessing what happened recently to citizens of Japanese ancestry, they would rather trust the strong protective arm of the Mexican government, if they remained citizens of that country, than to trust the fine phrases of patriotic orators regarding the dignities and opportunities of American citizenship.

## Question of the Negro

When one turns to the question of the Negro, many people fear that the absorption into peacetime industry, the proper housing, and the making available, on equal terms, of cultural and religious opportunities to the thousands of Negro newcomers to California, presents us with one of the greatest challenges of the postwar period. Before we look at the less pleasant side of this picture it ought to be noted that nationally the situation of the Negro has improved during the war years. The Army, and especially the Navy, have practically undergone a revolution in the removal of discriminatory rules and practices. When one recalls that when the recent war started, no Negro was taken into the Navy except in a servile position, and then when one reads the Guide to Command of Negro Naval Personnel, issued by the Navy early this year, one has one more proof that man, in his relation to his fellows, is on the way up no matter how devious and slow and indirect the path may be. For those of you who have not seen the document referred to, I should like to read you one paragraph:

"The Navy accepts no theories of racial differences in inborn ability, but expects that every man wearing its uniform be trained and used in accordance with his maximum individual capacity determined on the basis of individual performance."

There has also been some improvement in the status of the Negro in his civilian relationships. Labor unions are open to the Negro today that have heretofore been closed to him. In some cities it is possible for him to be decently and healthfully housed, thanks to the enlightened policies of some public housing project authorities. We cannot be too complacent on this phase of the subject, however, for this city of San Francisco was recently warned by Lester Granger that any attempt to limit Negro residence anywhere in the city in areas where the Negro has a cultural and economic background comparable to the residents already there, and to limit Negro residence to the Fillmore District, will inevitably result eventually in a sub-standard Harlem with all the attendant evils that always brings.

There is one aspect of Negro-White relation-  
(Continued on Page 4, Col. 2)

# ANNUAL BUDGET DRIVE BEGINS

## JUDGE JACKSON H. RALSTON DIES

Judge Jackson H. Ralston, honorary chairman of the local branch of the Civil Liberties Union, and for ten years a member of its Executive Committee, died at his home in Palo Alto last month.

Judge Ralston was active in the fields of labor, taxation, international law and civil liberty. For 27 years he was national counsel of the American Federation of Labor. He represented the United States as agent and counsel in the first dispute to be submitted to the permanent court of arbitration at The Hague under the Hague convention of 1899. He also appeared as umpire or counsel in other international disputes and wrote numerous books on the subject of international law. In the field of taxation, he was a follower of Henry George, writing, lecturing and campaigning for tax reforms.

A little over a year ago I received a letter from Judge Ralston submitting his resignation as a member of the Executive Committee of the American Civil Liberties Union of Northern California. "When one has considerably past eighty-seven years," said the letter, "it is full time that one should be declared emeritus if so lofty a word can be applied to a more or less modest individual. Performance either for good or ill has pretty well come to an end. In addition to the foregoing is the practical fact that to go to San Francisco by train calls for little less than a day's time, something of real moment to me. . . . May I be allowed to add that the cause of Civil Liberties has ever offered a real appeal to me. I can recall with pleasure the fact that, particularly from 1919 to 1924 in the City of Washington, it was my fortune often—and I may add frequently with good effect—to have fought for Civil Liberty before committees of both branches of Congress and the Courts. I can never be indifferent to the subject." Because of our love and admiration for Judge Ralston, we were reluctant to end a happy association of ten years, so in May, 1944, we elected him Honorary Chairman of the local Executive Committee of the Union in recognition of his significant contribution to the cause of civil liberty.

In California, it seems to me, Judge Ralston's greatest contribution to the cause of civil liberty occurred between 1926 and 1927. As a member of the Executive Committee of the then existing Civil Liberties Union of Northern California, which was under the chairmanship of Prof. Guido Marx, he also served as chairman of a sub-committee for repeal of the California Criminal Syndicalism law. Concerning that law, Judge Ralston said, it "represents nearly every principle in legislation that is bad. Its existence is a sign of warning of some fundamental wrong. Let that be abolished and agitation against the community will automatically cease." He drafted the bill introduced by Senator Fellom at the 1927 session of the State Legislature to modify the law, eliminating its anti-civil liberties features, and campaigned vigorously with leaders of the State Federation of Labor and others for adoption of the measure. While the bill was defeated, I venture to say that because of the aggressive campaign he waged, the law was so thoroughly discredited that it was thereafter resorted to on only a few occasions, and for the last ten years has been a dead letter on our statute books.

Judge Ralston was not one who advocated civil liberties for his side alone. To him, we had no true liberty unless it was shared by all without distinction as to race, color, religion, and economic or political views. At the same time, in the Union's work, he was in favor of "emphasizing," as he put it, "those cases where a real injury seems to have been inflicted upon some unfortunate victim."

He had the courage to protect the civil rights of unpopular minorities. "I have never hesitated very much," said he, to brave opposing public opinion, but only when I felt very sure of my ground." And, when the second World War came along, he stood for the proposition that "The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times and under all circumstances." He vigorously opposed our war-time treatment of Japanese in

## Membership Asked To Contribute Now Towards \$7000 Budget For 1946

The Executive Committee of the A. C. L. U. of Northern California has adopted a budget of \$7,000 for the fiscal year from November 1 to October 31, 1946, and pledge cards and return envelopes have already been sent to the union's membership urging that contributions be made at this time.

The \$7000 budget is the largest in the Union's history. During the past year, the branch received contributions of only \$6250, so an additional \$750 must be secured in new memberships and increased contributions, if the budget is to be met.

## Annual Appeal

Transportation of children to private church schools in public school buses was upheld by the New Jersey Court of Errors and Appeals, highest state court, in a 6 to 3 opinion handed down in Trenton on October 15. The decision was rendered in an action by A. R. Everson of Ewing, N. J., vice-president of the New Jersey Taxpayers Association, asking that the New Jersey school bus law of 1941 providing for such transportation be declared unconstitutional. The American Civil Liberties Union supported Mr. Everson with a brief holding that the law violated "the historic American doctrine of the separation of church and state."

Chancellor Luther A. Campbell for the majority of the court held that pupils of private sectarian schools were merely sharing privileges provided for pupils of public schools, and as such were entitled to transportation. "To give aid to some parents," he said, "and thus enable them to comply with the compulsory (educational) statutes, and to deny it to others in an identical physical situation on sectarian grounds, and so leave them liable to the infliction of the prescribed penalties, would be a denial of the equal protection of the laws."

Justice Clarence E. Case for the minority held that the state was not obliged in any way to provide transportation to private schools where public schools open to all faiths were available. The argument that such transportation to private schools did not benefit the churches concerned but merely the children, he dismissed as "an ingenious attempt to escape constitutional limitations." He concluded that "the furnishing of such transportation to private or parochial schools out of public money is in aid of the schools and violates constitutional provisions prohibiting such aid."

Attorneys for the Civil Liberties Union, who expressed disappointment in the decision, said they would support an appeal to the U. S. Supreme Court if one is taken. They pointed out that the same issue has arisen recently in several other states, notably Wisconsin and Oregon.

## U. S. SUPREME COURT AGREES TO REVIEW DECISION IN "ESQUIRE" CASE

The U. S. Supreme Court last month decided to review the Circuit Court's unanimous decision in the case of "Esquire" magazine, involving a question of censorship by the Postmaster General. The Circuit Court, in a decision by Justice Arnold, held that the Postmaster General was exceeding his authority in attempting to impose his own literary and moral views on the public by a revocation of "Esquire's" second class rates in 1943, on the ground that the magazine was not in the public interest and "bordered on obscenity."

The ACLU maintains that second class rates are vital to freedom of the press, and that the power of revocation should be taken away from the Post Office Department and given to the courts.

WENDELL PHILLIPS—No matter whose lips that would speak, they must be free and un gagged. The community which dares not protect its humblest and most hated member in the free utterance of his opinions, no matter how false or hateful, is only a gang of slaves. If there is anything in the universe that can't stand discussion, let it crack.

this country and helped fashion the policies of the local branch of the Union in challenging in the courts the government's right to exclude and detain in concentration camps citizens of Japanese ancestry who had committed no wrong.

Judge Ralston firmly believed that eternal vigilance is the price of liberty. He battled bravely and unceasingly for freedom and justice. His was a great soul. He had the courage of our convictions. —E.B.

## Public Buses for Sectarian Schools Upheld in Jersey

Don't forget, the local branch of the Union receives no financial support from any foundation or other agency, or from the national office of the Union. Every dollar used in the work must be raised among the Union's local membership. Since that membership is only 863, the regular \$2 annual dues is insufficient to finance our activities. Therefore, we turn to our supporters each year to ask for pledges from those who can afford to make them.

How Much Should You Give? The Union needs some \$50 and \$100 contributions from those who can afford them. We hope, too, that the general contributions will contain many \$25, \$15 and \$10 donations. Indeed, such contributions are necessary in order to secure an average contribution of \$8.00 per person from our present membership to fill the budget. After all, some members cannot afford to give more than the required membership dues. We hope that those who are suffering from war-time affluence will increase their contributions this year.

Sending as much of your pledge as is convenient, or the entire amount, will save us the cost of future billing. The Union has tried not to solicit donations from persons who have made recent contributions, so please excuse it if you receive one of our appeals by mistake.

## The Budget

Following is the budget adopted by the Executive Committee:

Salaries:		
Director	\$3600	
Part-time secretary	1080	\$4680.00
Printing & Stationery		823.00
Rent		457.00
Postage		200.00
Telephone & Telegraph		175.00
Traveling		100.00
Taxes & Insurance		65.00
Publicity		25.00
Miscellaneous		75.00
Reserve for Special Cases		400.00
		\$7000.00

## Review Granted in Unlawful Search and Seizure Case Against FBI Agents

The United States Supreme Court last month agreed to review a decision of the Ninth Circuit Court of Appeals in San Francisco which ruled that damage suits for unlawful search and seizure against FBI agents, in violation of the Fourth Amendment to the U.S. Constitution, must be filed in the State courts. The particular case involves Arthur L. Bell and eleven other associates of "Mankind United."

Commenting on the charges against the FBI agents, Circuit Judge Albert Lee Stephens declared, "There can be no question but that the complaint states strong cases, and if the allegations have any foundation in truth, the plaintiff's legal rights have been ruthlessly violated."

The Northern and Southern California branches of the American Civil Liberties Union appeared before the Supreme Court as amici curiae in a brief prepared by attorney Wayne M. Collins of San Francisco. The Union contends that where a federal official acts under color of federal authority, but in excess of federal authority, the federal courts should provide relief.

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ERNEST BESIG ..... Editor  
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## S. F. School Board Denies Freedom of Assemblage

(Continued from Page 1, Col. 2)

footing with any other organization. It involves the right of the public to gather in open forum, to hear for themselves and judge for themselves." The District Attorney of Solano county in requesting an opinion from the Attorney General had pointed out in his letter that "Immediately upon permission being given by the School Board, numerous protestations were filed with that Board by various reputable fraternal and social organizations of this city requesting that the Board revoke the privilege previously granted. We believe it may be conservatively stated that, from the tenor of the protests filed with the School Board, it might reasonably be assumed that discord and possible riot might have resulted from allowing Harry Bridges to speak in this city." In protesting at that time the Union declared, "To withhold permission to use the civic center because of threats of lawlessness by opponents is to bow to the will of the mob."

Some of the groups that were themselves the victims of discrimination in years gone by were the chief protestants at the hearing before the San Francisco School Board. Essentially, it was a gathering of the Communist Party and the groups it dominates. Also present and lined up on the side of the Communists were Trotskyites (both wings). It was not long ago that their own civil liberties were invaded in Minneapolis. Many of the speakers implied that they intended to stop Smith from speaking, even if it were necessary to resort to mass picketing, which might result in physical violence and destruction of property. That's the kind of talk we used to get from the American Legion. The National Lawyers' Guild came in with an amazing statement that no civil liberties issue was presented by denying a hall to Smith. The statement was never clarified. It is rather shocking, however, to find a group of lawyers boldly urging a public body to violate the law. Ernest Besig, local director of the Union, in supporting the right of the pension group to the permits, declared, "I venture to say that our membership heartily disagrees with Mr. Smith, but at the same time we do defend his right to speak, and the right of the pension group to the use of the civic center. If civil liberty means anything, it means the right of unpopular groups to present their views on precisely the same basis as others." Mayor Lapham, in a press statement, very courageously came out in support of Smith's right to speak. The sole lawyer on the board expressed his disagreement with Mr. Smith but insisted the board had no legal right to deny him a permit.

Reports from Los Angeles indicate that the same pressure tactics as were used in San Francisco failed there. The board voted unanimously to grant a permit for the use of Polytechnic High School auditorium on October 17. For three hours, the same type of groups that appeared in San Francisco sought to pressure the board into denying a permit. Failing in that effort, mass "picketing" was resorted to. A veritable barricade was thrown around the school. Rev. Robert P. Shuler, pastor of Trinity Methodist Church for the past 25 years, tells his experience trying to get into the meeting. He says: "When I attempted to enter the Polytechnic High School building, I was set upon by this mob, with police looking on, was kicked, struck over the head with a stick and twice pushed to my knees. I was cursed, called a vile name by one girl, though I had never spoken a word. I saw an old lady, trying to enter the building, soundly beaten by two young women. Finally, the old lady turned and left, crying as she went. The mob congregated in all entrances and blocked them, literally hundreds of hoodlums seeking to prevent people from entering. If the police made any efforts to clear the entrances, I did not see them make them. I spent close to an hour in that mob." Rev. Shuler's testimony was confirmed by many other observers.

## CIVIL LIBERTIES FOR MINORITIES IN POST WAR CALIFORNIA

(Continued from Page 2, Col. 3)

ship in postwar California that is going to tax our intelligence, good sense, tact and forbearance to the limit. The Negro population of this state has doubled in the past four years. In some urban areas, San Francisco for example, it has increased five-fold. Most of the Negro newcomers to California have come from states in which they have been denied many of their constitutional and legal rights. Thousands of Negroes in this state are free to exercise those rights for the first time in their lives. Some of them will make themselves obnoxious in the assertion of their rights. So would you and I in a comparable situation. One learns to exercise his rights in any society by having the right to exercise them and abuse them just as one learns to walk by running the risk of falling down.

### The Returning Japanese

Finally, there remains the question of the readmission and the reabsorption into the commercial, civic, and cultural life of our state of several thousand persons of Japanese ancestry, citizen and non-citizen. Many of them return from three years enforced confinement behind barbed wire; but some of them return from service in the United States Army where they have won as great renown as ever was gained in the whole history of the United States Army. If any country ever found itself in a more anomalous situation I do not know of it—the liberties of fathers and mothers restrained and restricted by a government, while at the same time the sons of those fathers and mothers were winning renown for that same government.

There are those who believe that what has happened to citizens of Japanese descent, through Army action, and with the final approval of the Supreme Court, constitutes the most grievous injuries ever inflicted upon the fundamental concept of American citizenship. Commenting on that Court's decision in the Korematsu case, Eugene V. Rostow says, in the September, 1945, issue of Harper's:

"In avoiding the risks of overruling the government on an issue of war policy, it weakened society's control over military power—one of the controls on which the whole organization of society depends. It failed to uphold the most ordinary rights of citizenship, making Japanese-Americans into second-class citizens, who stand before the courts on a different legal footing from other Americans. It accepted and gave the prestige of its support to dangerous racial myths about a minority group, in arguments which can easily be applied to any minority in our society."

If someone would object to the assumption that the question of race entered into the original exclusion order of February 14, 1942, he would have to answer the question raised by Justice Murphy in his dissenting opinion in the Korematsu case. His question was: If the original exclusion order was not primarily based upon race, why was it not made to apply equally to Germans and Italians as well as to Japanese? In my judgment the question cannot be answered convincingly. And I and many others are deeply concerned that a doctrine intimately associated with the name of Hitler, and one that is one of the fundamental tenets of Nazi philosophy, has indirectly received the approval of the Supreme Court of the United States.

### The Principle of "Protective Custody"

But there is another aspect of this question that deeply disturbs many people. That is, that for the first time in our history the doctrine of "protective custody" has recognition and standing and also indirect court approval. You will recall that in the early days of the evacuation of those of Japanese descent from our midst, some who did not like the policy or approve of it quieted their consciences by saying it was for the protection of those removed. I am sure that most people using that argument never realized its fundamental assumption; namely, that our society was too weak to protect a portion of its members. When any society is compelled to make such an admission it had better do some heart searching. All of which leads me to say that unless at some future time the Supreme Court reverses itself in the principles of the Korematsu Case and adopts as the law of the land the minority opinion in that case of Justice Murphy, Jackson, and Roberts, then at any time in the future here in these United States any minority group can be jailed on the principle of "protective custody." To some of us it looks as though for the time being the Nazi principle of Schutzhaff has won over the Bill of Rights.

So much for the problem. Now what can we do about it? What can the average citizen do who not only feels unhappy about discrimination against his fellow man for reasons of religion or race; but also the man who feels that such discrimination undermines the foundation of the Republic? I should like to suggest three lines of action.

### Become Joiners

Become joiners. Most of us here, I suppose, have belonged to the American Civil Liberties Union for years; some of us long enough to have had the experience of being called Reds because of so belonging. Well, that, as I see it, is one of the minor risks of life and so I would urge my fellow citizens to join the American Civil Liberties Union, to join their local Committee of Civic Unity, the Urban League, the Fair Play Committee, the National Conference of Christians and Jews, and any other organization devoted to the task of combating racial and religious persecution and discrimination. This to the end that such organizations offer the most effective way of challenging violations of civil liberty and of creating public opinion in support of fundamental human rights.

### Prod Public Officials

The second thing I should like to suggest is something which I do not like to do myself, and I know that some of you dislike it as much as I. It is to prod public officials when they temporize with a racial situation fraught with danger, and to criticize both public men and institutions when they fail in their duties. If juries should fall into the habit of ignoring deeds of defendants and free them because the color of their skins is that of the majority; or if judges fall into the practice of ignoring the law of the state of California and instead ask the neighbors what punishment they shall mete out to an offender—two things which have happened recently in this state in cases involving citizens of Japanese ancestry—then the civil rights of every citizen would be endangered. For you and me of the majority to refuse to act in such cases is to be a party, if only by acquiescence, in the weakening of the inmost fibre of our national life.

### Make a Declaration of Faith

Finally, I should like to see it become popular for citizens to make a sort of civic declaration of faith, intention, and brotherhood that would read as follows—the wording is my own: "Believing that no social order is safe and sound in which racial and religious hate spreads rumors that result in persecution, discrimination and calumny, I, as one individual citizen, resolve that I will not be a party to the coercion conscience. I will fight for the civil and constitutional rights of any minority group, no matter how unpopular; and I will let no hate-filled opponent confuse the issue by making my stand on some question or for some individual or organization necessarily mean my approval of that particular individual or organization. I will refuse to believe rumors that insult my intelligence and my common sense. I will treat all men as my brothers, for, as I understand the teachings of Jesus and some of the earlier Hebrew prophets, all men are brothers and share a brotherhood that results from the common Fatherhood of God—a brotherhood that rises superior to, and has nothing to do with, the color of one's skin, the texture of one's hair, the political institutions of one's country, or the particular form of worship which commands one's loyalty. Finally, I shall try to be intelligent and meet every issue that arises, and make my decision on that issue, not in the heat of the moment, but always with the question back in my mind, Will I be ashamed of this decision ten years from now?"

### "A Pledge of the New Patriotism"

After writing the "declaration" which I have just read to you, I chanced to read Charles S. Medbury's "A Pledge of the New Patriotism." As a closing thought I should like to read you a part of this pledge.

"No man shall ever feel his color or his caste in my presence, for within my heart of hearts there shall be no consciousness of it. . . . No word shall ever pass my lips that hurts another in things of face, form, station or estate. My own weaknesses, foibles, sins, shall chasten speech and spirit and deny me pride. . . . And thus I resolve, not because I am good, but that I want to be; not because I am strong, but that I fear weakness; not that I feel above others, but that with all my soul I long to be of human kind both helped and helper. So do I dedicate my days. So do I set apart my culture. So do I receive but to give again to others."

THE WASHINGTON POST  
Washington, D. C.  
June 1, 1943

### BLACK DRAGON

Momentarily daunted by the dissolution of the Comintern, Martin Dies has now discovered the shadow of a black dragon's wings hovering ominously over the length and breadth of America. You really have to hand it to our legislative sleuth. The fantasy of bearded Communists with smoking bombs having palled on the public, he has now conjured up "gryphons with great metal flanks" to keep the D. A. R. and little children awake o' nights. Brrr! For sheer terror, this has the red menace beat coming and going.

And the Texan has had nothing more substantial to work with, mind you, than the release of a few thousand Japanese-Americans from the relocation centers into which they were unceremoniously herded after Pearl Harbor. An untold number of these, according to the chief investigator of the Dies Committee, received training in an espionage school operated by the imperialistic Black Dragon Society of Japan. These secret agents are members of an organization terrifyingly titled the Butoku-Kai, and are prepared to unleash a wave of destruction upon the United States. Ten thousand of them, said the Dies investigator, are now in this country. The Dies Committee hasn't said so, but we suspect that somewhere at the back of all this must stand the tall, fearsome figure of Ko-Ko, the Lord High Executioner. And there ought to be some place in the scenario for the mysterious Dr. Fu Manchu.

The somewhat synthetic nature of Martin's dragon is revealed, however, when the facts of the situation are examined. Most of the persons released from the relocation centers are citizens of the United States - which means that they were born in this country - and have never been in Japan in their lives. They could have received the training of the Black Dragon school, therefore, only through correspondence courses, which are not generally considered effective for instruction in espionage. The War Relocation Authority, before releasing anyone, makes a painstaking investigation of his past and then double checks its findings against the records of the FBI. The truth is that there is no more reason for the confinement of these Americans of Japanese ancestry than there is for the confinement of Americans whose parents, grandparents or great-grandparents happened to emigrate to this country from Germany or Italy.

One may reasonably ask by what authority the Dies Committee injects itself into this situation. The problem, if any, is one for our duly constituted security agencies. Until the FBI and the intelligence branches of the Army and Navy hear the whirr of dragon wings, we think the Nation need not tremble. As for Mr. Dies, he

might usefully remember his recent pledge to end the work of his already celebrated committee and attend to the business of legislation for which his Texas constituents sent him to Washington.

San Francisco Chronicle-----May 24, 1943.

JAPANESE CITIZENS: The NSGW (Native Sons of the Golden West) Resolution.

No doubt the Native Sons of the Golden West were motivated by the most laudable patriotic ideals in drawing up the resolutions they passed at their convention last week. Nevertheless they could not have devoted much thought to the full implications of one of them on the plane of essential ideas, the principles involved and the precedent it would establish.

The resolution in question calls for an amendment to the Federal Constitution barring the first generation of American-born Japanese from citizenship on the ground that "the difference in race, religion, color and thought of the Japanese from our American citizens is such that the ideologies of the Orient are inherently present and predominate to such an extent in the majority of all Japanese in America as to prohibit any Japanese from ever becoming a strictly loyal American."

This resolution was passed because a taxpayer's suit aimed at the political disqualification of the Japanese filed by the secretary of the Native Sons was turned down by the United States Supreme Court after it had been tossed out by the Registrar of Voters of San Francisco County and the intervening courts. This suit claimed, among other things, that "American-born Japanese are unfit for citizenship because of Japanese racial characteristics of dishonesty, deceit and hypocrisy."

These are, of course, war-born attitudes. There has also been plenty of mass condemnation of our other major enemy, the Germans, but with a significant difference. The argument here, and it seems to me a perfectly valid argument, is that the Germans, or a sufficiently large number of them to work their will on the whole body politic, are the victims of a mass paranoia, and the same thing is undoubtedly true of the Japanese. Dr. Bricker and the others who advance this view condemn the Germans for being paranoiacs, not for being Germans. All of us know something about the German contribution to civilization, and no one can therefore sell the American people a mass excommunication of a nation that has produced a Luther, a Goethe, a Brahms, and Ehrlich or a Thomas Mann.

The Native Sons' mass excommunication of the Japanese suggests that they are not too well acquainted with the people they would cast into outer darkness. Lieutenant Colonel Frank Kurtz of the Army Air Force, who got to know our Oriental enemy the hard way, fighting them in the South Pacific, says in his book, "The Japs are only people." This is practically identical with the conclusion reached by Albert Eustace Haydon, this country's foremost authority on Oriental religions, and Langdon Warner, who knows more about Japanese art than any other fifty men this side of Tokyo.

This proposal would, of course, repeal the 14th and 15th Amendments. It would also repeal science, American history and Christianity. There is not an anthropologist on earth,

JAPANESE CITIZENS

unless he be a German or Japanese paranoiac, who will pass a moral judgment on a race. There is not a Christian teacher on earth who would agree that any race is inherently and unregenerately dishonest; this idea is, in fact, the cause of most of the trouble between the Nazis and the Catholic Church. And the whole American system of law and education is based upon the principle that the individual transcends all considerations of race and class.

That such an amendment would, if passed, establish a precedent for the disqualification of any minority group against which any other minority group might choose to raise a clamor is obvious enough. That the amendment has no more chance than did the taxpayer's suit is also obvious. Nevertheless it is disturbing to see it published as the considered opinion of a representative California group. One hopes that the recent remarks of Governor Warren are more representative: "Now as never before our faith in the democratic form of government must be sustained to the utmost in unity against enemies who would divide us along lines of race or creed or origin."

--Alfred Frankenstein

of

Letter to Editor of Fresno Bee:

The manner in which Japan has massed in California her dual citizens can be gues ed from the increases in the Japanese population mass:  
1890--2, 039: 1900--24, 326: 1910--72,157: 1920- 111, 101:

Meantime they had gained partial or cinplete control of many farming activities. They thus displaced the old pioneer stock that had wrested California from Mother Nature The latter had solved the engineering problems(Levee building, pumping) of the once tule covered bottom lands of the great Sacramento-SanJoaquin Valley. They also in the warm foothill belt had cleared areas of chaparral and of forest and had planted both deciduous fruit orchards and citrus groves. They also had made productive vast stretches of ineyares. Then came the Japanese termites. Soon California had Nipponese strawberry magnates, potato kings, celery lords. While farmers meanwhile ruthlessly were crowded to the wall. Americans still do not grasp how we blunder in giving citizenship to Japanese just because by accident of birth they first see light ounder the Stars and Stripes. Very, very few of them acted, when they had the opportunity, to renounce the ~~#####~~first loyalty they owed under the claims of the Japanese war lords, to the Mikado. Why not cancel all dual citizenships now?

H.J McClatchey, Secretary, California Joint  
Immigration Committee, Sacramento

Saturday, May 15, Country edition.

To: Mr. Homer D. Crotty

From: Earl O'Day

Common  
Fair Play

From Los Angeles Times - February 22, 1946

F. B. I. BEGAN DEC. 7, 1941,  
TO SEIZE ENEMY ALIENS

WASHINGTON...The F. B. I. disclosed today that the smashing of America's wartime fifth column uncovered huge stocks of weapons and explosives, thousands of shortwave radios and photographs of Panama Canal defenses and other vital installations.

The F. B. I. itself used the words "fifth column" in making available these figures to show how dangerous aliens were hobbled and their weapons of sabotage and espionage taken from them:

From Jan. 8, 1942, to the present, F. B. I. agents have recovered from the homes and businesses of these aliens 307,506 rounds of ammunition and 4626 firearms and related items.

Dynamite Found

In addition to buckshot, shell caps and reloading devices, the F. B. I. seized 2340 sticks of dynamite, more than 2800 dynamite caps, 3787 feet of dynamite fuse and approximately 1700 pieces of other explosives.

More than 3000 contraband shortwave radio receiving sets were uncovered along with more than 4200 cameras and all kinds of photographic equipment.

Other contraband articles nabbed from enemy aliens included code books, hydrographic, navigation and aeronautical maps of all sections of the U. S. coasts and Panama.

Since the beginning of World War II, 16062 enemy aliens have been arrested in the United States and its possessions, including 7043 Germans and 5428 Japanese.

The F. B. I. snapped the spine of the Japanese and German fifth columns on Dec. 7 and 8, 1941. Swinging into action a few minutes after the Pearl Harbor attack, agents arrested more than 1000 Japanese--the core of Nippon's fifth column movement.

The next day--Dec. 8--the F. B. I. began rounding up German and Italian aliens who were dangerous to the nation's security.

But this was not the beginning--nor the end--of the F. B. I.'s counter-espionage activities against America's homefront enemies. In the summer of 1939 the F. B. I. began investigating the background and activities of aliens.

With Pearl Harbor these investigations paid off. The most dangerous enemy aliens had been spotted, their activities kept under constant surveillance. Within two days after Pearl Harbor hundreds were behind bars.

From Pacific Citizen - February 16, 1946

REP. MILLER INTRODUCES BILL  
TO ELIMINATE DISCRIMINATION  
FROM U. S. IMMIGRATION LAW

Rep. Eberharter's Resolution  
Would Stay Deportation of  
Alien Japanese, Would Give  
Attorney General Discretion  
in Hardship Cases

WASHINGTON...Legislation which would give the U.S. Attorney General the right to exercise his clemency power to stay deportation in hardship cases to all persons, regardless of race, color or national origin was introduced in the House of Representatives last week by Rep. George Miller, D., Calif.

The proposed amendment to the Immigration Act of Feb. 5, 1917 would strike out the words "if not racially inadmissible or ineligible to naturalization in the United States" from the present law.

Under the law at the present time the Attorney General is given discretionary powers in hardship cases involving deportation, except in the cases of "aliens ineligible to citizenship."

Concurrently Rep. Herman Eberharter D., Pa., introduced legislation to allow the attorney general to suspend for six months the deportation of alien Japanese. Eberharter pointed out that under the present law the attorney general may issue such suspensions for all aliens except those of Oriental origin.

In the memorandum filed in support of Rep. Miller's bill it was pointed out that the proposed legislation would possibly affect the status of about 2,000 illegal entrants, treaty merchants and students of Japanese ancestry whose deportation to Japan has been ordered by the Justice Department as a result of the regulations now in effect.

It was pointed out that almost all of these Japanese have dependent wives and children who are citizens of the United States and that some of the children have served in the United States Army.

It was stressed that these persons all have been loyal to the United States during the war and that their departure now would cause much hardship and in some cases actual suffering to their American families.

Under the present law the Attorney General would have the power to suspend deportation for six months, if these persons were of other than Oriental stock.

"As an act of simple justice such discrimination merely because of race should be eliminated," the memorandum concludes.

Rep. Miller's proposal has received in principle the favorable recommendation of the Dickstein subcommittee of the House Immigration and Naturalization Committee which held hearings last summer and fall for the purpose of "investigating and studying laws and problems relating to post-war immigration and naturalization."

From RAFU SHIMPO - February 19, 1946

SO. CALIF. FISHERMENS' ASSOCIATION  
IN DRIVE TO REGAIN  
ISSEI FISHING RIGHTS

In an effort to regain for the Issei fishing rights, both commercial and sport, the members of the Southern California Fishermens Association are devoting their energies to reorganize their membership and finances.

Their present objective is to reach a position where they can add their strength to that of the Monterey Fishermen's Association and then seek a Supreme Court ruling on the present California state law which prohibits all kinds of fishing and hunting to those persons ineligible to citizenship.

The Southern California Fishermen's Association contends this is unconstitutional not only from the point of view of race discrimination but because it denies those commercial fishermen the means to earn their livelihood.

During the 1945 legislative session an amendment to the California Fish and Game Code was passed. This denies hunting, sporting and fishing, and commercial fishing licenses to persons ineligible to citizenship.

From RAFU SHIMPO - February 22, 1946

ATTORNEY CHARGES  
BOARD OF RACIAL DISCRIMINATION

Deploring the "cool attitude" of the local State Board of Equalization towards the issuance of liquor licenses to persons of Japanese ancestry and their continued policy of discrimination, Attorney A. L. Wirin challenged the hearing officer of the Board and recommended to the Board that it set aside its former refusal to issue a beer license to a Japanese American owner of a cafe on East First Street, Mrs. Fumi Yokota.

The Board stated that it had turned down the application on the grounds that the "true owner" of the cafe was an Issei, Mrs. Yokota's husband.

Because the local Board seems to have furthered a program of denying liquor licenses to all Japanese, citizens or aliens, attorney Wirin threatened to take the case to court if the license is not issued to Mrs. Yokota, stating, "We are confident the courts will not tolerate this continuing discrimination because of race by Mr. William G. Bonelli and his race-baiting associates on the Board of Equalization."

The findings of the hearing held on February 19 will be reviewed by the State Board of Equalization in Sacramento on March 14.

From RAFU SHIMPO - February 21, 1946

HOSTELS MUST FILE TAX  
EXEMPTION CLAIMS OR PAY  
COUNTY TAXES, WRA SAYS

The War Relocation Authority today prepared to assist the local hostel directors in the filing of Claim for Property Tax Exemption under the Welfare Exemption Provisions so that operators of these establishments will not be subject to county taxes.

Under the State Health Code, the hostels must be considered same as "hotels" since persons living in them are paying for room space, and since 6 or more persons are occupying the building. Reports also indicated the hostels are taxable because the county Health and Sanitation Department is responsible for the maintenance and the living conditions of the place.

Several WRA officials viewed these interpretations, however, with optimism. They claim that since these hostels were established under "different and urgent circumstances, through mass relocation" they would probably be classified as charitable institutions.

The State Code specifies that property used exclusively for religious, hospital, scientific, or charitable purposes owned and operated by community chest, funds, foundations or corporations organized and operated for religious, hospital, scientific, or charitable purpose is exempt from taxation if: the owner, are not organized or do not operate for profit.

The WRA stated they have been "making the rounds" of the various hostels here already to help file out forms necessary for exemption. The papers, when prepared, must be filed with county and city assessor between noon on the first Monday of March and 5 p.m. on April 1.

## WHAT IS JAPAN?

By LYMAN BRYSON

*This is a condensation of the 22nd and 23rd programs in a series by Lyman Bryson, CBS Director of Postwar Studies and Educational Broadcasts. The series is entitled "Problems of the Peace." It is regularly heard on Sundays at 1:30-1:45 p.m. E.W.T. over the Columbia Network.*

THE landing of American troops on Japanese soil is a strange drama. The Japanese are a beaten people, and that fact is beginning to reach their minds through all the ceremonial face-saving of their leaders. But the crowds that will stand and watch American soldiers and sailors and marines will not include the Japanese men that fought those Americans on Guadalcanal and Okinawa. The members of that silent, watchful reception committee will be the fathers and mothers and wives and children of those men. They have been told—until very recently—that they were winning the war. What are they thinking now? And what will they do?

The war ended before we got acquainted with the Japanese. This may seem a strange thing to say when we have such strong impressions. We think of the Japanese government as treacherous and hypocritical and aggressive in international dealings, and there is plenty of evidence to make the case. We think of their soldiers as stubborn, cruel fighters. Our boys and our Allies, who have been meeting them in the Pacific, are not going to let us forget that these little, strong, wonderfully trained men were tough to beat.

But Japan is not an army and a navy now, nor merely a government. It is a nation; a nation of men and women and children who will be waking up after a dream that began in glory and ended in storms of death. We may not believe now that we shall ever want to live with them, in the same world, peaceably. But we have committed ourselves to a program of reconstruction and re-education almost as ambitious as that which we have undertaken for Germany. Yet we do not know Japan. We have never really had a chance to get acquainted.

We have Japanese prints on our walls, and we have bought vegetables from Japanese gardeners, and we have fought a war with them. But Japanese immigrants in

this country have never been welcome. We have always put obstacles in the way of their becoming Americans.

Germans, and German things, on the other hand, have been part of American life almost from the beginning. We took German immigrants into our stock, and we read German books, and listened to German music, and accepted German things as a part of that great store of European civilization to which we are the natural heirs. We have learned to hate particular qualities in the modern German and are determined that they be rooted out for the good of mankind. When we have hated the Japanese in this war we have hated phantoms and imaginary beasts. Perhaps I can make the contrast more real by asking what you would think if you heard the radio playing Japanese music, as we have played German music right through the war. Or, what would you think if we had in our service generals and admirals with Japanese names, as we have so many whose ancestors many years ago were Germans? The Japanese belong to the East and we do not know the East and have never really had much to do with it except at long range. Those people have never been our neighbors.

WE do not know the Japanese. Is it necessary to say also that they do not know us? They were told we were the people of a mongrel race who had grown soft and fat but who dared nevertheless to stand in the way of the Japanese empire. We are the people who turned out to be tough fighters and who built in a few swift years an enormous new navy and a great new army, and then finally invented an earthquake that could be aimed at a city when and where we pleased. We were to be pushed aside, but now we are coming, with flags no doubt, but grim and alert and not responsive to bows or polite smiling. The Japanese people believe that they have



never in their whole history been conquered. They are conquered now.

PERHAPS, then, we can begin to look at the elements of Japanese life and begin to estimate the factors we can count on to make a peaceful nation. Japan is, in part, a modern, industrial country. We can cut it down to its small beginnings, and take away its empire, but we probably cannot make it once more a nation of rice farmers. Even if we did, that would only be turning the clock back to the time when the American government, through Commodore Perry, abruptly broke up the mediaeval isolation of old Japan in 1853. Modern Japan has existed only about eighty years. Consider what that means. It means that Japan, after centuries of mediaeval seclusion, without any knowledge of modern industry, or modern warfare, or modern science, or in fact of anything outside her own traditions, could in eighty years become one of the strongest of modern nations. It suggests that such a nation will not easily be kept down if we make mistakes in reconstruction.

There are at least four elements in Japan, as the country is organized now, that we shall have to take into account. They are the Emperor, the professional soldiers and sailors, the great bloc of power that is made by an alliance between the old noble families and the modern industrialists, and last, the farming peasants.

THE Emperor comes out of the old Japan, the Japan of two centuries of seclusion, when the country was completely shut off from contact of any kind with the west. He is a strange creature in our eyes. It has seemed at times, in the last few weeks, that a good many Americans wanted to condemn the Emperor by this kind of reasoning: "He is the element in Japanese life most unlike everything American. He is what we can't understand. Therefore, he must be the cause of everything in Japanese behavior that we don't like. He must be the root of their dangerous ambitions. Get rid of him."

Certainly we should help the Japanese to get rid of the Emperor on his throne if he keeps them from self-government and freedom. It is only in these last eighty years that the Emperors have counted for anything in the practical government of the country. For centuries the Emperor was a sacred, remote being. He was worshipped. He was surrounded with a wall of impenetrable reverence. But that worship and that wall of reverence kept him in, quite as effectively as it shut everybody else out, and

the court nobles under the leadership of the *shogun* ran the country. Much of the strange behavior of the Japanese people in the last days of fear and defeat can be explained only by remembering that the Emperor is a symbol and a high priest.

As a man, Hirohito is frail in mind and body, without the ambition and ability that brought his ancestors out of their seclusion. He is a symbol of Japan's ancient greatness and divine mission, a symbol of imperial expansion. Can he be a symbol of freedom and peace and common well-being for his people? That is the question we have to ask if we are going to try to rebuild Japan in a new image of friendliness. Is the Emperor, on his throne, worshipped by his people, a factor in Japan's future that can be turned toward peace and freedom for Japan and for the rest of us?

It is still a good principle not to deny freedom of religion to the Japanese any more than to anyone else. Their freedom is important to us because, unless they can be free and secure and prosperous, they will certainly again be dangerous. How much we shall have to cut down their freedom of action now will depend on how they behave. And the Emperor is a question for us only insofar as his existence is a factor in that national behavior.

THE professional military and naval leaders give us quite another kind of problem. It is difficult to see by what right these fanatical, professional bullies are allowed to live in a modern world. If there are tragic outbursts of guerilla violence during the American occupation, these men will be the cause. If American soldiers are ambushed, the criminals will be the fanatics who have always used assassination as a political weapon. For the good of humanity that kind of thinking and that kind of man must be destroyed.

There may have been a time when knight-hood, and the laws of chivalry, the settlement of disputes by duels, and the *samurai's* code, were the best guarantees of peace and justice. If so, and I doubt it, certainly it is no longer true. The modern world has no place for the man who thinks with his blood, as the Germans say, or who thinks with his sword, as the Japanese knight is supposed to do. We live in a world where men are supposed to think with their brains. In that kind of world, committing suicide is not much of an argument. We can, with good conscience, demand the end of the irresponsible and independent militarists who

have often in the last few years defied even their own civil government. We cannot allow them to defy us—or the future.

THE industrialists are the newest group in Japan, although allied to some of the old noble families. We can expect to be talking about them, their characteristics, their possibilities, and the changes that are being made by our intervention in their lives, for a long time to come. They have the power in Japanese politics. They have the kind of power that men of great wealth and business control have in all modern countries, with the additional advantage of connections with the old noble families. What power they have in the future will be for us to determine. They seem to be modern men, although they sometimes slip back into mediaeval ideas as they slip out of modern clothes into kimonos when they go home at night.

It has been a long time since Japan could feed her own people out of her few acres of poor land. Her tremendous growth in population has been possible because of factory development with low wages for the workers and with the raw materials mostly brought in from the outside. Her people want to come to rich countries like America, but they are not pioneers. In the forty years that Japan has held Manchuria, millions of Chinese have gone into that new frontier and developed it, but there have been only a few thousand Japanese colonists. Japan's rapidly increasing population has been fed on factory trade, and if that factory trade is completely destroyed, or too much reduced, Japan will face starvation.

It would be better for the world at large, as well as for the Japanese workers, if working conditions in Japanese industry could be improved. It would be better for all of us if the Japanese workers could get higher wages and shorter hours and a greater control over their own working lives, provided, of course, that they are peaceful and willing to co-operate with the rest of us. The future economic condition of the Japanese people is our business, because they are part of our future world.

If they are not to go on working in their factories, what can they do? What machinery can we set up that will keep them from developing again into war makers?

These are the same basic questions that we have been asking about our European enemies. They require the same answer—a plan that will allow these people to live in our world, if they will live in peace.

THE great bulk of the Japanese people, the farmers and the industrial workers who are only recently from the fields and the farming villages, require more study if we ever hope to preside successfully over their destiny. Who are these peasants, these farmers of Japan? They send their sons to war and their daughters to the factories. They coax a little rice or a little tea out of meagre soil and live about as they have been living for centuries, poor, industrious, honest, quiet, and obedient. But how can the sons of these hard-working farmers, so well-trained in religious ceremonies, in obedience to their parents and their teachers, how can they become so ferocious and cruel in war?

Why are they bestial and cruel when they have prisoners, when they have helpless women and children in their hands? What makes a fiend out of a Japanese schoolboy?

Close observers have often seen an undercurrent of violence in Japanese life. The Japanese peasants are quite possibly too much repressed, too obedient. And when they cut loose, they revenge themselves on the nearest victim for the suppressions they themselves have suffered. There is, somewhere in their character, an explosive force, a hidden violence, generated there by their life experience, bursting forth in arrogance and cruelty and lust and fevers of destruction. If we can find that germ of violence and find what creates it in the Japanese soul, we shall know what we have to do.

In this, as in studying the Germans, we can, as I have suggested, ask the scientists for help. What they can tell us of the Japanese character, of their civilization, their way of doing things, will throw light on Japanese actions. If the Japanese had more freedom at home for themselves, would they give up their dreams of enslaving the rest of Asia? As believers in democracy, most of us would start out with the idea that the Japanese would be less dangerous to the freedom of others if they had more at home for themselves. And the scientists, the psychologists and sociologists who have most closely watched the behavior of human beings, generally would agree with that democratic assumption.

IN DEALING with Japan, as in dealing with Germany, we have on our hands the problem of a social system, a way of doing things, that does not train people to live peacefully or democratically in the modern world. It has often been pointed out that the Japanese have put western technology as a kind of veneer over their mediaeval social system. No doubt this is partly true,

and the important thing for us to understand is that the mediaeval system which is still there was a system that made dangerous men. The Japanese way was, and still is, a way of training men for submission at home and aggression abroad.

The psychologists who have studied the Japanese point out that the little child in that country is given a great deal of freedom. The little child lives in the Japan of lovely colored prints and the fairy tale. Until the Japanese boy, destined some day to be a suicide flier perhaps, is about five years old, he rules the house. At the end of that period of babyish tyranny something happens to him. The system clamps down.

Then he learns obedience and ceremony and elaborate politeness and hard work in school, and he learns that his life belongs not to himself but to his divine Emperor. The world into which the boy suddenly moves is a world of bitter competition, of great responsibility, of very little companionship or support. Nearly all observers of Japanese life have been struck by this fact, strange to us, that the Japanese boy is supposed to work for his family, for his religion, for his country, and for his Emperor. But no one works for him. If he does something wrong, if he fails in school, for example, he has disgraced his family and his village. But when he gets into trouble and needs help, no one feels any responsibility for helping him out.

The system is not co-operation. It is all duty, all discipline, all responsibility. To be sure, he does not have to give much respect to his mother or his sisters because women do not count for much in Japanese life. But he must obey his father without question. When he grows older, he has a chance to discipline his own children, but he is still under strict control himself. He must conform to the wishes and customs of his town. He must give up his sons for war. He must not think too much, because thinking too much leads one into dangerous thoughts, and there are always secret police around to catch a man thinking dangerous thoughts.

This combination of repression and heavy responsibility does not make the kind of free men that can live at peace with each other and with the rest of the world. It makes men who have a constantly suppressed resentment against the difficulties of life, men who are easily persuaded that brutal violence can solve their prob-

lems. When they go to war, they act like any other slaves set free, they revenge themselves on innocent handy victims for their own grievances. The typical Japanese peasant and worker is easily led into war because his life has been repressed and hard. And when he is in command, he is a savage because he does not know how to use his own freedom or how to respect the freedom of others. He is, the psychologists say, like an adolescent of arrested growth, like a boy who is only happy in a gang. He is afraid of breaking the gang's rules, or of going out on his own, but he is capable of fierce courage and cruelty as long as the gang is with him.

WHAT we need to do, you and I, is to translate the findings of the scientists into statesmanship. These analyses of character by the psychologists may seem intricate and difficult to understand, but they add up to something that every American understands and believes in. Freedom is a good thing for all men, if they will accept responsibility also. The world will be better for all of us when the citizens of all countries have more of the freedom that we believe in.

We expect to control the Japanese people strictly, and if necessary by force, until we are convinced that they can be trusted. But, in the long run, we want them to be free. It is on this basis that we can justify our intervention in the affairs of Japan, not because we think we have a right to tell other peoples and nations how to live, but because we are convinced that only free men can be peaceful, and we are going to have peace.

We cannot do this by trying to put a veneer of our western political ideas on top of the veneer of western business methods that the Japanese themselves put over their ancient social system. We shall have to undertake something far more difficult, to dig deep, to get at these ways of doing things that breed silent obedience hiding angry rebellion, and polite smiles hiding murder. The Japanese people are not like ourselves, but they may not be very different from what we would be if we lived by their customs and got their kind of an education. In any case, we have to believe in their essential human nature and work to teach them how we think human beings can get on with each other. Otherwise, we shall be policing Japan forever.

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# The San Francisco News

Text in full of an address on "Racial Relations on the Pacific Coast" by Frank A. Clarvoe, Editor of The News, before the Commonwealth Club of California, Palace Hotel, January 19, 1945.

These are days when, in between arm chair strategy on the war and discussions of rationing and Colonel Roosevelt's dog, people and statesmen are seriously concerned with the problems of the peace. When the war drums throb no longer, we hope to be ready in spirit, and to be prepared with a plan.

Implicit in this talk of peace is the expectation that it will be lasting, with a Parliament of Man, a Federation of the World.

The basis for such a great expectation is mutual understanding and respect among the races of white and black and yellow; to sustain the virtues, to recognize and deal sympathetically, but realistically, with the faults, one of another.

If there is to be peace, such must be our approach and our aspiration. Our statesmen must be armed with the knowledge that behind them an honest and united people exerts a positive and dynamic force.

To achieve this unity, to give validity to our program of international good will, we Americans must among ourselves achieve something approaching intranational understanding. A nation which does not win a costly war for ALL its people, is at the most only partly victorious; a nation which cannot settle its internal squabbles can bring little argument to adjust those among nations; a nation torn by racial intolerance can offer little more than pious platitudes at an inter-racial peace table; a nation which itself has not achieved domestic tranquillity is cast in a poor role when urging the olive branch upon others.

The test of our international sincerity depends upon our domestic acceptance of such principles; and the integrity of our acceptance is in turn gauged by our past performance—nationally and provincially.

Our reputation—which is what we appear to be and what others consider us to be—is fair in our treatment of the Philippines, Porto Rico, the Virgin Islands, Cuba; but by no means what it should have been. But what of our character?—which is what we actually ARE.

We have sprung to arms to wage costly wars when we have perceived a menace to our own liberty in a threat to other nations who love freedom. We have been bereft of our loved ones on far-flung fields of battle, and we have endured slight

inconveniences at home, all for the cause of justice and tolerance. Most of us have been outraged by examples of man's inhumanity to man, such as Nazi treatment of the Jews, exploitation of African tribes by many nations, Japanese cruelty to the conquered. Our actions and professed emotions should mark us a people strong for the right, devoted to justice, skilled in practical idealism. But there are refinements of cruelty comparable in their way to baths of blood. And these, too, are indications of national character.

Let us look at our record in this regard—and to bring the matter more closely to home, let us check California's score in the treatment of racial minorities. It is well to see if we have some errors to correct before we add our voice to criticism of policy and performance on racial matters elsewhere in the United States or in the world at large; before we try to qualify for the glory road of international amity and constitutional equality of all peoples. Let us bear in mind as we examine successive treatment of the American Indian, the Chinese, the Japanese, the Mexican, the Filipino and the Negro by the white people of this state, that California has been the fountainhead of progressive ideas flowing from West to East.

The American Indian, of course, was here when our early settlers arrived. For a while they were useful; and then it appeared desirable to make certain adjustments to give the whites more opportunity, while according protection to the Indians. So there was concluded with the headmen of resident tribes in 1852 a series of treaties which ceded to the United States some 75 million acres of land; in return for which the Indians were to receive 8½ million acres, for reservations.

In addition, they were to get substantial amounts of goods of various kinds, and the services of teachers, farmers, physicians, and craftsmen to help raise them to civilized status. These treaties, duly completed by the headmen and the Federal negotiators, were sent to the United States Senate—and there rejected.

While the documents lay in musty files, 200,000 settlers protested Indian ownership of fine lands and drove them out. From a population of 100,000, the tribes have been reduced to about 17,000. Eviction, starvation, murder and disease took this

deadly toll. From time to time a handful of whites, official and otherwise, have demanded justice for the red man. But the great people of California either did not know or did not care whether justice was done.

The first Chinese came to San Francisco in 1848—a man and his wife. Soon many more were lured by ship captains to leave their homeland and seek easy fortune in the gold diggings. These people were industrious, honest, and were welcomed by the whites. But they found little profit in the "tailings" left them by white miners. A discriminatory license was imposed upon them. Soon they found their only livelihood as laborers. In this capacity they were imported by the thousands to help build the first transcontinental railroad—the Central Pacific—meeting a manpower emergency of which our recent troubles on this score are reminiscent.

When the railroad was completed, however, a stream of whites rolled from East to West, the Chinese were needed no longer, their presence was resented, their competition feared. A great anti-Chinese drive was begun. Some were lynched by white mobs; others suffered repressive treatment which doubtless evoked that long-shot expression, "a Chinaman's chance." Laws were passed restricting their liberties, and in 1882 the first Chinese Exclusion Act was adopted by the Congress.

The exclusion of the Chinese resulted in another development as the state's agricultural economy expanded during the closing years of the last century. There had been few Japanese here up to 1890, but about that time they were encouraged to come in great numbers and continued for two decades. Then in 1907-8 a monetary panic had its effect upon employment even in this state, and persuaded by Californians, our Federal Government in 1907 concluded the "gentlemen's agreement" with the Japanese Government, which curbed the influx, but did not stop it.

Times became good again in the second decade of this century, more labor was needed in the fields and on the railroads. This manpower came from Mexico until the labor market was glutted again. So in the depression that followed World War I, Congress—in 1924—adopted the Basic Quota Act, which banned immigration of all Orientals, and re-

stricted that from other nations. The Chinese were among those excluded until about a year ago when a quota was established. They are our Allies, too!

This Basic Quota law caused a reaction similar to that of the other restrictive laws; and in the late twenties—during the era of wonderful monetary nonsense and inflated paper profits—more labor was needed, and the Filipinos came—in such numbers that in 1935 they, too, were excluded from further immigration.

When World War II created a demand on this coast for great quantities of labor to build ships and planes and to do other war jobs, Negroes were lured from the East and the South, until today the population of this racial group in California is estimated at about 150,000—much more than the total number of Japanese at the time of their exclusion from the coastal security zones.

Such is the chronology, in brief, of our racial minorities and how and why they came—each, with the exception of the Indians, to meet a problem of manpower, perhaps to save our state economy, to contribute to national defense, all in times of crisis. Red race and yellow, brown and black—each one called to do a job, then abandoned to shift for itself.

In a free economy such as ours—and free it should remain—the natural question is "Well, why not? Should these racial minorities have been coddled? Let them take their chances like the rest of us."

But at no time have they had anything like an even chance. By sheer will power and some luck a few have been able to achieve places in our economic system, but it hasn't been "like the rest of us."

The California Indian has been the victim of human greed, of inexcusable neglect. And how has he repaid the Republic which treated him so badly—with so few California voices raised in protest? The young men of the tribes are serving in the armed forces, the women and the older men are in the war effort—doing all sorts of things—track repair, factory work, agriculture, to help meet the manpower needs of these critical times. Last Sept. 24, the people of California were invited to celebrate "Indian Day," as a recognition of "the loyalty and sacrifice of the Red Men during the war years." Truly that was a bit of sardonic humor—a crowning touch indeed to the years during which they suffered every form of treachery.

The Chinese have fared little better. Towards them for years we have maintained a paternal attitude characteristic of some parts of the South toward the Negro. They were feared by whites of a somewhat similar economic status because they would work for lower wages, which was about the only way they could get employment. They have farmed, and some have become wealthy; others

have accumulated fortunes in trades of various kinds. But the great bulk withdrew into tight colonies for mutual protection and because of housing restrictions, there to provide breeding places for disease. Even today, the tuberculosis rate is increasing in that colorful Chinatown to which we point with such pride as one of the sights of San Francisco. The patience and loyalty of the Chinese under these conditions is amazing, and the part they are playing in the war effort is splendid to behold. Their inspiration has not alone been their concern for their fatherland. It has also been love of their new land, of which more and more every year are becoming citizens by right of birth. Their help is valued now, as it was in the sixties. What of their future in peace?

The Japanese became suspect on Pearl Harbor Day. Those of doubtful loyalty were on the lists of the FBI and the Army and Navy Intelligence. But there was a hazard if the loyal majority of this portion of our population remained in the coastal security zone. There was danger not only to themselves from white reprisals; but also because of the possibility that the Nipponese would land in commando-like raids or attempt to infiltrate our coastal defenses for sabotage, and accomplish their purpose after mingling with the population. Following the legal doctrine of instant peril, the Army under directive by the President ordered these people, citizens and aliens alike, to leave; those unable to do so were removed to relocation centers. There has been a great deal of mischievous talk about these people in the last three years, especially as they are now given permission to go where they please. Much of it stemmed from the text "You can't trust a Jap," a dangerous generalization which many fall back upon when carefully obtained official statistics give the lie to charge, rumor and report. But prior to the war, before gossip about sabotage, coddling, and all the rest of it, the Japanese-American had his problem, and it was a grave one. His situation was similar to that of the Chinese, but he seldom enjoyed the same esteem. We considered him a cocky little person with a chip on his shoulder, overly aggressive and often with little patience. As a competitor, especially in agriculture, he was feared chiefly because he was not afraid of work. He is still so feared—which is one of the reasons why resolutions for boycott have been passed against him and those who deal with him when he returns. I imagine such things went on in the dead days when the Nazis started on their road to ultimate reproach and final infamy.

The situation of the Filipino is a little different from that of the other peoples who came across the Pacific. Little heard of unless he commits a crime, he is a cook, a washer

of dishes, a hewer of wood and drawer of water. The same with the Mexican. Like a lost tribe, most of them wander the face of the state, harvesting the crops, helping to perform the stoop labor necessary to our vast and diversified agriculture. When they were needed, there they were. When not needed, they made out as best they could. But these two groups are also becoming more articulate, and must now be reckoned with.

Against all these people were set their national origin, their early alien status or their all-too-brief possession of citizenship. So it is easily understandable why Mexican authorities are now restricting their nationals, during the war emergency to temporary emigration. Neither their Government nor ours wants these people to become public charges when the peak of unemployment has passed.

Which brings us chronologically and practically to a new complexity in our racial relations. We have in San Francisco today a Negro population of approximately 20,000, in the East Bay more than 40,000. The total for the Bay Area is about three, perhaps four times what it was before the war. It represents a new phase of California's old problem, but all of us are familiar with their history, why and when they originally came to America, the legislation which has given them constitutional freedom, their gradual spread over the face of the United States. War-born need provided the impetus to seek opportunity in new territory, and they came here in response to the lure of jobs, promises of good places to live and bring up their children, to enjoy political and economic equality. But instead of the vine-covered cottages promised by public and private recruiters, far too many are crowded into slum-type dwellings. But they did find jobs, and they also found they could come and go freely—just like white folks. For most of them this caused quiet satisfaction, resulted in a determination to become good citizens. But for a pitiable few, previous inferiority bloomed into the intoxicating flower of arrogance—they had at last crossed the Jordan into the Promised Land, donned the golden slippers—and this was the year of Jubilo!

Most of them merit praise as good workmen. Like the Indians, the Chinese, the Japanese, and citizens of Mexican and Filipino origin, the Negroes also are serving in the armed forces, and with distinction. You have heard in this room from some of their fighting men. There are a million of them in uniform. Will the history of the Negro minority in California, after the need for their work power and their fighting power has been removed, be similar to that of the others?

Have we, then, treated our racial minorities in a manner which proves

our sincerity when we talk of international goodwill and the self-termination of peoples? The answer is—we have not. How then are we to qualify as sincere? How can we repair the damage? Do we recognize that we have a problem, and that the people of this state must do something positive about solving it?

We must recognize its existence and the necessity for racially mutual efforts to deal with it. To conclude otherwise is to be completely unrealistic. But there is little reason so far for it to be magnified as something encountered in a nightmare, a view to which we would be persuaded by purveyors of synthetic gossip who go about the mischief of creating new barriers. Some of the stuff is worthy of Goebbels at his best. Most of the reports right now are about Negroes. Let's review some:

Have the Negroes bad manners? Yes, some of them have—and so have a lot of white people. The white people are not so conspicuous.

Are the Negro men and women conductors and motormen on the streetcars offensive? Yes, some of them are—but of the list discharged recently from the Municipal Railway, most were whites. For every impertinent Negro, you can find 10 or more who are doing a good job, including the Negro girl who stuck to her crowded car when it ran away recently on the Turk-st hill and saved the lives of her passengers.

Is there anything to these reports of "bumper clubs"? Have YOU seen Negroes becoming offensive on our streets in a manner indicative of organization?

Are Negroes and Filipinos and Mexicans rowdies? Yes, some of them are. But many of our white boys are being arrested for murder and robbery and knifings.

Some Negroes don't pay their bills. But collection agencies flourished here before the Negro came.

They rape white women? So they do—but examination of court records reveals far too many whites sentenced for that crime.

They want social equality, they want to move in right next to us, they want to marry whites. On the first of these three counts, there is none of us who can not control his social contacts. On the second, considering the places they live in now, one can hardly blame them for wanting to move—anywhere—but white people can still legally impose restrictions upon their neighborhoods. On the third, there is preponderant doubt. Usually miscegenation is due to the ardor of whites, including some of our "best people," past and present.

Negroes dress in such outrageous styles. Have you noticed some of the lounging jackets white people

wear? And slacks adorning ladies of abandoned architecture? And the rolled jeans and flowing shirt tails of some of our bobby sockers? WE are not setting a very good example!

Suppose we can satisfactorily challenge such reports about minorities suppose we can admit that perhaps there may be some good in them? The problem after all is the nature of their real aspirations. A. Philip Randolph, one of the most enlightened of Negro leaders, provides a list which we may assume applies to all racial groups. Here are some of his "demands."

"Employment of Negroes on the basis of their skill and intelligence in all branches of our Federal service, in every public and private industry. This means a functioning Fair Employment Practice Committee with power to end discrimination in training, in placement, in wages, in promotions, and in membership in labor organizations.

"Equal educational opportunities with equal access for the Negro student to all public tax-supported institutions.

"No segregation in housing, health, recreational facilities, and all other social services.

"Equality before the law—and abrogation of every law which makes a distinction in treatment between citizens based on religion, creed, color or national origin.

"Representation on all administrative agencies so that these groups may help to determine policies for all people."

Let us bear in mind that, while in some respects paradoxical, these are the expressed desires of a group of citizens—born in this country. Many of their forebears were here before some of ours were. These demands seek practical application of the following expression by the men who founded this republic, who won for us our democratic way of life:

**"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness."**

This declaration, with the preamble to the Federal Constitution, provides a design for living in this republic. All citizens, alive or dead, have subscribed to them presumably without reservation of any kind. Such principles are not divisible, nor can they be obscured by considering them against skin of a certain color. As we of today have inherited these privileges, so also have we inherited the responsibility of maintaining them.

The political approach to the problem thus becomes apparent. There is a fundamental religious ap-

proach, too. Some practical advice may be found in the 12th chapter of St. Paul's epistle to the Romans. The idealists, those people whom the cynics refer to as "do-gooders," both by profession and avocation, add their persuasions that we meet a situation, created yesterday but demanding action today. Yet it seems clear that on the basis of stark realism, of sound purpose in strengthening and preserving our republic practical people must practically recognize their responsibilities and take positive action.

We talk in hushed tones of our diminishing supplies of natural and material resources and how we may by synthetic processes maintain our economy. We chain the lightning, harness the rivers, perform wonders in physics and chemistry. Yet as practical people we appear completely indifferent to our vast reservoir of human resources, of human hopes, not only of our own color, but of other hues as well.

The ruins of the temples of dead nations and vanished civilizations stand all over the world in mute reproach to the rulers of vanished empires—who thought they could develop a dominant class of people and enslave or suppress troublesome minorities.

If this republic, OUR Government, is to survive, we, its citizens, must utilize the best talent, regardless of source or previous condition of servitude. We must recognize that mere accident of color is not the guarantee of superiority; nor lowly or alien origin the brand of inferiority.

Those of us who at the moment have the say, must prepare to implement the demands of our fellow citizens, realizing that the aspiration to freedom is at once the most explosive force and the most constructive influence in the world.

With those who have such aspirations, we must become better acquainted—as individuals—so that knowledge may mitigate fear and dissipate suspicion. In a realistic manner, we must support legislation to help create decent housing, provide recreation, improve education and health.

The fact that San Francisco already is far ahead of most other cities in the nation is not enough. The issue is not one of comparison. It is one of sufficiency.

There must be new support for the start which has been made here.

These minority groups are anxious to do their part. One of the most interesting experiments in education is going on at the Raphael Weill School, as a matter of school routine. Here 42 per cent of the children through the sixth grade are Negroes. There are white children and children of Central and South American parentage; there are Chinese, Filipinos, and perhaps soon some Jap-

anese will return. The faces in a classroom range in color from pale towhead to coal black. They get along together. Later on, in junior or senior high school, of course, they are not so chummy, as they become conscious of racial and other differences. But adult frictions can be greatly reduced by these early contacts and associations. The parents of racially under-privileged children are anxious to assist in development of the educational process. They are good disciplinarians. And living in one room for all family purposes as many of them do, it is amazing how they keep their children so clean.

Not far from the school is the Booker T. Washington Center, where Negro children receive additional instruction in their obligations of citizenship. At this center the Pacific Coast representatives of the National Association for the Advancement of Colored People met recently. At the first session, they were discussing the program, and member after member suggested topics and "demands." Finally one young man arose and said: "We're doing a lot of talking about what we want. Let's talk about what we've got to offer, how we are going to improve ourselves." And they did.

That is the spirit of all these racial minorities. For these people are not bred by some dark alchemy in a test tube to become inert masses in the lap of the community. They are human beings. They need sympathy and assistance and recognition of their efforts. They crave security—or at least a feeling of security. The interest of such practical business and professional men as the members of this club should center upon the efforts of the San Francisco Racial Unity Committee, headed by Mr. Maurice Harrison; the Pacific Coast Committee on American Principles and Fair Play, of which Mr. Robert Sproul is chairman. This latter committee sponsored a two-day conference here last week, during which the situation was canvassed and some preliminary recommendations made. Speakers for all minority groups were present, and courteously but firmly outlined their expectations.

I understand there is now being made for the Commonwealth Club a series of surveys of conditions affecting racial minorities. The conclusions and recommendations should be **MUST** study for every member, and if practicable, be made available to the public.

Governor Warren in his message to the Legislature emphasized a basic truth when he said, "In their hearts, our people possess a desire to break down artificial barriers which give rise to demonstration of racial prejudices. The accomplishment of this purpose will do more to insure lasting peace throughout

the world than all the other factors combined. What we strive to do in world affairs, we should most certainly augment by practices here at home," and the governor then called for creation of a Commission on Political and Economic Equality for the purpose of studying minority problems. The commission would have the responsibility of investigating and reporting to the governor and the Legislature upon the enforcement of laws which prohibit discrimination, and of offering recommendations for new and necessary legislation.

Good work is thus being extended to iron out some of our inter-racial difficulties, but the success of all these efforts by government or by civic committee will be in vain and of little avail unless programs they develop have the attention and backing of practical leaders in labor, industry and the professions. Economic opportunity—a job, commensurate with ability—is the prerequisite to inter-racial progress and understanding, and to domestic tranquility.

Many legal steps have already been taken to forbid discrimination in racial employment, and more are in prospect. The United States Supreme Court has ruled, in substance, that a closed shop contract is incompatible with the practice of racial discrimination by a labor union. This had to do with employment on some railroads in the South. The *Marinship* case, which involved the refusal of the Boilermakers Union to admit Negroes to full membership, has been decided in favor of a group of Negroes, but probably will be appealed. These Negroes, by the way, behaved remarkably well. Responsible leadership of their own color kept a firm hand on the situation, or there might have been some ugly incidents.

Employers and unions must adjust their sights, and in a free economy consider seriously the employment of more colored people of all races. Otherwise they may face compulsory legislation. The federal Fair Employment Practice Committee has done an excellent job in this region, handling hundreds of cases to the satisfaction of employer and employe. Its pitifully small staff has managed by rare tact to overcome objections and create new understandings and appreciations. Of course, these are war times, and workpower is needed. This committee will not be so successful in peace time unless its purpose has the sympathy and support of practical men who want the best workpower there is. This committee should be made permanent, possibly as a part of new labor relations machinery. It should function as a fact-finding and public information agency, with sufficient funds to do a good job.

But there is a proposal that this

committee, if made permanent, be given certain coercive powers. I believe that would be a dangerous step; but it may be taken if as free people we do not of our own volition solve this problem in human economy. There are many places where races could not be mixed without threatening other liberties; but there are many industries where the races do and can continue to work together. If we would use our available talent to the best advantage, if we would stimulate the honest personal competition which has contributed so much to our better standard of living, then we must abandon the practice of hiring the non-white last and discharging him first regardless of comparative ability.

Fired by the fuel of war, our racial melting pot is indeed near the boiling point. It is an insult to our intelligence, and to our Americanism, to pretend there is nothing we can do about it. It is a cruel indictment of every fine thing done by man to conclude that human nature can not change for the better; that such is a mere dream of Utopia. But there is no ready formula for a catalyst in this melting pot. There is no panacea, even if we are cowardly enough to seek one for the burns its heat may inflict. Neither does the pot contain a witches' brew—for it need not be hot with inner turmoil; just warm with human hopes. But let us not dare to cover it tightly, and stick our heads in the sands of our own affairs in the hope that we will not be caught in the resulting explosion, for caught we certainly shall be!

In this problem of inter-racial relations, we will not find it easy to develop tolerance. The achievement of understanding is not completely attractive. On the one hand, people are tempted towards racial isolation; on the other, arrogant expectation. Neither of these should be the purpose of anyone; but neither should there be an assumption that the races must throw themselves into each other's arms with hysterical extremism. There is a sound and effective middle road.

The call is for mutual patience, but of the positive progressive **do something** brand. "We the people" must answer the call. Our course of action should be clear. Our effort must come from the very grass roots of democracy, by honesty in action, by evolution in policy and conduct. Thus we will strengthen the industrial and social sinews of our democracy; thus we will reveal our character to the world; and thus we will qualify for sincere participation in the peace.

The exercise of such virtues will provide both spiritual and material substance for our Republic; and can serve as guarantee of a glorious destiny.

(The End)

## Not A White Man's Act

For the second time, at least, California has become the scene of a rank injustice, based on a theory of appeal to emotional vengeance rather than law in handling a case affecting the rights and property of a Japanese-American citizen.

Sumio Doi, a Japanese-American, was returned to his home from a relocation center. He owned a ranch. He had two brothers serving with the American army.

A bartender and two brothers, army privates, were accused of arson and attempted dynamiting of the Doi property and of conducting "terror raids" on the relocated Japanese-American. In a trial, where their attorney offered no defense nor rebuttal of the charges, with the exception of an emotional plea to the jury, the men were acquitted.

The defense attorney, in his plea, declared "this is a white man's country" and urged that the jurors keep it so. He pleaded that the army training of the two soldiers had influenced their actions. He recalled the Bataan "march of death" and other Japanese atrocities. But apparently, according to the news report, nowhere in his argument did he remember the rights of Sumio Doi as an American citizen, nor the rights of the millions of other American citizens who happen not to be white, but who are entitled to those rights, nevertheless.

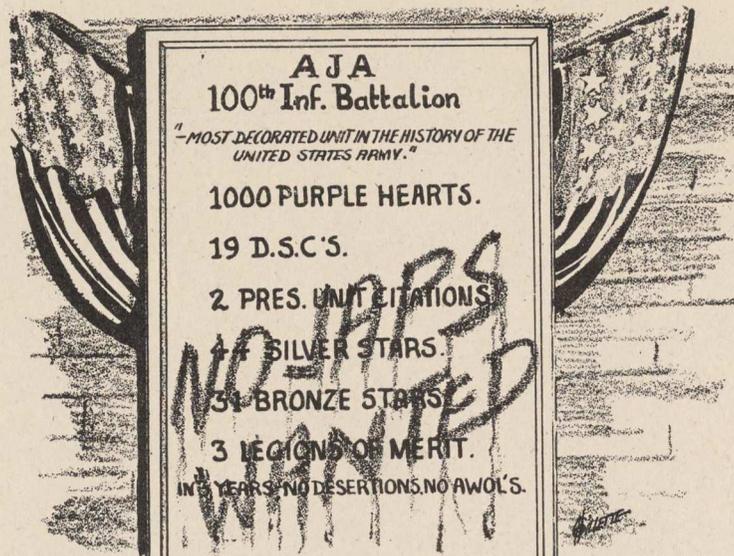
Here, in Pima county, for instance, we might try the California idea on for size. In a county, a large portion of which is owned legally by the Papago Indian people, wouldn't we look well deciding to burn down or dynamite all property not belonging to a white man? In the same vein, consider the propriety, the decency, of taking such action against the property of Negro citizens, simply because they were not white. Or that of the numerous Chinese merchants who live and work and own property here. They are not white either.

It becomes ridiculous on the face of it, doesn't it?

The action of the jury in the California case is bad enough. But the action of the attorney who made such a plea before that jury is worse, since he is a member of a profession sworn to uphold the law and to give to every man his full rights under the law. What excuse can be found for him?

Equally absurd was his plea that the soldier brothers were influenced by their army training, since their army training did not prevent them from being AWOL at the time of the alleged offense, for which the army authorities arrested them immediately after the trial.

It all sums up to one thing. The defense attorney's plea that "this is a white man's country, let's keep it so," and the reaction of the jury to that plea was, under every rule of law and decency, not a white man's act. There are certain things that white men do not do.



EDITORIAL . . .

## NO JAPS WANTED?

On May 24 the first veterans of the 100th Infantry Battalion were released on the point system in Hawaii. At the same time, in Hawaii and on the West Coast, old-timers of the 442nd Regimental Combat Team were beginning to drift back to civilian life. Both units were among the most decorated in the entire Army, with the 100th holding a record for the greatest number of decorations for any unit its size. Both had fought with the Fifth Army in Italy and later with the Seventh in France and Germany, meeting some of the stiffest opposition that the Germans could muster. The three-year record of the 100th, at the latest tally, looked like this:

More than 1000 Purple Hearts, two Presidential Unit Citations, 44 Silver Stars, 31 Bronze Stars, 19 Distinguished Service Crosses and three Legion of Merit Medals. And there was not one desertion or AWOL to mar the record.

Both the 100th and 442nd are made up of Nisei—Americans of Japanese ancestry. Nisei are also members of other combat outfits. They are in the AAF in Europe and the Pacific. Nisei are fighting in the Philippines and on Okinawa.

Yet four days after the first demobilization of the 100th Battalion's veterans, a farmer in Parlier, Calif., pleaded guilty to spraying the home of another farmer, Charles Iwasaki, with buckshot. The shots narrowly missed Iwasaki, his wife, father and three children. The farmer was given a six months' suspended sentence.

This was neither an isolated incident nor a coincidence. All over the West Coast last month, as thousands of relocated Japanese-Americans and veterans were coming home, there were repetitions of the same thing. In Newcastle, Calif., three men were tried on charges of firing and attempting to dynamite the home of Nisei Suio Doi. They were not convicted. "White" stores and businesses have refused to sell or to employ Japanese on the Coast. "No Japs Wanted" signs have sprung up in shop windows.

Advocating the exclusion of Japanese-Americans from the West Coast and in some cases from the country, were such organizations as the Americans League,

the State Preservation League and the Japanese Exclusion League. Statements by the publications and leaders of these organizations all had two things in common; they avoided all mention of such "un-American" organizations as the 100th and 442nd, and they all said that they were acting to defend the interests of millions of American soldiers who were fighting the Japanese in the Pacific. Mr. A. J. Ritchie of the Exclusion League, wrote: "The league is building interest for a postwar election after 10,000,000 Yanks get back from the Jap battlefronts, to vote on a Constitutional Amendment that would make it impossible for a Jap to have citizenship, no matter where he was born." And the league's newspaper quotes Gen MacArthur as saying: "The Japanese have proved that they are barbarians."

The professional Jap haters, in speaking for 10,000,000 Yanks, have overlooked a number of points. They have overlooked the fact that it is perfectly possible to hate the man you are fighting, to call him a barbarian, without hating and discriminating against Americans of the same ancestry. They overlook the fact that Americans have been fighting not a racial war, but a war against the powers that advocated the "superior race" myth as a basis for their existence. And they overlook the fact that fighting men everywhere judge their fellow soldiers not by the color of their skins, but by the way they fight.

The returning veterans of the 100th and the 442nd have proved the hardest way—with their blood and their lives—that they are Americans in every sense of the word. Those who came back, looking at a "No Japs Wanted" sign, certainly could not be blamed if they began to wonder if it was all worth while, if perhaps they would not be better off back in the Army, where a man's record means more than his ancestry.

To the Japanese Exclusion League and its fellows, then, this message: Keep the American soldier out of your plans for an economically adjusted "pure" America. Soldiers judge men by their actions alone. Nisei fighting men belong. Not all civilians do.

BRIEF ★ 12

June 12, 1945

ARMY AIR FORCES MAGAZINE, Pacific Ocean Areas  
(Guam Hq.)

FEATURE CLIP SERIES  
NO. 7

WRA Washington, D. C.

# Color-Line: Battle-Line

HARRY L. KINGMAN

*Race prejudice exists as an Achilles heel of Anglo-American war efforts. What it has cost the British is apparent in Malaya and Burma. Youth seems to suffer but slightly from the disease, but the attitudes of their elders convulse the world scene.*

*We may not like the boiling up of a new self-consciousness and alarming restlessness on the part of non-whites—peoples that we need as comrades in the frightful war against totalitarianism. Perhaps we deprecate today's trend. But it is surging high. Pearl Buck, astute commentator, writes: "If we persist, then we are fighting on the wrong side of this war. We belong with Hitler. . . . Democracy if it is to prevail at this solemn moment can do so only if it purges itself of that which denies democracy, if it dares to act as it believes."*

*What does all this mean to students? It means a lot. What the University of California (Berkeley) is doing may be useful as a guide-post on other campuses.*

SIX years ago the YMCA and YWCA became joint sponsors of a so-called Race Relations Group. Each Thursday during the school year some sixty students have held luncheon meetings at which professors or other authorities have spoken, or led discussions on aspects of the race question. Both Associations have operated on an interracial membership basis. For a decade they have been including non-Caucasians on their governing councils. Last year the YM had a Negro and a Japanese-American on its secretarial staff. The duties of these men were similar to those of the other secretaries and they worked with all students, without discrimination as to race.

The Race Relations Group, in addition to its weekly educational program, has formed action committees which have brought about a marked improvement in racial relationships on and near the campus. Scores of projects have been carried through. To mention several:

A great deal has been done to secure more adequate housing facilities for non-Caucasian students. The student co-ops which the "Y" helped to create had approximately 50 non-Caucasian members last year out of a total membership of about 800. The students have become enthusiastic over this interracial aspect of their housing. Several non-whites have been elected to office.

The YM-YW Race Relations Group has sponsored radio broadcasts and has sent out student deputations to discuss the betterment of race relationships. It has cooperated with the university administration in arranging on-campus forums and in securing convocation speakers like T. Z. Koo of China and Walter White of NAACP.

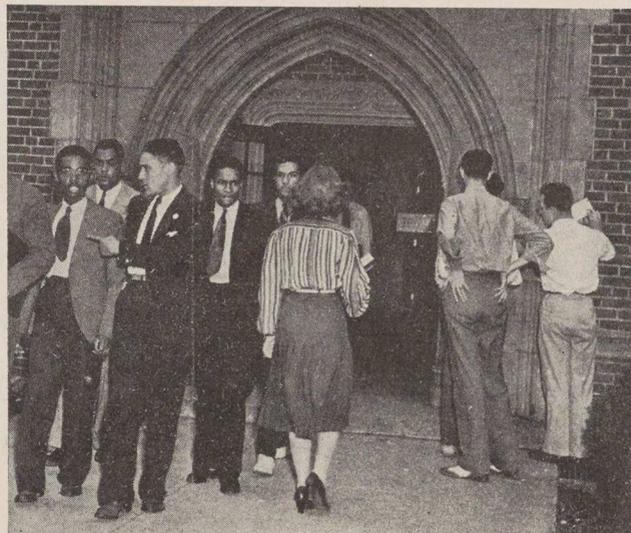
These students have advanced the interests of the non-white students by securing the appointment of those who rated it, to committees of the Associated Students.

They have helped to elect deserving Negro and other non-Caucasian students to prized honor societies.

Committees or individuals of this Association group have written innumerable letters to congressional and other national and state leaders on fair employment practices, abolition of the poll tax, anti-lynch bills, non-discrimination in governmental departments, segregation in the armed services, and kindred matters.

At the time of the evacuation from the Pacific Coast of citizens of Japanese ancestry, nearly 400 such students were enrolled in the University of California. Many were known to be thoroughly loyal to this nation. A committee to relocate as many as possible of these *nisei* in inland colleges was formed by the Ys and Joseph Conard was employed as the executive. Later this committee was incorporated into the National Relocation Council which now is working hard for the amelioration of the hardships which the war situation has brought to so many fine American citizens of Japanese parentage.

The YM-YW race group has become increasingly a clearing house for controversial issues. On several occasions, illegal discrimination in such places as restaurants and barber shops has been tactfully handled. In all such complicated undertakings the members of the group have tried, first, to secure all the pertinent facts and then to act in a fair and conciliatory manner. There has been a consistent attempt to win a voluntary change on the part of the individual or organization that was being unfair, and to keep economic or social coercion at a minimum. The net result has been that few enemies have been made and relationships have improved.



*Knoxville News Sentinel*

*The caption of this photo says that the five men at the left were leaving the Administration Building of the University of Tennessee, after they had been refused admission for graduate study.*

JAPANESE CITIZENS: The NSGW (Native Sons of the Golden West) Resolution:

No doubt the Native Sons of the Golden West were motivated by the most laudable patriotic ideals in drawing up the resolutions they passed at their convention last week. Nevertheless they could not have devoted much thought to the full implications of one of them on the plane of essential ideas, the principles involved and the precedent it would establish.

The resolution in question calls for an amendment to the Federal Constitution barring the first generation of American-born Japanese from citizenship on the ground that "the difference in race, religion, color and thought of the Japanese from our American citizens is such that the ideologies of the Orient are inherently present and predominate to such an extent in the majority of all Japanese in America as to prohibit any Japanese from ever becoming a strictly loyal American."

This resolution was passed because a taxpayer's suit aimed at the political disqualification of the Japanese filed by the secretary of the Native Sons was turned down by the United States Supreme Court after it had been tossed out by the Registrar of Voters of San Francisco County and the intervening courts. This suit claimed, among other things, that "American-born Japanese are unfit for citizenship because of Japanese racial characteristics of dishonesty, deceit and hypocrisy."

These are, of course, war-born attitudes. There has also been plenty of mass condemnation of our other major enemy, the Germans, but with a significant difference. The argument here, and it seems to me a perfectly valid argument, is that the Germans, or a sufficiently large number of them to work their will on the whole body politic, are the victims of a mass paranoia, and the same thing is undoubtedly true of the Japanese. Dr. Bricker and the others who advance this view condemn the Germans for being paranoiacs, not for being Germans. All of us know something about the German contribution to civilization, and no one can therefore sell the American people a mass excommunication of a nation that has produced a Luther, a Goethe, a Brahms, and Ehrlich or a Thomas Mann.

The Native Sons' mass excommunication of the Japanese suggests that they are not too well acquainted with the people they would cast into outer darkness. Lieutenant Colonel Frank Kurtz of the Army Air Force, who got to know our Oriental enemy the hard way, fighting them in the South Pacific, says in his book, "The Japs are only people." This is practically identical with the conclusion reached by Albert Eustace Haydon, this country's foremost authority on Oriental religions, and Langdon Warner, who knows more about Japanese art than any other fifty men this side of Tokyo.

This proposal would, of course, repeal the 14th and 15th Amendments. It would also repeal science, American history and Christianity. There is not an anthropologist on earth,

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JAPANESE CITIZENS

unless he be a German or Japanese paranoiac, who will pass a moral judgment on a race. There is not a Christian teacher on earth who would agree that any race is inherently and unregenerately dishonest; this idea is, in fact, the cause of most of the trouble between the Nazis and the Catholic Church. And the whole American system of law and education is based upon the principle that the individual transcends all considerations of race and class.

That such an amendment would, if passed, establish a precedent for the disqualification of any minority group against which any other minority group might choose to raise a clamor is obvious enough. That the amendment has no more chance than did the taxpayer's suit is also obvious. Nevertheless it is disturbing to see it published as the considered opinion of a representative California group. One hopes that the recent remarks of Governor Warren are more representative: "Now as never before our faith in the democratic form of government must be sustained to the utmost in unity against enemies who would divide us along lines of race or creed or origin."

—Alfred Frankenstein

*S. J. Chronicle*

Excerpt from Column by Commander Wm. P. Haughton (Dept. of California)

The American Legion has pledged its confidence in and its full support of our army and navy. Numerous persons of Japanese ancestry are now serving with the armed forces of our country on the battle fronts, and according to all reports, are serving valiantly and well.

We salute all men and women who love this country enough to fight and, if needs be, die for it. Every person good enough to fight for us is entitled to our respect and equal protection under the constitution.

done virtually nothing to defend their host nation before the bar of world opinion.

It would appear from this enumeration that the church, no less than the once liberal Proletariat Mass party, has capitulated to the fascist demands of the present military regime. If this were all that could be said for the Japanese church the mission boards might well withdraw their support from the island empire. There are, however, certain considerations which somewhat mitigate the guilt Western Christians might all too quickly impute to their Japanese brethren.

#### *Effect of Propaganda*

First of all, account must be taken of the fact of propaganda. News in Japan is propaganda spoon-fed by a paternalistic government. The Japanese do not yet know the harrowing facts connected with the Manchurian incident. The extent to which information is dictated is indicated by the national policy of controlling the thoughts, not only of the nation, but of individuals as well. The Japanese race is sincere in its belief that it is engaged in a vicarious task of safeguarding the peace of Asia. So closely supervised are the press, radio, platform and mail, that there is no reason why Christians should not share these moral convictions.

In the second place, it must be admitted that the Japanese church has but little reason to possess a sensitive conscience with reference to war. Its thinking has been molded very largely by Western thought forms, and with the exception of the Quaker congregation no Western mother church has made any official sacrifice during a war which Japanese Christians might emulate today. Nor are the mission boards celebrated for their policy of maintaining on the mission field foreign workers known for their militant pacifism.

Remember, also, that the Japanese church consists of a pitiful minority of the population, only one person in about 250 being a baptized Christian. This new religion is a leavening influence rather than a social force to be exerted during periods of crisis.

Another consideration to be taken into account is the effect of history. Christianity has once been completely exterminated from Japan. The prejudices and superstitious fears that persist from that time have not been completely removed. These are exaggerated today because of the obvious non-Japanese characteristics of Christianity. Christian leaders recognize that a government which within the past two years has dared to exterminate several sects many times larger than Christianity would not hesitate to obliterate the church should it seek to follow a course antagonistic to the present imperialistic aims of the military.

It must be acknowledged, moreover, that the official method of dealing with minority opinions has recently become much more positive. Not many years ago men like Uchimura, Yabe and Takahashi could preach pacifism, even in war time, without fear of personal violence. Communists were likewise allowed to teach their doctrines, but attacks are made against the lives even of liberals today merely because they have *democratic* ideals! Anyone who might dare to preach peace from the platform or to resist conscription for conscientious reasons would soon find

himself silenced permanently. When two young men in Osaka recently committed suicide rather than fight China, the incident became so widely known that newspapers found it necessary to print the item. In doing so, however, it was found that the Japanese language was unfortunately lacking in epithets strong enough to convey the repugnance which it was alleged all patriotic Japanese should have for the families of the two "slackers." There are in Japan some young men who would rather die than compromise their religion were it not that their families would also suffer. More than one conscript has told his friends: "In a few days you will be notified that I have been killed in action. But I will have been shot from the rear, for I do not intend to fight."

Because of these and other reasons, martyrdom is not taken into consideration as a method of social change in Japan. It is true that thousands of Christians paid the supreme penalty during the sixteenth century purge, but they died with foreign priests who had taught them to imitate the first century martyrs. It seems that while the Japanese in all generations have sacrificed themselves out of loyalty to leaders, they do not so readily become martyrs to causes or abstract principles. Dr. Hajime Kawakami, formerly a professor at the Kyoto Imperial University, is one of the few modern exceptions to this rule. Yet he said upon his recent release from the prison in which he had been incarcerated for radicalism and dangerous thoughts: "I cannot follow the thorny way of martyrdom any longer. I am resolved to retire entirely from the active world, a disabled soldier, wanting only to breathe quietly in some secret corner of society in such a way as not to interrupt the progress of mankind." It is the nature of the national personality and therefore of Christian radicalism to compromise with an issue rather than meet it directly and suffer martyrdom.

#### *Compromise in Behalf of the Future*

The Oriental device of "face saving" plays a part in the situation. The ungracious toleration of Christianity by the military has been secured not by real compromise but by a nominal acceptance of its demands. The missionary leaders who engineered Christianity's sixteenth century crisis tried to meet opposition in the direct Western way. They lost, and so did Christianity. The present church situation is in the hands of Japanese leaders who have been Christian long enough to recognize when a compromise of essentials is involved, yet who are well acquainted with the principle of nominal obeisance in dealing with Japanese officialdom. If they remain in control the passing of the present reaction will see retained the maximum of Christianity possible under the circumstances.

In view of all these factors, the liberalism that prevails in Japanese Christian circles is surprising. Especially is this true when one recalls the metamorphosis of American Protestantism after 1914. To enumerate the ways in which these liberal views are expressed, and the names of persons who are quietly carrying on personal campaigns on behalf of peace and international good will, would jeopardize their lives and the entire Christian movement. Sufficient it is to say that a Westerner who believes that war is a negation of Christianity's values would find himself in congenial company in many parts of Japan.

# Can We End Sex Crimes?

By Charles J. Dutton

READERS of The Christian Century may recall an article upon the parole system which I contributed to these pages a few months ago. It brought me a surprising number of letters, almost too many for a busy man to answer. Serious letters, most of them asking well-defined questions. What can be done to help the first offender? Why are the newspapers so vociferous against parole? And, always, what can be done to prevent sex crimes?

Although crime increased in a few states last year, yet in Pennsylvania and in New York so-called major crimes decreased in 1936 and are falling off this year. Throughout America crimes are actually decreasing. That is, all save one type of crime are on the decrease. Sex crimes are rising rapidly in every city in the land.

It does little good to grow hysterical over this. Editorials demanding that such offenders be put to death have no deterrent effect. A public hue and cry after some horrible assault and murder has shocked the nation is of no avail. The truth is that crimes against women and, what is more sinister, crimes against little girls are on a decided upgrade. Something is wrong, something which must be radically changed before any solution will be in sight.

## Parole System Not to Blame

It does no good to attack the parole system. In my state 84 per cent of all persons paroled go straight, that is, they do not get into future trouble. Indiana last week released a report of forty years of parole, studying almost 40,000 men who have come forth from their institutions. Indiana does not have America's finest parole system. Yet during that period, 69 per cent of those paroled did not repeat any breach of the law. The figures for the last ten years rose to almost 80 per cent. Parole is not a failure. Despite the recent declaration by Governor Earle of Pennsylvania that he would like to have the system abolished, twenty-one other governors of our larger states have just decided that it is a success and are trying to improve their own systems.

There is one thing those who oppose parole seem usually to forget. Except in the case of murderers, almost everyone who goes to prison gets out sometime. It is better to supervise these discharged prisoners for a while after they return to society, than to allow them to come out confused and with no one to help them.

But here is the trouble. No sex offender should be allowed parole. In other words, the present method of sending sex offenders to prison should be changed. They do not belong in prisons but in scientific institutions, designed for them alone, where they can be treated not as ordinary prisoners but as sick individuals. Many of them are insane. Even where insanity is not established, no prison will be able, or ever has been able, to do what prison and parole is supposed to do, rehabilitate and reform a pathological individual. Yet the sad fact is that there is not, in any state, an institution to which we can send our sex offenders. We send them to prison, where automatically they become eligible for parole. Until the nation provides a scientific

method for the treatment of sex offenders, sex crimes will increase. Sex offenders are always among the 16 per cent who, when on parole, commit a new crime.

## Sex Offenders Known Early

After a sex crime reaches the newspapers—that is to say during the trial of the sex criminal—there are repeated comments on the seeming callousness of the accused. Often the press asserts that “he gloats over what he has done.” Seemingly, it never occurs to these writers that the sex criminal is not to be judged by standards of ordinary behavior. Were he able to react as does the writer he would not have committed the crime. Even a reporter should be able to realize that sex criminals are not to be judged by the standards which apply to normal individuals. These people are ill, incurably ill. Punishment cannot touch them. Some day science may aid them. At present all we can do is to put them safely away in special institutions—and keep them there.

Remember, also, that in nearly every case the sex offender can be recognized early in life. Any good psychiatrist can “spot” the potential sex pervert. If we had more and better psychologists in our schools, and if, after the psychologist has made his report, the child should be at once removed to a special institution, society would have this dreadful situation well in hand. We would then be able to prevent most of these crimes; we might even be able to help some of these children.

But to illustrate the situation as it exists now let me cite a case from my own parole district. A forty-five year old farmer was before a judge. His crime, rape over a period of years upon his own three daughters. The eldest of these girls was fifteen, the youngest ten. What could the judge do? What did he do? He sent the man to prison for from four and a half to nine years. There was nowhere else he could send him. The sentence seemed a little mild, especially as the same judge sentenced a boy who stole a truck to from five to ten years.

The four and a half years passed. One day there came to my desk the man's application for parole. Unlike the court, our office investigated this man's entire history, his family, his economic, educational, psychological background. We discovered that from the age of fifteen he had been guilty of various sex offenses. We know that he is pathological. What is worse, we know that when released he will repeat his crimes. We do not recommend the placing upon parole of sex offenders. True, some do gain parole when some parole officer fails to realize the seriousness of the offense or his advice is overridden. In any case, this man's sentence will presently expire and he will be released—to repeat.

## Prison System Should Be Changed

Perhaps the entire system of imposing prison sentences should be changed. Before a man is allowed out on parole there is a scientific investigation. It is detailed, exacting. We try to discover *why* the individual committed the crime.

through our farm. The Rochdale cooperators began in England on a capital of \$140; their capital today is \$790,000,000 and they are selling goods to half the population of Great Britain.

## Cooperative Success

We started more than a year and a half ago with a \$17,000 farm and a \$17,000 debt. We ended the first year, through the help of friends, with a \$30,000 farm, paid for and free from debt. Although we have had to go through a drought, a flood of the Mississippi, and a sudden fall in the price of cotton, we nevertheless succeeded economically during the first year of the experiment. The gross sales of cotton and lumber of \$18,516 yielded a net income to the members of the cooperative of \$9,587. After paying the trustees who hold the property the first installment for amortizing the debt, with a view to ultimate ownership of the farm, the members were able to distribute in dividends among themselves \$8,909, with \$2,746 in certificates of deferred payment. This yielded the members about twice the income of the average southern sharecropper, considering all the educational and medical services, the equities, and the social values of life in our community. The families, which now number thirty-five, felled the great cypress trees, sawed the timber with their own sawmill, built and painted over thirty buildings, and a large community house, cleared land, and harvested probably the largest crop ever produced on the farm, by means of large scale collective production, mechanized agriculture, diversified farming and industries.

This week I visited the farm, met the cooperative community of over 150 and heard reports of more than a dozen committees on the cotton and corn crops, the vegetable garden, the canning plant, cattle and dairy, hog and poultry farm, saw and shingle mill, as well as the medical clinic, schools, recreation and the cooperative store. The last was doing a thriving business and paying regular dividends. Professor John Fain, head of the department of agriculture in the University of Georgia, directs our agricultural policies and is introducing the scientific farming which is so much needed in the Delta, with a four crop rotation system which is already paying. The irrigated garden has produced ten tons of fresh vegetables with daily deliveries at the door of each house, and the canning plant has helped to provide our winter supply of meats, fruits and vegetables.

We have secured the services of the able Negro county agent, Rev. A. M. Snowden, who is a specialist in gardening, canning and poultry farming, and who is also the Negro pastor for the farm. We have had the temporary services of two doctors, a nurse and a maternity clinic to which patients from the neighborhood, as well as from the farm, come for medical aid. They have screened the whole place, reduced the incidence of malaria to one-third of what it was last year, made possible desperately needed dental and optical work, and attacked the problem of social diseases.

## Racial Policies Work

With the families divided about equally between the two races, our racial policies seem to have been a success. There has been no major disturbing incident and there is a growing sense of good will and cooperation between all the

members. The increasing friendliness of the southern people and of some of the leaders of the neighborhood, the sympathy and backing of officials, and the deputations of experts from Washington and students from southern colleges have given great encouragement. A score of students and graduates of American colleges paid their own board and worked without wages on the farm during this past summer on various projects, building a bridge, completing parts of two buildings and conducting a vacation school of high quality.

Mr. Harry L. Hopkins of the Works Progress Administration reports for the government that owners in the south have to pay 10 to 16 per cent interest for their money on short-time credit, while tenants often pay 37 per cent. We borrow money at 2½ per cent, furnishing acceptable collateral without mortgaging our farm or crops.

We have tried to keep constantly in mind the four principles on which the farm was founded: (1) efficiency in production and economy in finance through the cooperative principle, organized as a producers' and consumers' cooperative; (2) participation in the building of a socialized economy of abundance, cooperating with the Southern Tenant Farmers' Union; (3) the principle of interracial justice for the education and economic emancipation of the Negro; (4) realistic religion as a social dynamic, endeavoring to exemplify the return of religion to its prophetic mission of identification with the dispossessed.

## Cotton Restriction a Threat

That is one side of the picture. Here is the other. The country's prolific cotton crop this year of nearly 17,000,000 bales has disastrously reduced the price of cotton. The policy of the secretary of agriculture for reducing the acreage of cotton and paying subsidies to the farmer, while undoubtedly best for the south as a whole, would be a serious blow for our cooperative. The government policy is based on the production in recent years. As our farm was largely out of cultivation in the years just before we purchased it, we would have a very low “cotton base,” or allotment, thus reducing our cash crop until it would be difficult to carry the overhead required for our higher standard of living while paying the taxes and expenses of a 2,000 acre farm.

Just at this juncture, when we could see no way of escape, out of a clear sky, came the providential offer of a second farm near us in Mississippi, so near that one overhead, one system of cost accounting, one sawmill, and so on, can operate both farms, saving materially on the cost of both.

I have just returned by airplane from inspecting this great farm of nearly 3,000 acres of rich Delta sandy loam which would supplement our heavy black soil at every point. With half a million feet of hardwood timber in its hills, over 500 acres cleared, and 1,000 acres of level, rich soil which raises a variety of bumper crops without fertilizer, the farm seems ideal, because its crops would produce additional income to offset the loss we would sustain through the curtailment of the cotton acreage on the first farm. Indeed, it was described by the government Resettlement Administration official as one of the two best buys in the south, worth over \$60,000. It actually sold for \$160,000 in 1919. We have an option enabling us to secure this farm at a great bargain for \$36,000, at \$12.50 an acre. Or, allowing for the value of the buildings, barn, store, four-

teen houses and lumber immediately available for sale, we can secure the land alone for \$10 an acre. Cleared land near by sells for \$50 an acre. The farm is near the main highway through the state, with good roads through the farm, and has abundant springs flowing across the property, providing irrigation for the garden and water for the stock.

It will seem to us indeed like a gift from heaven if we can secure this land. We desperately need friends who will help us, either with cash gifts or subscriptions payable within six months. One such friend has generously offered \$1,000 as a gift and a loan of \$5,000 without interest for a period of years. A bishop offers to lend us another \$1,000 free of interest on the ample security we can provide. To keep the first farm operating on a paying basis, to supplement our cotton with adequate cattle, hogs, and so forth, to make the cash payment required to secure the second

farm and to provide for the furnishing of the families necessary to work it, will require \$30,000 within the next year. Of this, \$10,000 has already been pledged. We must now secure the remaining \$20,000 in cash or subscriptions.

Assistance is needed for an increasing number of these eight million sharecroppers of the south to enable them to stand on their own feet and work out their own salvation. Such an investment in humanity will aid in providing a revolving fund to make possible this chain of cooperative farms for the emancipation of these impoverished sharecroppers in the neediest portion of America. Jonathan Mitchell, writing in the *New Republic* for September 22, 1937, says: "The Delta Cooperative Farm is a social act of strict heroism. Here are men and women—disease-ridden, illiterate, exploited—conducting one of the most daring, complex, highly civilized experiments in living that the Western hemisphere has known."

## The Plight of Japanese Christians

By Henry Howard

**A** FORMER missionary to Japan writes that he has ceased trying to explain Japan to Americans, for "they can't understand." While the psychological attitude of America precludes any justification for Japan's rape of China, the minds of the Christians of these two lands must meet if the future development of the Japanese church is to be safeguarded. The Japanese feel that their cause is misrepresented in America, and that they are being unjustly discriminated against. This attitude is shared by Christians, for they are sons of the emperor as well as servants of Christ. When these two loyalties conflict, the former has the greater chance of prevailing, as recent events appear to demonstrate.

The National Christian Council of Japan as well as the several denominations have issued statements assuring the government of loyal support from the Christian movement during the present emergency. The religious press has echoed the anti-Chinese sentiments of the military, rationalizing the international implications of the faith by questioning the integrity of Chinese Christianity. Anglicans have threatened to form an independent ecclesiastical body because of the anti-Japanese attitude of England and the English church. The Salvation Army has already set up a local indigenous organization. Pastors have gone to the front to encourage Japan's fighting men. Congregations and church auxiliaries are constantly at work on quotas of comfort kits, and raising money for canteen expenses. When one of the pastors handed in the contribution of his church to the joint treasurer of the war fund he was asked, "Isn't there some mistake in your gift? This is more than your annual payment to the General Assembly."

This attitude is all the more remarkable in view of the effects of the "incident" upon the church and its life. Congregations have not only ceased growing, but have actually suffered numerical losses. The war boom forces Christians in certain industries to work on Sundays. The martial

spirit meets the religious needs of many people. A few lukewarm believers feel that Christianity is foreign to Japan and therefore unpatriotic. Patrons of Christian churches and social work institutions have canceled or reduced their pledges in order to increase their gifts to the military, or in order to pay the increased war-budget taxes. There are no new inquirers concerning Christianity, an ominous fact since the church cannot depend upon births alone to propagate it. A phenomenal increase in the patronage of the licensed quarters since the beginning of the present "incident" indicates a decline in moral standards of a sort particularly obnoxious to the church.

Even more important than these indirect effects has been the attitude of ungracious toleration of Christianity adopted by the government. While quotas of comfort kits are assigned to the churches, members are forbidden to include in them New Testaments or any reading materials other than admonitions to be brave and courageous. The judgment of the military authorities is correct for once in that it has discovered that the Sermon on the Mount is not a suitable mental diet for soldiers. The long threatened religions control bill, a measure which would seriously abrogate the privileges Christianity now enjoys, has not yet been passed. The oft reiterated promise to pass such a law is doubtless used as a threat to keep Buddhism and Christianity in check.

### *Pastors and Schools Under Observation*

Rumors are abroad that pastors have been arrested because of sermons unacceptable to the police. It is a well known fact that the military authorities have so ingratiated themselves into the administration of certain Christian schools that fascism has to a degree replaced Christianity as the educational policy of the institutions. It might be mentioned at this point that the attitude of the missionaries has been especially disconcerting to the authorities since, unlike their colleagues in China, they have

*"common property to be heard whenever missionaries get together."*

*(Pseudonym of a missionary in Japan, who says, in a letter that most of these statements are)*

fight was there. But there has been so much bungling and plain dishonesty in the war industries themselves that the workers have a feeling that their extra efforts are wasted. Workers in a plant which is running part-time and inefficiently aren't going to stay steamed up about giving up half-hour lunch periods. The actual desire of the worker to contribute his efforts to winning the war is not being used. Instead they send out traveling lecturers to sell patriotism to him."

*A sales engineer for a group of small Oklahoma companies who gave me a lift at a bus stop on a highway:* "Ever since they caught those sales engineers making big money for getting contracts out of the army and navy—that guy making \$400,000 in a year and all like that—sales engineers have had a pretty bad name. Well, they're all different kinds. I'm a little one, and honest. When I first got up here from Oklahoma and began humping around to find some contracts for army kitchenware, this friend of mine says, 'Hell, Steve, you're not going to get any business that way. Last year I got three million dollars' worth of business. I had to pay \$55,000 in kickbacks to get it.'

"I told this guy, look, I was trying to get contracts for three small outfits, and if I got a hundred thousand dollars for all of them that would be the difference between them staying in business and folding. And if I couldn't get a measly hundred thousand honest, the hell with it. What I want to know is why they don't carry through with an investigation like that fellow who made the \$400,000. Listen, do you think anyone with the power to let contracts is going to give away even the government's money to a rank outsider? Hell, no. If you knew my business you'd know the only way a sales engineer can make \$400,000 is by paying kickback money to the guy who is letting the government's contracts and allowing the profits. What I want to know is why all these here clean-up investigations get to the sales engineers, but why they always stop before they get right on up to the guys inside the government who are taking the kickbacks."

*A civilian employee of a government agency:* "There are over ten thousand people in my agency. We have a guy for personnel director who has a very little mind. He used to play in an orchestra around Washington and then someone got him a government job for about \$2,600. People have been promoted indiscriminately. Now this monkey makes \$5,600. His old pals from the music world come streaming through the office and he still books orchestras—during office hours. He's an affable, inoffensive guy.

"He would be funny in this job if he weren't part of a tragic thing about Washington right now: incompetent people in jobs that are too big for incompetence. Here's how a man like this can clutter up a wartime

agency. Here is a letter he wrote to a field director—and circularized to all the rest of us in the agency—discussing the personality problem of a woman secretary. Read this thing. Here is a ridiculous ignoramus sitting in Washington giving what he thinks is a high-powered lecture on psychology to a field chief a thousand miles away, about a woman he has never seen. It would be all right to fire her. But that's not enough. He has to clutter up a vital agency with a stupid letter for everyone to initial—a piece of red tape that adds nothing to winning the war, but makes his position seem just a little more important—he thinks.

"This is a little thing. Microscopic when compared to the war effort. But it's an example of what Washington is eaten through with. What to do about it I don't know. But I know one thing. This guy, if the army doesn't draft him, could probably hold on to his job as long as there was a Washington. But let a good, fighting, liberal, anti-Fascist get into the same kind of a job and if he had ever made a public statement that he wanted Franco to lose in Spain the chances are that Dies and the civil service would be after his job in a month.

"The President has issued an order against racial discrimination. Right here in this agency we require job applicants to submit photographs of themselves. If their skin is dark or their names end in 'ski' there are no openings."

*A Negro newspaperman:* "Isn't the President worried at all at the way people like Talmadge and Dixon are whipping up race-hate in a cold-blooded attack on the New Deal? Why is he letting this business go by default? Talmadge is giving the bigots leadership. But why hasn't the New Deal made any effort to give some leadership to the men of good will who want to fight this thing? Doesn't he know this is a crisis with real military importance? Why hasn't he made a fire-side appeal to the simple decency in people, and why hasn't he tried to expose this thing as a cold-blooded campaign to hijack the New Deal in the South?

"The Negro needs real help. He needs it bad and he needs it now. And he needs more than liberal white journalism. All that Marshall Field's Sun and PM can publish would not have as much effect in breaking down economic barriers as fifty well trained colored girls in Marshall Field's store or in the Sears, Roebuck of Donald Nelson, who is managing all the war industries in which the President says there must be no discrimination."

This is how people are talking in Washington. It is unfortunate that, because it is wartime and they do not hold important credentials, the President no longer stands close enough to hear their voices.

THOMAS SANCTON

Washington

# The Japanese in Hawaii

*The editors of The New Republic do not know the facts regarding the loyalty of the Japanese-Americans in Hawaii, which has recently been the subject of sharp debate in the press. We present, however, for its intrinsic interest the article below by a man whose views on the subject are entitled to respectful attention. Mr. Clark, who taught at the University of Hawaii from 1930 until very recently, is the author of the popular book, "Remember Pearl Harbor," in the writing of which he had access to official sources. — THE EDITORS*

ONE OF THE FIRST THINGS mainlanders ask me is, "What are you people in Hawaii doing with all those Japs out there? Have you got them in concentration camps?"

Judging from the number of times I am asked this, a great many mainland Americans believe that most of the Japanese in Hawaii are hiding around in the canefields, ready at a signal to leap out and stab us in the back. This "news" doubtless accounted for the hasty removal of the Japanese from the West Coast.

The feeling in the mainland United States that the Japanese in Hawaii cannot be trusted is the direct result of the many rumors which came with a whirlwind rush along with the blitz of December 7. "There was a great fifth column in Hawaii! The attacking Japs had wonderful information," it was said. "They knew just where each battleship was to berth. They bombed the useless old Utah mercilessly because the fine airplane-carrier Lexington was scheduled to be there instead."

"A Hawaiian Japanese fifth columnist cut a broad arrow in a canefield," it was said, "directing enemy pilots straight toward Pearl Harbor!"

"One of the Jap pilots shot down had on a McKinley High School ring."

"Japanese saboteurs stalled old jalopies across the road to Pearl Harbor, blocking traffic, holding up ambulances carrying the wounded, keeping officers and men from reaching their battle stations."

Had our intelligence forces been asleep? Had organization for all these anti-American activities been going on while officials talked of the necessity of trusting the local Japanese?

Now let us examine the facts. Pearl Harbor has been exposed to public view for years. You can drive along the public highway or take a hike over the hills behind the harbor and observe at leisure the navy's vital installations and warships. No doubt Japanese consular agents took these jaunts frequently. The navy protested against this situation, but Congress refused to pass legislation condemning property overlooking the harbor. This failure made it fairly simple for the Japa-

nese consuls stationed in Hawaii to get information about the habits of the fleet.

Admittedly, we do not know just how much information the attacking Japanese had. The truth is that, regardless of what advance knowledge they did have, they needed no fifth column to provide it. A general idea of whether ships were likely to be in the harbor was sufficient. A battleship is a huge object, visible for miles. It is about as difficult to make out as the Chrysler Building would be if it were lying on its side in the Hudson River. Once the Japanese knew where Pearl Harbor is—which any tourist map of Hawaii clearly shows—they did not need to know what berth each battleship normally took. The attackers struck at every battleship in the harbor, regardless of position, size or age.

Corroborating evidence that the Japanese did not approach with the help and direction of fifth columnists has just come to light. The Japanese submarine which was sunk outside Pearl Harbor an hour or more before the attack has now been raised, and the ship's log has been translated. It tells how the submarine entered Pearl Harbor trailing a garbage scow, and cruised about, noting the types and numbers of warships inside. It then left and sent a radio message to the Japanese carriers, relaying the information.

The man cutting the arrow in the canefield was not needed, nor, as a matter of fact, was he there. He was an unconfirmed rumor.

Nor was any special information needed by the Japanese pilots in order to locate the hangars at Hickam Field. I do not know why these hangars were not built back in the mountainside, where they would be hidden from view. But there they lay, not only the biggest objects on all the island, but, furthermore, painted white and gleaming in the tropical sunlight. They were an invitation that the Japanese pilots could see for more than twenty miles. The attackers apparently needed no information that an observant person in the Japanese consulate could not have furnished in one week's time.

The McKinley ring, like the cane-cutter, never materialized. A censor, whose business it was to run down rumor, told me he had checked with every official who had looked through the clothing and possessions of slain Japanese pilots. None had seen a McKinley ring.

If the local Japanese had blocked traffic on the road to Pearl Harbor, they would have committed the most effective sabotage possible that day. This is the obvious kind of sabotage an organized group would commit. The three-lane highway had been a bottleneck of traffic long before the enlarged defense program began two years ago. On December 7 the narrow road was a bedlam of racing emergency ambulances, trucks, taxis

and motor-corps cars. By disrupting this traffic, the Japanese could have cut the lifeline of island defense. However, officials found no indications of any such attempt. The rumor soon died in Hawaii. It was refuted by hundreds of local people who used the road that day. However, it has persisted on the mainland, and a question I am often asked is, "Did they shoot those Japanese who blocked the road to Pearl Harbor?"

In Washington I was told that a navy captain who had been at Pearl Harbor had given this story of the road-blocking to the press. I immediately talked with him. He explained that what had happened was this: He had jumped into his car in Manoa Valley, which is some five miles from the Pearl Harbor highway, and as he drove down Manoa Road he almost collided with a carload of Orientals. They were driving wildly and seemed excited. The captain told this story to a gathering of newspapermen in response to the repeated question, "Did you see any confusion?" He said that this part of his interview, which was only an incidental recollection, was picked up by several of the newspapers to the exclusion of the rest of his story and given wide publicity as a sabotage story throughout the mainland United States. He did not claim that these Orientals were Japanese or imply that they were sabotaging. They might even have been volunteer truck drivers rushing to their battle stations. The captain claimed he was sorry he had even mentioned the incident to the reporters.

Just the day before I left Honolulu, the chief agent of the Federal Bureau of Investigation in Hawaii told me, "You can say without fear of contradiction that there has not been a single act of sabotage—either before December 7, during the day of the attack, or at any time since." Chief Gabrielson of the Honolulu police, which works in close collaboration with the army, told me the same thing. "If the Japanese here had wanted to do damage, December 7 offered them a golden opportunity," he added.

"Where were the Japanese on that Sunday if they were not out sabotaging?" you ask the chief of police.

"Hundreds of them were actively defending the territory," he will tell you. "Members of the Oahu Citizens' Defense Committee, most of them Japanese, rushed to their posts as volunteer truck drivers. They stripped a hundred delivery trucks of their contents, inserted into them frames prepared to hold four litters, and went tearing out to Pearl Harbor to aid the wounded. Some of these Japanese got there so promptly that their trucks were hit by flying shrapnel. They proudly display these pieces of steel now as souvenirs."

When the call came over the radio for blood donors, again the Japanese were among the first to respond, and by the hundreds. They stood in line at Queen's Hospital for hours, waiting to give their blood to save the lives of American soldiers.

At Pearl Harbor, two Japanese boys saw a machine-

gunner having some difficulty setting up his gun. They ran to him, helped him steady it for action, and fed him ammunition. Both worked so fast that they had to have emergency treatment for burns at the hospital.

Soon after the litter-bearers arrived at Tripler Hospital with the first wounded, Surgeon King sent out an emergency call for surgical teams. At that moment Japanese surgeons were sitting with other Honolulu doctors, listening to a lecture on war surgery. They leaped to their feet with the rest and were at Tripler within fifteen minutes. There they stayed, working swiftly and accurately for long hours, saving the lives of their fellow Americans. Many an American mother today owes the life of her son to their skill.

These loyal Americans of Japanese ancestry are on the spot. So far they have been remarkably level-headed. The strain on them is going to become even more intense as the weeks and months go on and the prospect of an attempted invasion of Oahu by the forces of Japan comes nearer. The pressure on them from Americans who distrust them will become greater. This pressure comes from the white man who says, "No matter what a Jap says, don't trust him. Once a Japanese always a Japanese. Just let a Jap make one false move when I'm around!"

This man believes that skin color and race are more powerful than democracy. He is making it difficult for the intelligence forces in the islands to proceed on a basis of fact rather than on a basis of rumor and hysteria. According to the findings of the intelligence services, the fact is that not all Japanese are the same—that the second and third-generation Japanese in Hawaii can be counted upon in any emergency, and that although the grandparent generation contains individuals who are sympathetic to the homeland in a nostalgic sort of way, they are not organized and the potentially dangerous have already been locked up.

The younger people have been grateful to their friends in Hawaii for not turning against them in this crisis. They were very thankful to Mr. Leslie Hicks, prominent Honolulu business man, when he gave a widely broadcast talk in favor of tolerance and fair treatment to the Japanese in Hawaii. He praised them for their fine record in the past and asked the American workers who arrived from the mainland recently to make a distinction between the Japanese imperialist government and the Japanese people living in Hawaii.

The Japanese in Hawaii have found the United States Army absolutely fair and impartial. At first there was a rumor that no Japanese would be taken into the army, and they were afraid that such official discrimination would foster all sorts of anti-Japanese feeling. They were relieved to find themselves drafted. "Now we have a chance to prove our loyalty," they said. They are convinced that they get a square deal in the army. On the day of the blitz a Japanese private, first class, rushed to his battle station, where he set such

a good example of alertness and quick thinking that he was promoted to the rank of corporal the following week. This recognition reaffirmed the local Japanese belief in the fairness of the army.

One of the few ancient Japanese customs which has persisted during this conflict is that of giving the drafted youth of the family a farewell send-off to the wars. Every so often, you see in one of the Japanese-language newspapers a little block advertisement, saying something like this:

Mr. and Mrs. K. Harada wish to thank all their friends who participated in last evening's celebration of the glorious induction of their eldest son, Kazuo, into the United States Army.

And they mean it. The Japanese believe that the son who works hard to become a good soldier will be appreciated by the authorities. They also believe that he will be promoted as fast as any white recruit, depending entirely upon his diligence and ability, regardless of his ancestry. They cannot help celebrating that.

What seems clear in the Hawaiian Japanese situation

is this: the great majority—the second and third generations—are overwhelmingly loyal to the United States. Of the older, first generation, alien Japanese, many favor Japan, but by no means all of them. Nowhere in any of these groups has there been evidence of a fifth column, or of any sort of underground organization. All of the individuals who the intelligence services had reason to believe were potentially dangerous have been interned. The rest have a clean bill of health.

Let us ask ourselves objectively and dispassionately, what is the best way to obtain the continued wholehearted cooperation of this large group? My belief, based upon the findings of the Federal Bureau of Investigation and upon my own observation during twelve years in Hawaii, is that these people already believe in democracy and want to fight for it. The more we extend democracy to them, the more they will have to fight for. If we take away what freedom and equality they now enjoy as loyal Americans, we abandon them to fascist propaganda and rob them of the incentive to resist fascist ideas.

BLAKE CLARK

## Politics and a Second Front

**N**APOLEON USED TO SAY that he won his campaigns because he had only alliances as his opponents. Hitherto Hitler could say the same thing. For hitherto he has had no difficulty in dealing with his enemies one by one, thanks to the inability of the United Nations to evolve a united strategy and a unified command. This failure has been most marked and may have the most serious consequences over the question of opening a second front in Europe while the great bulk of Hitler's forces (estimates vary between two-thirds and four-fifths) are engaged in Russia.

The Soviet Union has always insisted that 1942 would be the peak year of the war, and that every preparation should be made to launch simultaneous and concentric blows at Germany before the end of the year. The British and Americans have gone on tranquilly preparing for their offensive against Germany in 1943 or later. This was partly due, no doubt, to the difficulty of speeding up American and even British preparations to the point where it would be materially possible for us to take the offensive in 1942, against even the limited forces Hitler has in Western Europe. Partly the unexpected vigor of Japan's aggressive drive, the serious set-back in Libya, and our shipping losses retarded the Allies' offensive capacity.

But even with full allowance for these factors, it is difficult to overlook the importance of political considerations, such as nationalist and imperialist conceptions of strategy and the skepticism among British

military authorities, to which free reign was given in the press in the summer and autumn of 1941, as to the staying power of the Soviet Union. For a long time after the USSR was attacked, the prevailing opinion of military critics in pro-government newspapers was that the Soviet Union's resistance could hardly be prolonged beyond five or six weeks. By January, 1942, this view had changed to a few months. But only about April was the idea abandoned that the fight being put up by the USSR was anything more than a large-scale diversion, like the last-minute resistance of Yugoslavia magnified many times; which was as welcome as it was unexpected, but could not reasonably be expected to last long enough to affect the major strategy of the war. That low view of the military power and will to fight of the Soviet Union was due at least as much to political prejudice as to military ignorance.

The question of opening a second front in Europe in 1942 can be said to be primarily and properly a political rather than a military question. It is political in the first place because it is a question of giving military effect to a political decision that has already been taken. When the British and American governments at the time of the signature of the Anglo-Soviet treaty and the conclusion of the Roosevelt-Molotov conversations, stated that they had reached full agreement with the Soviet government on the important task of opening a second front in Europe in 1942, they gave what was for all practical purposes a pledge. Lawyers may pick holes in the formula to argue that it did not

# CIVIL LIBERTIES QUARTERLY

News of Issues Calling for Attention and Action by Members and Friends of the American Civil Liberties Union

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## Supreme Court Rules Out Pacifist Lawyer

Rehearing Is Asked on 5 to 4 Decision

Rehearing by the U.S. Supreme Court of a recent decision upholding the right of Illinois to refuse a pacifist lawyer admission to the bar was asked by the American Civil Liberties Union in a petition filed July 14. Signed by New York attorney Julien Cornell, who argued the case before the high court last spring, the petition asks a rehearing for the appeal of Clyde W. Summers on the ground that the court's decision "failed to consider the question presented by this case," namely "the validity of the exercise by a state of its power to regulate the legal profession, not its power to compel military service."

The Supreme Court in a five to four decision on June 11 held that Illinois had a right to refuse Summers admission to the bar as long as he refused as a pacifist to take an oath to bear arms in defense of the state.

### Christ is Outlawed

The petition maintains that the majority of the court unwittingly held in their decision that there is practically no limitation on the power of the state to exclude individuals from a lawful occupation, and observes: "A Roman Catholic who believes that the state lacks the power to destroy the marriage union; a Negro who believes that miscegenation is not a crime; a Jehovah's Witness who will not salute the flag; all may be excluded from the practice of the law and other occupations, merely because of their beliefs. Under this decision, if Jesus Christ were to reappear on earth and apply for a carpenter's license in the State of Illinois it would be held that he is not fit for such a trade, and the U.S. Constitution would not gain him entrance."

### Majority Opinion

The majority opinion of the court by Justice Reed, supported by Chief Justice Stone and Justices Frankfurter, Jackson, and Roberts, held that "the United States does not admit to citizenship the alien who refuses to pledge military service. It is impossible for us to conclude that the insistence of Illinois that an officer who is charged with the administration of justice must take an oath to support the constitution of Illinois and Illinois' interpretation of that oath to require a willingness to perform military service, violates the principles of religious freedom which the Fourteenth Amendment secures against state action, when a like interpretation of a similar oath as to the federal constitution bars an alien from national citizenship."

A minority dissent by Justice

Black, supported by Justices Douglas, Murphy and Rutledge, said it was beyond doubt that Summers' religious beliefs were the only reason for his rejection, and continued: "It may be, as many people think, that Christ's Gospel of love and submission is not suited to a world in which men still fight and kill one another. But I am not ready to say that a mere profession of belief in that Gospel is a sufficient reason to keep otherwise well-qualified men out of the legal profession, or to drive law-abiding lawyers of that belief out of the profession, which would be the next logical development."

### Issue to Arise Again

The majority opinion relied on the fact that applicants for citizenship are required to take an oath to bear arms. This requirement may come before the Supreme Court again in the near future, regardless of the outcome of the petition for a rehearing. The Union is preparing to aid an appeal to the Supreme Court in the case of pacifist James Girouard, refused citizenship in the U.S. Circuit Court at Boston on June 1st after he had indicated that he would accept non-combatant service but would not bear arms. The Circuit Court's refusal was based upon decisions of the Supreme Court fifteen years ago in the MacIntosh and Schwimmer cases in which the court interpreted Congressional intent to bar from citizenship those who would not promise to bear arms.

## Supreme Court Quashes Fla. Union License Law

A Florida law requiring labor union agents to be licensed by the state and labor unions to register before they could function was declared invalid as conflicting with the Wagner Act in a 7-2 decision by the U.S. Supreme Court on June 11. Attorneys for the American Civil Liberties Union who had filed a brief as a friend of the court urging that the law be declared unconstitutional expressed "some disappointment" with the narrowness of the grounds of the decision.

Justice Black for the majority held that Congress in the Wagner Act had "attached no conditions whatsoever" to the freedom of employees in choosing their bargaining agents, and that the Florida law by attempting to make licensing a condition for acting as an agent was interfer-

## German Films Get Last Nisei Exclusion Another Chance Orders Are Revoked

Following protests against the withdrawal from sale of German and Austrian motion pictures the Alien Property Custodian in Washington, D.C. has informed the ACLU that a special committee will be formed to reconsider the withdrawal. A letter from Francis J. McNamara, Deputy Custodian on August 25, asks the Union to submit nominations for the committee which will serve "in an advisory capacity only," and says that Rep. Helen Gahagan Douglas of California, an advocate of suppression of the films is also being asked to submit nominations. The Committee will first determine whether their recommendation to the Custodian shall be that all pictures of this type be suppressed, or whether this prohibition shall extend only to those considered to contain political propaganda. In the latter event the Committee would be established as a Board of Review to pass upon those pictures selected for exploitation.

The ACLU had written the Alien Property Custodian protesting that more than a hundred of the films withdrawn from sale after public protests against their alleged Nazi propaganda content, were in fact "entertainment and musical films devoid of any propaganda whatever." The ACLU pointed out that 115 of the withdrawn pictures were produced in Germany before Hitler's rise to power in 1933, and that another 100 were produced in Vienna before Austria was overrun by the Nazis in 1938, and that a large number of the pictures were

(Continued on page 4)

Restoration of their full rights as citizens of the United States for Japanese Americans evacuated from the West Coast was seen by the American Civil Liberties Union in the Army proclamation on September 4 revoking all exclusion orders against individual Nisei. The Union opposed the original mass evacuation in 1942 as unconstitutional and unnecessary and after its revocation last December continued to oppose Army orders barring individual Japanese Americans.

A court proceeding contesting the individual orders was recently decided by the Federal District Court in Los Angeles unfavorably to the Army. An appeal by the Army from the decision to the San Francisco Circuit Court will be mooted by the recent proclamation. A. L. Wirin, attorney for the Southern California Branch of the ACLU who handled the cases for the Japanese Americans said that damage suits may be brought against the Army by individually excluded Nisei in order to secure a court ruling as to the legality of the exclusion orders. Sev-

eral thousand Nisei had been banned from the west coast under the orders, according to the Union. They are now free to return.

The Army revocation action was taken in two proclamations, one by Western Defense Commander Major General H. C. Pratt, and one by War Secretary Henry L. Stimson. General Pratt's proclamation said in part: "All persons permitted to return to the West Coast areas by reason of the rescission of the individual exclusion orders should be accorded the same treatment and allowed to enjoy the same privileges accorded other law-abiding American citizens or residents."

Some six thousand Japanese and Japanese Americans who either renounced their citizenship or were adjudged to be disloyal remain interned under control of the Department of Justice at the Tule Lake, California, segregation center. It is estimated that there are another 33,000 still voluntarily remaining in relocation centers, the last of which is scheduled to close this December.

## Anti-Nisei Terror Seen Ended By Cal. Indictment

An end of terroristic attacks against Japanese American farmers returning to California was foreseen by the Union after reports that a Federal Grand Jury in Sacramento had returned indictments against two alleged terrorists on August 27. The ACLU which had already offered a \$1,000 reward for the conviction of such terrorists, hailed the federal action as "especially valuable since the defendants had already been acquitted after a farcical trial in the local courts." The two defendants, James and Claude Watson, brothers, were acquitted by a Placer County, Cal. court last April on charges arising out of the dynamiting of a ranch belonging to Sumio Doi, a returned Japanese American.

The present indictment is the first federal action taken against anti-Nisei terrorists, although more than fifty "incidents" have been reported in California since Japanese Americans began to return last year. The Watsons are charged with illegal possession of explosives and violation of the Federal Explosives Act. Carey McWilliams, former Industrial Commissioner of California and national committee member of the Union said: "The present indictment represents long needed Federal action on the west coast. It should

put an end to anti-Nisei terrorism. It should also demonstrate that in situations of this kind, the Federal Government can be more effective as a guarantor of civil liberties than the states." He said that it has been almost impossible to secure convictions in the local courts on account of racial prejudice.

## Navy Holds To Nisei Race Bar

Solicitude for the safety of Japanese Americans because of possible mistaken identity in combat was the reason given by the Navy Department for its continued refusal to accept Nisei for naval service or in the WAVES. In a communication to Dr. John Haynes Holmes, chairman of the Union, Rear Admiral Fecteler, speaking for Secretary of the Navy James Forrestal, stated on August 14th that "the employment of Japanese Americans in duties other than Intelligence was considered impracticable in view of the additional danger that these men would encounter in combat from other Marines through mistaken identity."

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(Continued on page 2)

## Civil Liberties Quarterly

A review of current news involving civil liberties in the United States.

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## See New Press Freedom In Court's AP Decision

Although freedom of the press as traditionally understood was not involved in a government injunction against the Associated Press sustained by a 5 to 3 decision of the Supreme Court on June 18, the majority opinion, according to the Union, threw a new light on freedom of the press that may prove important in the future. Attorneys for the ACLU pointed out that the opinion by Justice Black holds for the first time that the government has an obligation under the First Amendment not merely to refrain from interfering with the freedom of the press but also to protect it actively from private restraints.

The high court sustained an anti-trust injunction issued by a federal court in New York City last year ordering the news agency to abandon a by-law allowing competitors to influence the election of new members. The Supreme Court rejected the contention of the Associated Press that in the case of news agencies the anti-trust act conflicted with the constitutional guarantee of a free press.

### Widest Freedom

Justice Black for the court maintained that "the First Amendment, far from providing an argument against the application of the Sherman Act, here provides powerful reasons to the contrary. That amendment rests on the assumption that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public, that a free press is a condition of a free society. Surely a command that the government itself shall not impede the free flow of ideas does not afford non-governmental combinations a refuge if they impose restraints upon that constitutionally guaranteed freedom.

"Freedom to publish means freedom for all and not freedom for some. Freedom to publish is guaranteed by the Constitution, but free-

dom to combine to keep others from publishing is not. Freedom of the press from governmental interference under the First Amendment does not sanction repression of that freedom by private interests." Justices Reed, Douglas, Rutledge, and Frankfurter concurred in the decision, with Frankfurter and Douglas writing separate opinions dealing with the question of whether the AP is a public utility.

### Dissenters Cite Dangers to Press

Justice Roberts wrote a dissent supported by Chief Justice Stone maintaining that the government failed to prove that the AP by-law fell under any of the specific practices barred by the Sherman Act, holding that the majority decision was "government by injunction with a vengeance." Justice Murphy in another dissent warned of the danger of government intervention in the realm of freedom of the press, and held that the case could not be decided without more positive factual proof that the AP was actually monopolizing the news. He warned that "if unsupported assumptions and conjectures as to the public interest and competition among newspapers are to warrant a relatively mild decree such as this one, they will also sustain unjust and more drastic measures."

The court's decision was on the appeal of the AP against an injunction by the lower courts. An appeal by the Department of Justice asking that the injunction be not merely affirmed but broadened was unanimously rejected by the court. The Civil Liberties Union did not file a brief, holding at the time the case first arose that "we must reject the AP argument that the action was attempting to restrict freedom of the press. We must also reject the Government's claim that it was promoting freedom of the press in bringing the suit." The AP is asking for a rehearing.

## Supreme Court Quashes Fla. Union License Law

(Continued from page 1)

but held that registration by unions did not conflict with the Wagner Act. Justices Frankfurter and Roberts in a dissenting opinion held that "Congress by protecting employees in their right to choose representatives . . . did not implicitly wipe out the rights of States under their police powers to require qualifications appropriate for union officials having fiduciary duties."

On the same day in a unanimous opinion by Chief Justice Stone the Court declined to rule on an Alabama law requiring unions to file complete annual statements, barring

"executive, supervisory" employees from membership in unions, and forbidding unions to collect money for work permits. The court held that since the law had not yet been applied, facts were lacking on which to judge whether it conflicted with the Wagner Act. The ACLU has filed a brief urging the court to declare the annual statements and the ban on supervisory employees unconstitutional. It did not oppose the ban on work permits.

The Florida law reached the Supreme Court on appeal from the Florida Supreme Court by the AFL, the Alabama law on two separate appeals by the AFL and the CIO.

## Bridges Wins, Another Lynching But Decision Is Criticized

A 5 to 3 decision of the U.S. Supreme Court on June 18 cancelling the deportation order against west coast labor leader Harry Bridges was criticized by the Union for its failure to deal with the constitutional issues. The ACLU expressed disappointment that the court had not endorsed the view voiced by Justice Murphy in a concurring opinion "that aliens resident in the United States are constitutionally entitled to the full protection of the Bill of Rights." Some general gain was seen in the decision in limiting the power of the government to "prosecute persons affiliated with purely legal purposes with alleged illegal or seditious organizations."

### Party Membership Charge

The majority opinion by Justice Douglas, supported by Justices Reed, Rutledge, and Black, with Murphy concurring, dealt with two charges against Bridges: that he was "affiliated" with organizations advocating the overthrow of the government; and that he was a member of the Communist Party. The majority found the evidence as to his membership too flimsy to stand up. On the question of affiliation the court held that "individuals, like nations, may cooperate in a common cause over a period of months or years though their ultimate aims do not coincide. Certainly those who joined forces with Russia to defeat the Nazis may not be said to have made an alliance to spread the cause of Communism. An individual who makes contributions to feed hungry men does not become 'affiliated' with the Communist cause because these men are Communists."

On this ground the court threw out the deportation order, holding that "when we turn to the facts of this case we have little more than a course of conduct which reveals cooperation with Communist groups for the attainment of wholly lawful objectives."

### Dissenters See Him a Communist

Chief Justice Stone in a dissent, supported by Justices Roberts and Frankfurter, did not deal with the question of affiliation, holding that Bridges ought to be deported as a member of the Communist Party, since it was adequately shown that he had "long and continuously associated with Communists and Communist party organizations and had exhibited a sympathetic attitude toward the Communist party and its program." Justice Jackson disqualified himself.

Justice Murphy in his concurrence expressed a view urged by the ACLU in a supporting brief when he said: "Our concern with this case does not end in the fate of Harry Bridges, an alien whose constitutional rights have been grossly violated. The liberties of 3,500,000 other aliens in this nation are also at stake. It would be a dismal prospect for them to discover that their freedom in the United States is dependent upon their conformity to the popular notions of the moment. But they need not make that discovery. The Bill of Rights belongs to them as well as to all citizens."



Gray in the "Militant"

## Ban Race Bias In Railway Mail Assn.

In a unanimous decision on June 18 the U.S. Supreme Court held that the Railway Mail Association can not under the New York State civil rights law limit its membership to white government postal clerks. The ACLU, which filed a brief supporting the New York law, said that while the case itself was of limited importance the decision "marked one more judicial blow at racial discrimination inside trade unions." The Railway Mail Association had appealed to the U.S. Supreme Court on the ground that the New York law guaranteeing racial equality did not apply to an association of federal employees engaged in interstate commerce.

The high court's opinion by Justice Reed held that denial of membership in unions on the basis of race, creed, or color, deprives employees of "all means of protection from unfair treatment arising out of the fact that the terms imposed by a dominant union apply to all employees whether union members or not. In their very nature racial and religious minorities are likely to be so small in number in any particular industry as to be unable to form an effective organization for securing settlement of their grievances and consideration of their group aims with respect to conditions of employment. The fact that the employer is the government has no significance from this point of view."

Justice Murphy in his concurrence expressed a view urged by the ACLU in a supporting brief when he said: "Our concern with this case does not end in the fate of Harry Bridges, an alien whose constitutional rights have been grossly violated. The liberties of 3,500,000 other aliens in this nation are also at stake. It would be a dismal prospect for them to discover that their freedom in the United States is dependent upon their conformity to the popular notions of the moment. But they need not make that discovery. The Bill of Rights belongs to them as well as to all citizens."

## Bund Members Win Draft Case Appeal

Twenty-four members of the German American Bund convicted of advising members to evade the draft were freed by a 5 to 4 decision of the U.S. Supreme Court on June 11. They have been serving sentences since 1942 while their appeal was pending. The case turned on a Bund official order issued in October 1940 holding that military service for Bund members was not justified

until a provision in the draft act of 1940 was repealed, forbidding the replacement of any drafted employees by "any person who is a member of the Communist Party or the German-American Bund." The Bund order concluded: "Every man, if he can, will refuse to do military duty until this law and all other laws of the country or the States which confine the citizenship rights of Bund members are revoked!"

Justice Roberts for the majority held that the order might actually have been translated to read: "Each man, if he properly can, will refuse to do military service, etc." and that in this form it could be taken to mean that Bundists should try to test their rights in the courts. This did not, he held, constitute advice to evade the draft law. Justice Black in a concurring opinion held that the amendment to the draft law put the Bund members in the position of being subject to the draft yet denying them reemployment upon return from army service. Justices Frankfurter and Murphy supported Justice Roberts, and Justice Rutledge wrote another concurrence.

Chief Justice Stone in a dissent, supported by Justices Reed, Douglas and Jackson, held that the defendants were guilty since the Bund order was published after enactment of the draft act, and "counselled members to violate the statute."

## To Appeal NY Gag Law In US Supreme Court

An appeal to the U.S. Supreme Court will be taken from the decision of the New York Court of Appeals, highest state court, on July 19 sustaining a state law punishing the publication of matter dealing with "bloodshed, lust or crime." The defendant in the case, Murray Winters of New York City, publisher of "Headquarters Detective" magazine, instructed his counsel to appeal. The ACLU will assist through Osmond K. Fraenkel, counsel for the New York City Committee of the Union, which supported Winters in the state courts.

## ACLU Puts Up \$1,000 To Quell Cal. Mobism

Assistance to west coast officials in combatting violence against returning Japanese American evacuees was tendered July 12 by the ACLU with a reward offer of \$1,000 for conviction and imprisonment of assailants. The offers were made public in California by the Los Angeles and San Francisco branches of the Union and were sent over the teletype to California sheriffs by state Attorney General Robert Kenny. Under California law public funds cannot be used for rewards.

The ACLU reward offer does not apply to Oregon and Washington where no open violence has as yet been reported; but will be extended to those states if necessary. The offer reads:

"The American Civil Liberties Union, in each incident occurring in California, will pay \$1,000 reward for information leading to the arrest, final conviction, sentencing and imprisonment in a State penal institution, on felony charges, of persons committing acts of terrorism against returning Japanese Americans. Such information should be given to the Union or to the Attorney General of the State of California, and will be treated confidentially if desired. The Union will be the sole judge of who has earned the reward. This offer expires July, 1946."

"In making this offer the Union recognizes the gallant record of the 20,000 Japanese who are serving in the U.S. Army and who have suffered more than 3,000 casualties, as well as the order of the Command-

ing General of the Western Defense Command permitting war veterans and other loyal Japanese to return to the Pacific Coast. Good Americanism demands that their rights be respected."

## Calif. Alien Land Law To Get Test

A California law prohibiting the ownership of land by Japanese aliens will be appealed to the state Supreme Court and eventually to the United States Supreme Court, according to A. L. Wirin, attorney for the Southern California branch of the ACLU. Wirin made his announcement after Judge Joe Shell of the San Diego, Cal., Superior Court upheld California authorities in seizing under the law a small farm belonging to Fred Oyama and his family near Chula Vista, Cal. The outcome of the appeal is expected to affect some 30 other escheat suits filed by the California Attorney General against Japanese in California involving land worth several hundred thousand dollars.

Attorney Wirin who represents the Oyamas in a private capacity said that he will present evidence in the higher courts to prove that the law was adopted and enforced as part of a program of racial discrimination against orientals in general and Japanese in particular, and that such discrimination violates the due process and equal protection of the law guaranteed in the 14th Amendment to the Constitution. He said that the Civil Liberties Union, the National Lawyers Guild, the Japanese American Citizens League, and other organizations interested in protecting the rights of minorities are expected to support the appeal.

## Navy Holds To Nisei Race Bar

(Continued from page 1)

The Navy Department had earlier rejected Japanese American applicants even from shore duty largely on the ground that they would be subjected to suspicion "because of certain deep seated prejudices which are aggravated in the psychology of war." This, the Navy feared, would create "collateral racial problems" difficult to handle under war conditions at home or in combat. Women were refused service in the WAVES because the Navy felt that "we should not discriminate between male and female citizens of Japanese ancestry."

Exception was immediately taken by the Union, which pointed out that the present reason for refusal to admit American citizens of Japanese ancestry was now invalidated with the successful termination of the war. In a reply dated August 20th to Secretary Forrestal, Roger N. Baldwin called attention to the earlier protests made by the Union against the policies which it feared the Navy had adopted solely because of racial bias, and asked a reconsideration of the policy.

Meanwhile, the Union was assured that Japanese American war veterans honorably discharged from military service are no longer excluded from employment in naval installations in California, Oregon and Washington or from naval activities in the Fourteenth Naval District covering the west coast.

## Urges Ten Year Deportation Limit

A ten-year statute of limitations on deportations was proposed August 8, to a subcommittee of the House Immigration and Naturalization Committee holding hearings in New York City, by Herbert DeVarco, chairman of the Alien Civil Rights Committee of the ACLU. He appeared before a committee dealing with immigration and deportation established by the House of Representatives last spring to study the post-war problems of immigration and naturalization.

Pointing out that at the present time aliens illegally within the country or who have over-stayed their leaves may be deported at any time, Mr. DeVarco urged that for humanitarian reasons and as a measure to promote the administration of justice such deportations should be outlawed after ten years of the illegal action. Noting that statutes of limitations are fundamental to American jurisprudence and are operative not only in the civil but in the criminal law, he also told the committee that many cases of hardship would be obviated, particularly where the alien had established himself and raised a family here.

## You Can Help!

S. 101 - H.R. 2232. For a permanent FEPC. H.R. 2232 now stalled in the House. Write your representative urging him to sign Discharge Petition 4, and to vote for bill on floor. Write to Chairman of the Senate Education and Labor Committee, James E. Murray, for favorable report for S. 101.

H.R. 7. Abolishes poll tax in federal elections. Passed House, now in Senate Judiciary Committee. Write Chairman Pat McCarran for favorable report. Ask your own Senators to vote for cloture of debate to forestall filibuster, and for the bill.

H.R. 3235. Raises postage rates for books. Favorably reported to House. Write your representatives urging defeat as discriminating against books.

H.R. 776. Grants naturalization rights to Filipinos resident in U.S. Passed House unanimously, now before Senate Immigration Committee. Write Chairman Richard B. Russell urging early and favorable report.

H.R. 1198. Establishes temporary Indian Claims Commission. Before House Indian Affairs Committee. Write Chairman (Rep.) Henry M. Jackson urging early and favorable report.

H.R. 515. Post-War Military Training. Write your representatives and Senators opposing action on this or other peace-time draft measures until peace conditions become clear and stable.

H.R. 3237 - S. 1002. Provides plebiscite to determine status of Puerto Rico. Before Committee on Insular Affairs of House and Senate. Write Chairmen (Rep.) C. Jasper Bell, and (Senator) Millard E. Tydings, asking early and favorable report.

S. 181 - S. 717. Provides federal aid for education. Before Senate Committee on Education and Labor. Write Chairman James E. Murray favoring federal aid but opposing aid to racially segregated and to denominational schools.

S. 692 - H.R. 1334. Transfer censorship from Post Office Department to courts. In Senate and House Judiciary Committees. Write Chairmen (Senator) Pat McCarran, and (Rep.) Hatton W. Sumners urging favorable report.

## NLRB Rules On Race Bias In Trade Unions

Progress toward the elimination of racial discrimination inside trade unions was registered, according to the ACLU, in a decision of the National Labor Relations Board on June 26. The Board had before it the question of revoking the certification as bargaining agent for the Larus and Brother plant in Richmond, Va., of the Tobacco Workers Union Local 219, AFL. A rival CIO local whose contentions were supported by the Union, moved that the certification be withdrawn on the ground that local 219 had practiced discrimination by setting up a segregated local for Negro employees.

Attorney R. Lawrence Siegal representing the ACLU at the hearing urged the board to declare as a general principle that unions refusing to admit Negroes or others to membership on an equal basis without segregation could not be certified as bargaining agents. Frank Bloom, NLRB trial examiner at an earlier hearing, made similar recommendations to the board. The board declined to adopt this general rule on the ground that it was not empowered to do so by Congress. It held, however, that unions certified as bargaining agents must represent all employees whether union members

## Negro Teachers

### Win Notable Pay Case In St. Paul

Discrimination in pay against Negro school teachers received a judicial setback in a unanimous decision of the U.S. Circuit Court sitting in St. Paul, Minn., on June 19. The court upheld an appeal by Susie Morris and other Negro teachers of Little Rock, Ark. represented by the National Association for the Advancement of Colored People against the Little Rock school board. The Civil Liberties Union filed a brief supporting the teachers.

Both parties in the appeal agreed that discrimination in pay solely on the basis of race is illegal. The point in dispute was whether the discrimination actually was on the basis of race or teaching qualifications. The Circuit Court decision was notable for reversing the Federal District Court for Eastern Arkansas on the ground that the lower court had erred in its finding of fact that racial discrimination did not exist.

The Circuit Court decision by Judge Seth Thomas said in part: "The explanation (by the school board) that substantially all colored teachers are worth less than substantially all white teachers; that the basic salaries of colored teachers are accordingly lower than the basic salaries of white teachers; and that it is therefore logical that public funds should be distributed to them on a percentage basis is not sustained by the evidence. The explanation appears to be an afterthought designed to meet the exigencies of a defense. We have studied the record carefully and we find it impossible to reconcile the theories of the defense with the undisputed facts."

The District Court was ordered to reverse its finding as to discrimination and to hold itself ready to issue an injunction if necessary.

or not, or whether segregated in locals, without discrimination on the basis of race. The board held that local 219 had not complied with this requirement because the Negro members in the segregated local did not participate equally in collective bargaining. A new election is scheduled.

## Protest "Shocking" Mutiny Convictions Of Negro Sailors

Following a decision by the Navy Judge Advocate General approving the trial and conviction in San Francisco last October of 50 Negro Seamen accused of mutiny, the American Civil Liberties Union urged Navy Secretary Forrestal on July 17 to review the case personally. The case had been appealed to the Judge Advocate General by Thurgood Marshall, counsel for the National Association for the Advancement of Colored People, with the support of the ACLU.

In a letter to Forrestal signed by Roger N. Baldwin, director, the Union said it was "shocked" at the approval of the sentences, and continued: "We have had occasion to follow this case from its inception and long ago concluded that racial bias was involved, particularly on the part of the prosecutor, Lieutenant Commander William Coakley. This factor prompts us to urge that a further review of the conviction be made under your personal direction. The matter is of moment, not only to the administration of justice in the Navy, but to the morale of Negro sailors and the Negro minority of our people. As long as a suspicion remains that these men were unjustly tried because of their race, morale will suffer."

## Man Bites Dog! FBI On Trial For Lawlessness

Suits for damages against the FBI for illegal search and seizure of Arthur L. Bell and eleven other members of "Mankind United," a semi-religious organization in California, were filed in the Los Angeles County Superior Court recently after the Federal Circuit Court of Appeals in San Francisco had refused to hear them. A motion by the FBI to dismiss the suits was denied and the cases set for hearing next December. An appeal is also being taken to the U.S. Supreme Court against the refusal of the Circuit Court to entertain the suits, according to A. L. Wirin, attorney for the Southern California branch of the ACLU, who is cooperating in the suits.

Wirin said there was a clear issue of civil liberty involved and cited a statement by Judge Albert Stephens of the San Francisco Federal Circuit Court that "there can be no question that the complaint states a strong case, and if the allegations have any foundation in truth, the plaintiffs' legal rights have been ruthlessly violated." The Circuit Court ruled, however, that the suits would have to be filed in the state court.

## On The Civil Liberties Front

### Objectors

Following refusal of the U.S. Supreme Court on June 18 to hear the appeal of conscientious objector Jack Zucker, the National Committee on Conscientious Objectors has decided to make no further attempt to get the court to pass on the constitutionality of the work camp system for objectors. Zucker, who complied with all regulations, sought release by habeas corpus from a work camp.

The high court had previously refused to hear appeals by R. Boland Brooks, a pacifist attorney now serving a term in the federal penitentiary at Lewisburg, Pa., for refusing to report to a work camp, and objector Igal Roodenko, who walked out of a Colorado camp. The NCCO maintains that the work camp system as now constituted, without pay, compensation for injury, or provision for dependents of drafted objectors is unconstitutional.

### Bath House

New York City License Commissioner Paul Moss, sometimes scored for "dictatorial censorship of New York plays" came in for praise from the ACLU on July 23 for suspending for five days the licenses of two Rockaway Park, N. Y. bath houses which had refused service to Negroes. Asher Lans, counsel for the ACLU, who asked the suspension, said the License Commissioner's action "upheld the best democratic traditions of New York City and creates a precedent that ought to go a long way toward ending racial discrimination in all New York places." Mr. Lans had asked the suspensions on behalf of Jacob Johnson, Negro veteran with three and a half years overseas service, and other Negroes barred from the bath houses. He said that efforts to combat racial discrimination by damage suits have proved "long and difficult," but action by the License Commissioner was "rapid and devastating."

### Rainey

Following a report to the executive committee of the Southern Association of Colleges and Secondary Schools by Pres. H. L. Donovan of Kentucky University on July 22, the Association placed Texas University on probation. The Association had been investigating Texas University since shortly after the dismissal by the Texas Board of Regents last November 1 of President Homer P. Rainey. In a telegram to University authorities the Association said the probation would continue "until such time as the Association is assured of full observance of its principles and standards." The ACLU which characterized Rainey's original dismissal as an "attack on the freedom of educators," said that the probable effect of the Association's action would be to force a reconsideration of the Regents' contentions that "they have the right to run the University as they please."

### Draft

Following information from the War Department that no uniformed soldiers have actually been assigned to work in civilian plants owned by the government despite a new Selective Service policy adopted last December, the American Civil Liberties Union has halted an inquiry into the policy as purely "academic."

The Union wrote to AFL President William Green, and CIO President Philip Murray last April expressing concern over reports that the army was drafting men who left essential jobs, giving them a month's training, and then sending them back in uniform into industry,

and asked the labor leaders what they intended to do about this "unprecedented" policy. A recent reply from William Green quoted Edward F. McGrady, consultant to Secretary of War Stimson to the effect that "while authority was granted by the Director of War Mobilization to place these men in industry following their induction, it has been found practicable to place all of them within the Army in accordance with normal assignment procedures."

### Free Speech

Unprecedented curbs on freedom of speech in Los Angeles were protested recently by the Southern California branch of the ACLU in connection with a speech on June 25 by G. L. K. Smith, leader of the Christian Nationalist movement, at the Philharmonic Auditorium. After Mr. Smith had hired the hall and gotten out publicity the management under pressure of protests ruled that he could not use the auditorium unless he (1) put up a \$1,000 cash bond against property damage; (2) put up another \$1,000 cash guarantee that he would not depart from an advance script; (3) furnish a \$250,000 bond against injury to persons at the meeting; (4) furnish policemen to guard and stenographers to transcribe the proceedings. He complied.

A representative of the ACLU who attended the packed meeting reported that there was no disturbance of any kind, and commented that "never in the 22 years that this branch of the ACLU has been functioning have we witnessed the imposition of any such humiliating terms upon a speaker."

### Vote

Negroes are entitled to vote in Florida Democratic primary elections according to a unanimous decision of the Florida Supreme Court handed down on July 27. The ruling was made in two cases, appealed by the State, in which R. A. Cromwell and Essau Chavis, qualified Negro voters, had obtained lower court orders directing the supervisor of registration of Escambia County to register them as Democratic electors. The opinions written by Justice Rivers Buford were based upon the U.S. Supreme Court decision rendered in 1944 by which Texas Negroes were given the right to vote in Democratic Party primaries on the theory that a primary is an integral part of an election in which the Constitution guarantees all citizens the right to vote. The cases were handled by John M. Coe, ACLU attorney in Pensacola, Florida, acting privately.

### Trainer

Following refusal of a three judge Delaware County, Pa. court to grant an injunction reinstating Philip Trainer, Chester, Pa., motion picture operator in the Motion Picture Operators Union, AFL, the American Civil Liberties Union announced on August 3 that it will support an appeal to the Pennsylvania Supreme Court by Trainer's attorneys. Trainer was recently expelled from the Union and lost his job as a consequence of an earlier decision of Judge Henry G. Sweney of the Delaware County court voiding an agreement under which Trainer had waived his rights to "voice and vote" in the union as a condition for membership. The latest decision of the court was on the ground that Trainer had not exhausted his remedies within the union and therefore was not entitled to an injunction.



"It's a very strange book. It's been banned everywhere except in Boston."

## ACLU Joins Battle Vs. Conspiracy To Gag Texas Paper

Support for the publisher of the Laredo, Texas *Times*, in combatting an alleged conspiracy to force him to sell out his newspaper to political opponents was pledged by the ACLU July 25. William Prescott Allen, the publisher, claims that his rights as an independent publisher have been "violated by state officials in collusion with private citizens" who have filed forty civil and three criminal libel suits against him. On recommendation of the Union, Mr. Allen appealed to the U.S. Department of Justice for action in his behalf under the federal civil rights statute. Gerald Weatherly, ACLU counsel of Corpus Christi, Texas, is cooperating with Mr. Allen.

Mr. Allen, twice decorated by the Mexican government for his work in cementing Latin-American relations, has supported the interests of Mexican Americans who compose 90% of the population of Laredo. The libel suits grew out of articles and editorials in the *Times* defending soldiers, many of them Mexican Americans, against "undue pressure by Rotary Club creditors." One of the criminal libel suits, which drew a six months' sentence, is now on appeal; the others are set for October trials.

In announcing ACLU support, Roger N. Baldwin, director, said: "Mr. Allen has presented to us evidence which makes out a clear conspiracy to force the sale of his paper to political opponents. We believe that his civil rights under federal law have been violated. We have advised him to proceed in the federal courts with suits for damages, and we have urged the Department of Justice to consider criminal charges under the civil rights statute. Our Texas counsel will assist Mr. Allen. The issue at stake is to maintain the independence of the only daily newspaper in Laredo against the attacks of those who, for selfish and political reasons, are determined to force its sale."

## Anti-Free Press

### Injunction Fought

An injunction by Judge Joseph A. Graber of the Chicago Superior Court restraining a Chicago local of the United Retail, Wholesale, and Department Store Employees Union, CIO, from publishing "untrue statements" about Montgomery Ward and Co. in its paper "Spotlight" will be opposed on appeal by the ACLU. The ACLU had previously offered to cooperate with the CIO union in

contesting the injunction issued June 25. Roger N. Baldwin, ACLU director, said the case "on its face is a clear challenge to freedom of the press, and in our opinion no such injunction can stand the scrutiny either of the courts or public opinion. It is just another move in a long series of acts striking both at the civil rights of workers and the authority of the government."

The Montgomery Ward Co. originally filed suit for the injunction in January 1944 charging several hundred instances in which "Spotlight" libelled Montgomery Ward and Co. and alleging that the union has "conspired" to make both customers and employees "dislike and distrust" the company and its officers, including President Sewell Avery. Attorneys for the ACLU said Judge Graber's decision was apparently based on the theory that while the court could not enjoin libel it could enjoin a "conspiracy" to libel. Francis Heisler, Chicago attorney, is handling the appeal for the CIO union.

## Prompt State Dept. On Yugo News Bar

Representations to the U.S. State Department concerning reported restrictions and censorship of American correspondents in Yugoslavia were renewed by the ACLU August 28 following a reply to an earlier inquiry received from Assistant Secretary James C. Dunn. Mr. Dunn informed the Union that "the Yugoslav government for several months has not refused entry into Yugoslavia to any American correspondent who has made application."

In its latest communication signed by Director Roger N. Baldwin, the ACLU says: "While we do not wish to minimize the importance of the accomplishments achieved, we are nevertheless particularly concerned with reports that American and other foreign correspondents have had material subjected to censorship in Yugoslavia and have been restricted in their movements while in the country. We are desirous, therefore, to know what steps, if any, the Department has taken to assure that foreign correspondents in Yugoslavia will be relieved from onerous conditions of censorship and be free to travel within the country."

Concern expressed to the State Department some months ago by the Union as to restrictions on journalists in other Eastern European countries was relieved by a declaration of the Potsdam Conference on August 2, guaranteeing press freedom for correspondents specifically in Poland, Rumania, Bulgaria, Hungary, and Finland. The Union then addressed the State Department asking what was being done about Yugoslavia.

## Book Notes

**One America:** A revised edition, completely rewritten, of "Our Racial and National Minorities," published in 1937. Prentice-Hall, Inc., N. Y.

This volume of over 700 pages contains authoritative monographs on every racial and national minority in the United States by 33 different authors. As a reference and source book it has no rival. The treatment is not only factual but analytical and critical, held together by a common view of the desirability of cultural pluralism for our democracy rather than the out-moded concept of the melting-pot.

**Democracy and Social Policy:** A textbook, by Edward E. Walker, Walter G. Beach, and A. Elwood Adams; Scribners.

A 500-page exposition of all the problems, political, economic, and social, inherent in American democracy. A highly provocative treatment, raising and answering sharply controversial questions from an advanced liberal viewpoint. Excellent chapters on civil liberties, racial and other minorities, political democracy and education. Though written for high school teachers and students, the volume makes lively reading for the general reader.

**"An International Bill of Rights of Man,"** by H. Lauterpacht, Professor of International Law, University of Cambridge, England; Columbia University Press.

This studious book of some 200 pages sets forth an elaborate proposal for international guarantees of human rights, along the lines of the discussions at the San Francisco Conference and the suggestions made by many agencies. The volume is the most extended statement of the problem yet in print, and contains a wealth of historical and analytical matter.

**Color and Democracy,** W. E. B. Dubois, Harcourt Brace and Company, 1945.

Dr. Dubois compresses within this little volume of 143 pages the whole case against imperialism and the subjection of the darker peoples of the world to the white. The broad survey of the economic and political factors underlying racial oppression makes this a most timely critique of the failure of democracy as applied to the dark majority of mankind.

## German Films Get Another Chance

(Continued from page 1)

written, acted, and produced by anti-Nazis now resident in the United States. It was also pointed out relative to the pre-Nazi pictures that all of them were "passed by the censors in New York State between 1930 and 1942, and all of them reviewed by the U.S. Signal Corps of the U.S. Army, and about half of them by the National Board of Review."

# MONTHLY



DR. ERNEST O. LAWRENCE, "Nobel prize winner and ringmaster of the cyclotron," as President Robert G. Sproul '13 aptly described him at the Charter Luncheon of California Alumni Association, soon will be working in the new 4,900-ton cyclotron which has become a Berkeley landmark crowning Charter Hill (see front cover). The University's confidential wartime research has already resulted in the granting of \$2,000,000 in federal funds, President Sproul said, with Dr. Lawrence's cyclotron group and Dean Vern O. Knudsen's research staff in southern California being the two principal centers of University contribution to the war effort.

ger of the Alumni Association there is an album in which are kept the envelopes of hundreds of letters on strange paper bearing curious postmarks, that travel sometimes half way around the world on their way to Berkeley. On one page there is a letter from Iceland, where Colonel Leo D. Hermle '14 is now intrenched as Chief of Staff for the Marines. On another there is an envelope from Guam and a second one from Wake Island, where John Klugel '29, and J. L. Mounts '26, have recently been. The war has swept over many places from which these letters have come: Canton Island, Malaya, Thailand, Bahrein Island, Fort McKinley in the Philippines, a dozen centers in the Netherlands East Indies, and Africa. But Californians are still there or they will be back.

There are Californians in the nations with which we are at war, and loyal Californians too. One letter bearing a check for a life membership arrived from Japan four days after the

declaration of war. It was necessary to unfreeze the government to cash that check, but it has been cashed, and someday, perhaps, that life membership will play its part in speeding reconstruction.

The world has been growing smaller year by year. Even in this war it continues to shrink. We hope that after this war it will be small enough for the hearts and minds of men to encompass in peace. To that day California Alumni Association dedicates its widespread army of members. And in preparation of that day it dedicates itself to Victory.

## Recruiting University Executives

J. L. MORRILL, a graduate of Ohio State University, for years one of the most eminent alumni association executives in this country, and

later president of the American Alumni Council, has been called to the presidency of University of Wyoming, at Laramie, from the vice-presidency of Ohio State University.

Six or eight other alumni executives have similarly been called to presidential positions in state and private colleges and universities during the last ten years. This points to a new professional service evidently opening up to the alumni executive. Gone are the ballyhoo days in which alumni organizations serve only to "rah-rah" the boys into winning football games, firing the coach and messing up lofty plans of academic faculties. The closely knit bond between the modern university or college and every day affairs of the people generally cannot fail to bring the alumni executive into closer and closer relationship with the university.

The financial stringencies and diffi-

culties in which the university of tomorrow will find itself involved calls again for administrators who have experience and contact with university faculties on the one hand and with the constantly changing financial panorama of American life on the other.

At the moment there is no one on the staff of California Alumni Association, either properly fitted or with ambition for university administrative leadership, but it is well for leaders in California Alumni Association to bear in mind in long time planning of its administrative personnel that alumni associations are looked upon as one training ground for a supply of talent fitted to meet in a broad way the university administrative problems of the future.

## War Jobs for Women

POSSIBLY the world has never before offered to women the opportunities now available for employment. Particularly is this true in northern California. Those young women who had the foresight a few years ago to train for engineering, chemistry, and other technical fields find openings for them scarcely dreamed of at the time. Especially is the opportunity for junior women applicants even without technical training, a bright one in the technical fields.

The Bureau of Occupations on the Berkeley campus—a bureau in which the Alumni Association has over the years, particularly in its early days of founding, had a constructive part in nurturing to its present field of eminence in placement—is ready to discuss with any available young women alumni immediate openings in fields of employment that are useful and remunerative.

ROBERT SIBLEY '03 • EDITOR

GEORGE A. PETTITT '25 . . . ASSOCIATE EDITOR    EDWIN EMERY '35 . . . . . MANAGING EDITOR

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# TOLERANCE NEEDED

BY DR. ERIC C. BELLQUIST '27

ON THE night before the United States entered World War I, Woodrow Wilson spoke the following words to Frank I. Cobb: "Once lead this people into war, and they'll forget there ever was such a thing as tolerance. To fight you must be brutal and ruthless, and the spirit of ruthless brutality will enter into the very fibre of our national life, infecting the Congress, the courts, the policeman on the beat, and the man on the street. . . . Yes, it means that we will lose our heads along with the rest, and stop weighing right and wrong." As many of the readers of the MONTHLY will recall, what President Wilson predicted soon developed and that, despite his efforts to meet the danger.

A score of so-called "patriotic" leagues and societies sprang up and whatever their original purpose, in the end they appealed to the basest in human nature. Reckless rumors, designed to breed distrust and fear, were their principal stock in trade, and under such inspiration a wave of hysterical suspicion swept over the country. As a result, thousands of our citizens—mostly innocent—were the victims of unjust suspicion, ostracism, and, in aggravated cases, of persecution. The drive for repression continued after the Armistice in an unprecedented campaign of terrorism. The horrors of our domestic scene in 1917-20 should have been a warning of what would happen when America went to war again. Hysteria is well-nigh inseparable from war and hate follows inevitably, for its simplicity makes an almost irresistible appeal to certain types of mind.

There was already ample evidence of this before we entered the war. When I returned to the United States, after spending the first year of the war in Europe, I was struck by an unparalleled case of jitters on the part of the American people, which was producing an onrushing wave of repression. All varieties of infringements of civil liberties were popping up throughout the country, and the general nervous-

THE AUTHOR: Dr. Bellquist, assistant professor of political science at Berkeley, specializes in the fields of comparative government and public opinion and propaganda. He has previously contributed articles to the magazine, was a member of the California Alumni House Party at Wawona last year, and will be there again this year.

ness was reflected in the Congress and even in the courts. A regular disease of "fifth columnitis" appeared to be prevalent. As President Sproul put it in an address at Del Monte a year ago, "the rising tide of fear in this country, pulled by the twin moons of depression and aggression, has already made precarious many of the civil liberties which we have hitherto taken for granted."

In various addresses in different parts of California during the past year I have stressed this problem. I have stressed it because I feared that unless the leaders of our communities gave this problem immediate and intelligent consideration there would be much trouble—much that we would later have cause deeply to regret.

Of course, there are those who maintain that at a time like the present such things as civil liberties will have to be set aside. The true American, however, will remember that, whether it be peace time or war time, there could be nothing more unpatriotic in this land of many peoples and many creeds than the persecution of minorities and the formation of hatred and strife on the basis of race and religion. As Justice Frank Murphy has stated, the true American will also realize that if, in the atmosphere of war, we allow civil liberty to slip away from us, it may not be long before our gains in social and economic justice will also have vanished; for a nation that is caloused in its attitude toward civil rights is not likely to be sensitive toward the many grave problems that affect the dignity and security of its citizens.

We must not be oblivious to what is becoming one of the most disturbing factors in the present crisis. Certainly few things are ever quite so dangerous to civil liberties as a patterned patriotism on the loose, no matter how high and pure the aims and motives of those who shape it. What must everlastingly be driven home is that the intolrances of native prejudices are just as much a part of subversive activity as Japanese sabotage, Nazi spies, and Communist intrigue. We must guard against this today, because there is no way of making reparation for pain and shame. We must guard against it because it is one of the most disruptive factors in the morale which we are trying to build.

Having given some consideration to this whole question in relation to the last war and rather closely followed developments since the outbreak of the present, I have naturally come to have some concern over the manner in which California has approached the enemy alien problem. At the outset there was some reason for hope. Despite the nature of Japan's attack on Pearl Harbor, there was no immediate wide-spread reaction of suspicion of aliens and second-generation Japanese. While at first our people were naturally somewhat confused and alarmed, there was little hysteria. As late as December 29, the Northern California Committee on Fair Play, of which General David P. Barrows was the chairman, could issue a statement expressing general satisfaction with the manner in which the American tradition of fair play had been observed.

This sound common sense American attitude of doing the job and paving the way for victory was not allowed to continue, however. In January, the commentators and columnists, "professional patriots," witch-hunters, alien-baiters, and varied groups and persons with aims of their own began inflaming public opinion. Reason was not allowed to prevail. Clamor for un-American restrictive measures became rife. The ancient Western curse of vigilante rule was once more raising its head.

As California began to get tough, authorities in most of the other Western states gave evidence of succumbing to similar fear and hysteria. Indications along the same line have been manifested even in the Congress, where Representative Rankin of Mississippi announces that the Japanese have stirred up so much race trouble among the Negroes in Harlem "that the city authorities have entirely lost control." Moreover, "they are behind this drive to try to stir up trouble between the whites and the Negroes here in Washington." As a result, the Southern gentleman has proceeded to place himself above the Constitution and the Supreme Court and declare that Japanese born in this country are actually not citizens at all, but instead "are aliens in our midst and should be deported at the earliest opportunity." Nor is Mr. Rankin alone. Some members of the California Congressional delegation have not inspired confidence by their actions and already a bill has been introduced to deprive

(Please turn to page 42)



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**GIVE TO THE  
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Donald B. Pooley is married and is employed by California Container Company in Emeryville. Mark Raney is up at Thornton (near Stockton), working for the U.S. Department of Agriculture, and is married.

James Taylor is studying law at George Washington University, Washington, D.C. Philip Verleger is at Boalt Hall—the top man in his class. Denzil Widel is married and teaching at Corcoran Union High School.

Jean McKenzie is doing recreational work, including the formation of Hospitality Houses for enlisted men in the area from Yreka to Merced, with headquarters in Sacramento. Martha Jean Scholz is a typist-clerk for the FBI, in San Francisco.

Mary Anna Johnson was one of the four lucky people taken off the plane at Albuquerque, New Mexico, which later carried Carole Lombard to her death. She was on her way to Moffett Field from a three months' training course at the National Advisory Committee for Aeronautics in Washington, D.C.

Betty Churchill is working in Washington, D.C., for the Navy Department.

From Camp Callan, Herb Waterman writes: "Life could be a great deal tougher and the place lives up to its name—La Jolla, the jewel of the Pacific. When I was back East last year, I remember receiving the MONTHLY telling that Max Thelen was back at Harvard Law School. There were other members of the class there too; namely, Bob Byers and myself. I think Bob is in the Army now, but Max is still there. Bob Watron is still there, too. And it seems you've missed two more members of the class: Spud Rothrock is at Boalt and Ralph Moffett is married and really going places at Columbia Steel."

Oh—to have more letters like Herb's. Let us know where you are and what you are doing.

(Men's Secretary: Lieut. Richard B. Bahme, Camp Cooke, California. Women's Secretary: Mrs. Bernard H. Schulte (Dorothy Ayrault), 1130 I St., Merced.)

**Tolerance Needed**

*(Continued from page 8)*

our Japanese of their citizenship at the very same time as we are telling them to show their loyalty by leaving for the "reception centers."

I am sure that most readers of the MONTHLY are fully aware of the implications of what has been transpiring. I am sure that they will realize that by such actions we are diametrically opposing everything for which this country stands in this war. We are assisting

in destroying the unity which we now must have. We are copying the very methods of Hitler and the substitution of the term "reception center" for "concentration camp" does not alter this fact. We are furnishing both the Nazis and Japanese with propaganda material which may easily strike a responsive chord among the people of Asia and have much to do with making our winning of the war more difficult. We are opening the door for retaliation against thousands of our own citizens now situated in occupied and conquered countries. We are also opening the portals for doubt in the minds of millions of subjected people who are only awaiting the massing of our strength to join us in the common effort against the enemy. We all realize, I think, that this is a war of aggression against the democracies, not only physically and materially, but also against democratic ideals—free speech, free institutions, dignity and security for the individual. But if the democratic countries are to win this war, they have to show that not only does democracy mean what it says, but that it knows how to put into effect what it says. We have to convince the world that we mean what we say and that we know how to put into effect what we say. Does our handling of the alien and citizen situation on the Pacific Coast give very comforting demonstration of this?

Moreover, we have anti-Negro, anti-Catholic, anti-Semitic, as well as anti-alien groups in this country. There is no little latent feeling of racial, ethnic, and religious prejudice and conflict in our midst. Once let loose a movement against one minority group, such as our Japanese or Italian citizens and aliens, and the flood-gates are open for blind hatred also against other minority groups. On all of this, furthermore, our enemies can play, in fact, are already playing. These tensions may easily be exploited for the purposes of stimulating and fostering disunity leading to internal paralysis. Axis propaganda against us is based upon a detailed analysis of the American character structure, with most astute diagnoses of its abundant weaknesses. It tries to set into motion subtle programs, not only to make our minorities self-conscious and to impregnate them with an oppression psychosis, but also to set one minority against the other: Gentiles against Jews, Protestants against Catholics, and whites against Negroes. We must realize, furthermore, that among the many marginal people in our midst—not least of all the Negro—the feeling of being rejected, or not being wanted, creates in each instance a center of morale infection and every such area is the more

and physical education classes at Schneider Vocational High School in Stockton.

Ray Howard is one lucky '36-er who knows all the income tax blank answers. He is an accountant in the Department of Finance in the State Capitol Building at Sacramento. Evelyn Pausmann has a terrific title: Home Management Supervisor for the Farm Security Administration. She takes care of Humboldt, Del Norte, and Siskiyou counties.

It was with great regret that we received a letter from Mrs. H. F. Haney, explaining why her son, Ensign Claude G. Haney, would not be present at the fifth year reunion of the class. Ensign Haney was killed at Kearney Mesa near San Diego during bombing practice a year ago. He had enlisted at Oakland in 1939 and completed Navy air training at Pensacola and Miami, Florida, receiving his assignment to the U.S. Naval Air Station at San Diego in December, 1940.

Mrs. James M. Wade, Jr. (Dottie Ormsbee), your former women's secretary, flew to Denver, Colorado, where she expects to live for a couple of years. In the meantime, we'll do our best at pinch-hitting and will keep the home fires burning in the hope that she returns before long. Please write, or phone if you happen to be in the Bay region, so by means of these class notes we can let all your friends know the interesting things you're doing!

(Women's Secretary: Mrs. Ivor Updegraff (Marie Ayrault), 2605 Haste Street, Berkeley; THornwall 1569. Men's Secretary: Thomas J. MacBride, Route 5, Box 325, Sacramento.)

### Thirty-eight

A RECENT NOTE from Dorothy Warren Stahle discloses that she and her husband, Jack '38, are residing in Arlington, Virginia, while he is on active duty at the Navy Department in Washington, D.C. A baby daughter was born to the Stahle family on February 14.

Also residents of Arlington are Jack Sullivan and Mrs. Sullivan (Isabel Perrine) '40 and their baby daughter, Nancy Anne. Jack is engaged in supply work with the Army.

Janice Watkins Anderson was visiting her family in Oakland when December 7 appeared on our calendar. Her husband, Dr. Emory Anderson, left immediately for their home in Maui, Hawaii, where he is doing important medical work with the Civilian Defense.

A daughter, Laura Lee, was born to Mr. and Mrs. Robert C. Loomis (Lou-

ise Garvin), last December 28. Mr. Loomis is the class of '35. Mr. and Mrs. Robert A. Johnson (Iris Straefer) are the parents of a baby daughter, Diane Virginia, born last October 28 in Portland, Oregon.

Mrs. Lawrence Schei (Janet Hall) is doing some very interesting work as Sacramento County Home Management Supervisor under the Farm Security Administration. Her job is to assist low income farm families, receiving county financial help, in solving their social and home management problems.

Mrs. Harold Thorsen (Willa Gene Budelman) is now residing in Klamath Falls, Oregon, where husband Hal is a partner in a meat packing concern. "Willie" reports that the fishing and skiing are fine.

Three of our classmates (feminine gender) have been affected by the defense program. Mrs. Lawrence Belinger (Ethel Hazzard) has moved from Livermore, where her husband was teaching at the high school, and is now residing with her family in Berkeley while he serves Uncle Sam.

Mrs. James Graves (Barbara Wagner) is residing with her family and keeps busy with social service work in San Francisco, while her husband Jim does his bit with the National Guard.

Mildred Hickok has a new business address, care of the Girl Scouts of America, Santa Monica, where she is doing some very interesting personnel and organization work.

Helen Wolfenden (now Dr. Wolfenden) is interning at University of California Hospital in San Francisco.

A most welcome letter from Jeanne Bennett Robinson (Mrs. Charles) informs us that she is residing in Washington, D.C., where Charles '36 is doing important things for Uncle Sam.

Robert George '39 and Zeldia Long George are the parents of a baby daughter, Lynn-Ellen.

(Women's Secretary: Mrs. Cranson L. Hopkins (Jean McDonald), 1694 Butters Drive, Oakland; FRuitvale 5297-W. Men's Secretary: Paul Hastings, 4758 8th Avenue, Sacramento.)

### Forty

JOHN ATWOOD is teaching at Mt. Diablo Union High School. Ty Barre is with the Coca-Cola Company. Philip S. Boone works for Du Pont in San Francisco.

Raymond Chan has tentatively accepted employment in a social service clinic. Peter Haas works for an advertising agency in San Francisco. Edward Howden is executive secretary for the San Francisco Housing Association. Warner Law works for MGM in Hollywood.

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vulnerable to some phase of Axis propaganda.

The accentuation of our differences which is now going on may very well become one of the most insidious factors in the sapping of our national strength. We cannot possibly mobilize our full potential force as a nation to fight the enemies from without if we must dissipate our strength and divert our passions towards a largely imaginary enemy within. By allowing racism and anti-alienism to flourish we will deflect our attention from those recruiting stations of the "fifth column" which are far more dangerous than our racial minorities and our immigrant groups.

How, then, should we as individuals and leaders of opinion in our communities face the problem before us? Most of us, for example, have difficulty in distinguishing between our Chinese friends and our Japanese antagonists. The pictures in *Life* some weeks ago will not be of much assistance along that line either. And despite attacks upon California Japanese by Filipinos, some people cannot tell a Filipino from an Oriental. Some readers may recall a news dispatch relating how the police of a New York town apologized to Brigadier General Henry W. Baird, commanding officer of the Fourth Armored Division at Pine Camp. It seems that an alarmed store manager in Watertown, New York, called the police about a "suspicious Japanese" in his store. Two officers closed in and snapped handcuffs on the suspect. At headquarters, however, the man identified himself as Vincente H. Gliane, 41, General Baird's Filipino houseboy for 23 years. Gliane, moreover, stated that he had been in the police station only a half hour earlier to turn in some scrap metal. If one has this difficulty in distinguishing between brown-skinned Filipinos and the lighter skinned Chinese and Japanese, there is, of course, much greater difficulty in distinguishing between Germans and Italians and other Americans.

This being the case, it appears to the writer that the best solution for the whole problem is to follow the advice given by Governor Culbert L. Olson of California in an unequivocal statement just before the outbreak of the war: "If the friction aroused by relations with Japan should generate much heat, in dealing with them I shall rely upon the fact that recognition and protection of the rights and safety of minorities has always been a basic tenet of American government and the American sense and practice of fair play." As the statement continued, "with that in mind, all patriotic fellow-Californians will foster in their

own communities a popular attitude which will assure security, personal dignity, and livelihood to all resident Japanese, citizens and aliens alike." That is a statement which I wish to endorse. It should be applied, of course, also to German and Italian residents. Even though some of our authorities have not maintained this high-minded attitude during the crisis, the best solution for the whole problem is to behave courteously toward any law-abiding foreigner, and citizen, whatever the slant of his eyes. It is the slant of the heart that counts, and that is no matter for off-hand judgment.

Just as important is the lesson which we should have learned from the last war. That lesson should have taught us that while very small elements within some of our minorities may become serious menaces to national unity and the national effort, the great bulk of these minorities can also be used constructively to heighten national morale and to increase our capacity for collective action on a national scale. Among the lessons we should have learned is that the greater part of our minorities have a direct stake in our national enterprise, and that they do want to give of their resources and their enthusiasm, and that they do want their groups also to have a high morale. We should have learned that they can be solidified into collaborative action with the nation as a whole more effectively through their own leaders than through outsiders, and that the more they understand, approve, and share our national objectives, the more thoroughly do they devote themselves to their attainment.

However it is defined officially, morale for most of us means enthusiasm of others for the causes we believe in ourselves. Naturally we cannot expect the minorities—who have remained as distinctly marginal people in our midst, to respond as warmly as those who have been here much longer, to American traditions, to appeals to our past. The United States is not merely a territory, a political unit, and a body of traditions, however, but also a promise. It is a promise for all of us, but especially for those who, whether they came here to escape oppression and poverty or to seek opportunity and adventure, have given to this country a strength which lies in the very motive that brought most of us or our ancestors here. The American dream goes far beyond the four freedoms and acquires new meaning with every new day. If it were not a fluid and expanding idea, the many diverse peoples who embrace it would have difficulty in identifying themselves with it as something real.

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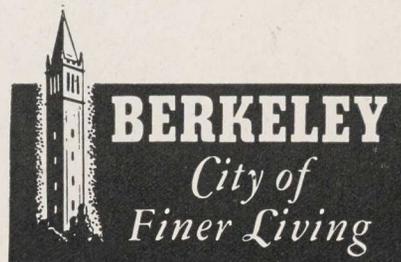


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America is accomplishments, to be sure, but it is largely aspirations. America is unfinished. Our principal source of national unity and strength, therefore, lies less in past tradition than in the present and in the future. America belongs to the future, and it is in this sense that our minorities can share and must be allowed to share with the rest of the population a common set of objectives. To the old Americans these may be largely composed of aspirations for security, but to the new Americans, to those who have chosen this nation as their home, they shade in the direction of keeping open the road of opportunity. To old and new alike, they mean a maximum of personal freedom and personal dignity. Democracy is the only system which can provide this. It is the only system which inspires its leaders with some degree of humility and its followers with some degree of dignity.

As Louis Wirth has recently written, if we can keep our imperfect realization of these values from hardening, and if we can prevent the obvious frustrations and disadvantages of wide sections of our people from being accepted as permanent, if those who have not yet been fully accepted into the community can become convinced that if not they, then at least their children may become so, then our so-called minorities will not be a threat to national morale but its chief contributing factor.

Truly, the diversity of origin of our people, if properly understood, can become one of the greatest of morale-building factors in the United States. It is almost certain to guard against the tendency to think of ourselves as a superior race or to identify our nation with the Anglo-Saxon peoples, for we could not do so without doing violence to the origins of a substantial portion of our population. Moreover, in the heterogeneous composition of our national cultural complex, we have potentially the broadest base for the development of a civilization which more nearly than any other in the world would embrace all the others.

As leaders of public opinion, then, we are charged with the duty of doing our best to prevent the recurrence of any large-scale psychological strife within the country, either now or after the war. There is need of a continual educational movement built around the fact that our population is an extension of about sixty different national, racial, and religious backgrounds, and that this fact constitutes perhaps one of the greatest advantages enjoyed by the United States and the world as a whole. Indeed, America would be dull if it were cast all in one pattern. Variety enriches and ennobles the de-

sign. Yet, out of our diversity can come unity, "unity within diversity," as Louis Adamic likes to put it. Given an enlightened approach to this crisis, we can achieve unity in essentials—above all in the essential democratic faith which has room for all sorts of experimentation, and which can use healthy human nature in all its forms.

I do not mean by what I have said that we should not be vigilant. In many respects greater vigilance is necessary than was the case in 1917-18 because of the much stronger emphasis placed by the enemy upon endeavors to break down the home front. But matters dealing with espionage, sabotage, and subversive activities must be referred to experienced officers of law enforcement, responsible employees of the national government, acting in cooperation with the duly constituted law enforcing agencies of state and local governments. This is no field for independent judgment, nor for inexperience. The Government, particularly the Department of Justice and the Federal Bureau of Investigation, has been training men for many years to meet just this sort of problem. They are experienced. They know where to look for sabotage and espionage, and they know just what groups to suspect. We must let them do it. If we try to do it on our own, we will be accusing innocent people, and, just as important, we will be getting in the way of our experienced investigators who undoubtedly know what we know but don't want to reveal it just now. In other words, we must have faith in our Government.

To a very limited extent, it may be that in some circumstances the military will prove the most suitable instrumentality. It must be remembered, however, that the army mind is apt to move inevitably toward a radical solution: clear all "enemy aliens" out of the coastal regions and take no chances. This would appear unnecessary in view of the fact that on February 20 the Department of Justice went on record that to that date it "is satisfied with the general conduct of alien enemies. Most of them understand what is required of them and promptly comply with our regulations. They realize that the restrictions are no reflection on the loyalty of the majority of them. They understand that there has not been any time to separate the sheep from the goats and that for the sake of protecting the Nation from the few disloyal aliens, a great many innocent persons faithful to the principles of our democracy must be inconvenienced."

In any case, the army decisions must be made strictly because of military necessity and not because of civilian

pressures. The statement of General John L. DeWitt on March 2, was comforting in this regard. Speaking on the subject of the proposed evacuation of aliens and citizens from the Pacific Coast, the chief of the Fourth Army promised that "public clamor for evacuation from non-strategic areas and the insistence of local organizations and officials that evacuees not be moved into their communities can not and will not be heeded." As *The Daily Californian* editorialized on the following day: "The hysterical, would-be vigilantes who have been crying aloud for evacuation of aliens and Japanese citizens alike from inland counties, and the profiteers who have hoped to gain from the evacuees' misfortune would do well to heed the general's admonitions." Certainly whatever action proves to be absolutely necessary must be done under responsible direction and not by inexperienced and overzealous laymen. Individuals and citizens' groups will achieve their patriotic purposes much more effectively and expeditiously if their energies are directed towards strengthening and supporting the authorities rather than in seeking to take over their duties.

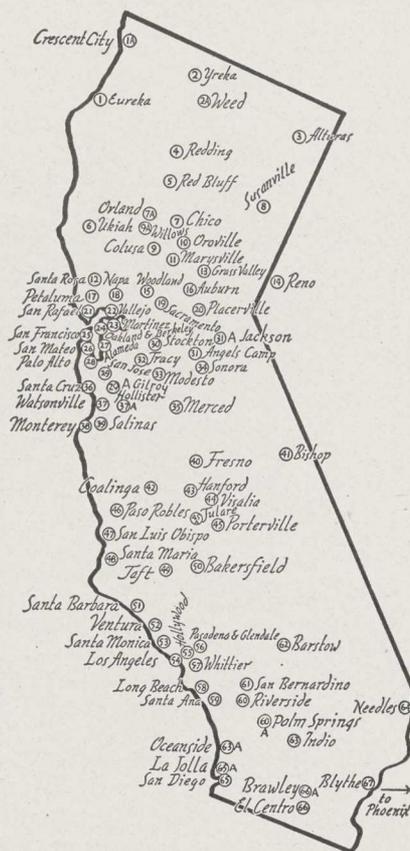
This was stressed by Mr. J. Edgar Hoover, the Director of the FBI, some time ago when he stated: "The surging wave of patriotism, encouraging as it is, has its dangers. Unbridled activities are distinctly un-American, no matter how patriotic the aim. The vigilante method is distinctly contrary to American ideals of Justice."

It is because the vigilante method is so contrary to the principle of liberty governed by law, but at the same time is so very much a part of the American tradition, that I hope that every Californian will address himself to the problem of establishing an American unity and morale strong enough to face this war without losing too many of the finest elements which have been brought together to fashion the democracy for which we are fighting. For in that, each one of us must be brought to a realization that he has a part to play. As Jay Franklin writes in his new book, "The citadel of freedom is defended only by the spirit which animates those who man its ramparts."

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## Liquid Life Insurance

(Continued from page 11)

utes, the donor extends a bared arm along a padded shoulder jutting out from the table. The doctor, aided by a nurse, wraps a sphygmomanometer around the upper arm, inflates it and reads the blood pressure.

Then with a few deft movements, he applies antiseptic to the inside of the elbow, deadens the nerves of the arm with a shot of novocain and easily inserts a hollow-bore needle in the large vein.

A short rubber tube connected to the needle is inserted in a vacuum-tight jar, specially prepared for the purpose. Controlled by a valve on the top of the jar, the flow of blood is forced by air pressure into the vacuum bottle. The latter contains an anti-coagulant material that prevents the blood from clotting.

To create a muscle pressure that will aid the flow of blood, the donor clenches and unclenches his fist at about the same rate as his breathing. The time of the operation, which depends on this pressure and on the size of the vein, varies from seven to 12 minutes.

Throughout the operation, the physician talks in a calm, assuring tone, explaining the process and continually inquiring how the patient feels. The answer is almost invariably "fine."

In fact the only objection raised by donors is the ban on food preceding the donation. The physician explains that food, especially globules of fat, would enter the blood stream and complicate the process of separating the cells from the plasma. But as soon as they have rested from 15 to 30 minutes in an adjoining room, the donors are served sandwiches with coffee or cocoa.

The whole procedure, including the rests, usually takes less than half an hour. Although first-timers anticipate pain, black spots before their eyes and a generally unpleasant feeling, they actually experience no sensations other than a slight numbness in the arm during the operation and occasionally a mildly tired feeling immediately after. But this soon disappears.

Immediately after the operation, the tube is removed from the self-sealing stopper in the bottle. A small vial is filled for testing purposes, and the jar placed in a refrigerator where it remains between 3 and 6 degrees centigrade for a week. By this time, the heavier material has settled to the bottom, and the clear plasma is withdrawn into another vacuum bottle, sterilized air first being introduced

into the first jar to break its vacuum. In case it is necessary to separate the corpuscles from the plasma immediately, the blood is placed in a centrifuge.

The second jar has a capacity of 2000 cc., which makes possible the mixing of the plasma of eight or nine donors. Since the liquid contains no corpuscles to clot, the mixing does not spoil the plasma. It is tested once more for the presence of bacteria, a preservative is added and then it is stored away in a large, refrigerated vault—a pinkish-amber fluid "ready to save a life at a minute's notice."

Tests are still being conducted to determine how long the plasma can be kept. Under refrigeration it has been known to keep at least 18 months, and this may be extended to an indefinite period.

For use in the field, however, it has been found advisable to dry the plasma into a yellowish powder which can be instantly mixed with a distilled, sterilized water on the scene of the accident. This is accomplished by freezing the plasma solid at 50 degrees below zero and placing it in a "desivac" which removes water vapor with vacuum pumps.

Plasma will not entirely replace whole blood in transfusions, for the latter has an added value of remedying anemia and infections by its iron-carrying red corpuscles and its germ-killing white cells. However, in cases of incendiary bomb burns and crush injuries—most prevalent among air-raided civilians—the plasma is actually superior to whole blood, for the wounds are dangerous less from the loss of blood than from the shock resulting from the rush of plasma from the blood stream into the damaged tissue.

While use of the liquid plasma is largely restricted to hospitals with large refrigerator facilities, the dried plasma has made possible a portable kit—no larger than a cigar box—which can easily be carried to the side of a fallen soldier. The kit contains two half-pint bottles, one of powdered plasma and one of purified water. These can be mixed in a few minutes and injected into the victim's veins, thus possibly saving his life.

The Red Cross, working in coöperation with the army and navy and various medical societies, is rapidly preparing these kits at centers in 16 major cities throughout the nation. This program had been started almost a year before the entrance of the United States into the war, and the subsequent increase in interest has boomed the number of donors as much as 600 per cent.

Like all new things to catch the pub-

lic eye, the program has caused numerous false rumors which hospital staffs are constantly attempting to rectify. The most popular misconception is that men are better donors than women. The only basis for this is the long-obsolete idea that the female is the weaker of the species. There is some truth in the fact that women tend to have less hemoglobin in their blood, but this does not affect the plasma. Actually, women have contributed more blood to the program than have men.

Donors are advised to allow a three month lapse between donations. They must be in good physical condition when the operation is made; a slight cold is cause enough for postponement of the appointment.

No way has yet been devised to utilize the residue of the blood, although extensive research is being conducted. Scientists are also attempting to find something to replace the human plasma, itself, with protein solutions from cow's blood and fish-gelatin fluids the best prospects so far.

But there is still no substitute for human blood. Until it is found, civilians have no more painless way to serve their country than to give their blood "to save a life to win a war."

## Californians in Service— Army

(Continued from page 16)

Army Engineer Corps at Fort Ord, was recently ordered to northern Canada for work on the Alaska road. He married Anna Marie Menefee '42 in Reno on March 7.

Thomas Carber '40 is with the Air Corps in Texas and Jim Gilland '43 is now at Fort Scott.

Major Harold R. Hennessy (GS '39) is with the Medical Corps at the Presidio of San Francisco. From 1939-40 he was the first director of Sutter-Yuba Bi-County Public Health Unit, and was called back to active duty in November, 1940.

Lawrence F. Bradley '40 is attending Harvard Graduate School of Business Administration in Boston. He will complete a two year course leading to a degree of Master of Business Administration and receive a commission as second lieutenant in the Army Quartermasters Corps Reserve.

Lieut. Marvin A. Sirbu '39 is assistant director of the Alighting Gear Unit of the Aircraft Laboratory in Experimental Engineering Section of the Army Air Corps, Materiel Division, Wright Field, Dayton, Ohio.

Captain Oswald H. Milmore '29 was assigned on June 2, 1941, to the Barrage Balloon Board at Camp Tyson,

he has made Mr. Roosevelt and Mr. Churchill aware of this possibility? Only such an interpretation of the agreements entered into by the Big Three can explain the supine policy of acquiescence which our President has followed and now tries to justify. But no policy of dealing with our allies can be justified which does not promise after military victory to produce a situation in Europe which shall be worth the further shedding of American blood.

The outlook for such a Europe is now exceedingly dark. With the cynical flouting of our war aims by our allies and the ominous prospect of a Europe sown with the dragon's teeth of another war, the question is, we believe, rapidly taking form at the bottom of the heart of millions of Americans: What is to be gained for the United States—or for civilization—or for Europe itself, by continuing the awful slaughter of our sons? This question, though still inarticulate, is not directed at the military war save in a secondary sense. It is addressed primarily and directly at the diplomacy of the President whose policy of appeasement is losing the only war Americans are interested in, and which high-minded Americans are bound to feel has let us down not only in Europe but in China and India.

While the military situation at this moment is tragically acute, there is no doubt in the American heart of the sufficiency of our resources to win ultimate victory on the battlefield. But there is widespread feeling that we are bankrupt of political and diplomatic resources in dealing with our allies. There exists grave apprehension that the political framework (if it ever existed outside our own American fancy) in which the war is being fought has, ever since Teheran, been shattered.

Certainly the war cannot be saved unless American diplomacy can erect or re-erect such a political structure. Possibly the very concept of such a political world order is already so far destroyed that hope for its rehabilitation is vain. But the American people would like to have from their President one honest word indicating that he still has some hope of winning the war into which he led them. And they would like to see in his dealing with our allies some evidence of a strong policy on his part expressive of the depth of our country's sacrifices and of the power of her military resources.

If Russia continues to ride roughshod over the rights of small nations, so that these helpless states which entered the war trembling before a tyrant in Berlin come out of it trembling before a tyrant in Moscow, the war cannot be saved. If Great Britain continues to show that ahead of all considerations of human freedom in countries like Italy and Greece she places the protection of her imperial lifelines, the war cannot be saved. If France, after all the torment through which she has passed, continues to be preoccupied with the manipulation of alliances, with playing off power against power, the war cannot be saved. If the President of the United States, who unfurled over our armies the banner of the Atlantic Charter, stands by as a helpless spectator while these things are done, and not only consents to their doing but adopts them as an example for our own nation to follow, the war cannot be saved.

To men in authority in Britain and Russia, the division of Europe into power blocs and spheres of influence may

seem like enlightened self-interest. But in the hearts and consciences of thinking people it is losing the war. Russia's high-handed treatment of the Poles is shot through with moral nihilism. So is Britain's equally high-handed treatment of the Greeks. So is America's silent abandonment of the people of Asia to a re-forging of the chains of imperialist ownership.

Can the war be saved? That is, can America's war—the war Americans believed they were to fight—be saved? Only if the principles for which they were led into battle are resurrected and avowed and lived up to. They are the principles which Mr. Roosevelt now attempts airily to wave into oblivion by relegating them to the level of the Ten Commandments which, he implies, are too ideal to be practiced! Waiving, now, any comment on the ineptness of this comparison, what are the principles of the Atlantic Charter? Are they vague "aspirations," mere counsels of abstract perfection, as the President asserts? They are not.

The one thing that now makes the Atlantic Charter such a stumbling block to men like Churchill and Stalin and Roosevelt is that its principles were so practicable and so clearly stated. They included the renunciation of all territorial aggrandizement; no territorial changes except in accord with the wishes of the people concerned; the right of all peoples to choose their own form of government; equal access by all nations to trade and raw materials; collaboration by all nations to improve economic conditions; security for "all the men in all the lands"; freedom of ocean travel; disarmament of aggressor nations and encouragement for "all other practicable measures" to bring about the disarmament of all nations.

Is the President of the United States helpless in dealing with Churchill and Stalin on such issues as these? Then no military victory can save the war into which he led the American people. Has he no resources with which to hold his own in diplomatic relations with these leaders of our allies? Must the President subside when Stalin softly hints that unless he has his way he may leave Britain and the United States to fight the war alone? Can Stalin and Churchill insist that the end of the war must yield strategic zones, puppet states, a new system of military alliances, naval outlets and outposts, the transfer of huge populations, the dismantling of unfriendly governments, while the President of the United States wilts before such demands because he has no diplomatic resources to resist them? All of these ends may seem desirable to a Russia out to dominate Europe, and to a Britain out to maintain her imperial supremacy, but none of them is worth the life of a single American soldier.

Defenders of the President's appeasement policy appear to have no conception of the power which the United States could bring to bear in the field of the war's diplomacy, a power fully equal to that which it displays on the field of battle. Could not Stalin be made to see that if continued Russian participation in the war depends on our yielding to what he regards as Russia's interests, the United States has even greater right to demand that what, in the Atlantic Charter, it has announced as its interests, and what it believes to be the general interest of mankind, shall be recognized and served? Can Stalin be allowed

comfortably to assume that the United States is now so committed to the military struggle that it cannot extricate itself?

Would not Stalin be responsive to a subtle reminder concerning the importance to him of the war materials which the United States is supplying to his armies? Would he be indifferent to a suggestion concerning the importance to his gigantic rehabilitation program that he have friendly access to American manufacturers after the war?

And if Stalin remained unmoved by such reasonable and prudential considerations, what effect would it have on both him and Churchill to be told quite bluntly that the kind of political war they insist upon fighting is causing the American people to lose what little faith and ardor they have had from the beginning, and that the President himself might not be able to stem the popular clamor against the further shedding of American blood on Europe's fields?

The truth is that the United States, under the spineless policy so far followed in dealing with our principal allies, has not yet begun to use its great power for the purpose for which its President told his people the war is being fought. Why this is so is a question which can only be answered by a speculative reading of the President's mind and a guess as to its motivation—an exercise in which we have no desire to engage. The nearest approach to any attempt to assert America's case came in the two recent declarations of our state department dissociating our government from the intervention in the internal politics of Italy and Greece. But this was only a negative action; another washing of Pilate's hands while the crucifixion goes right on.

We repeat: the power of the United States in dealing with our allies is no less than its power in dealing with our common enemies. An administration that wants to use it can use it. It can use it to rescue this war from the debacle of utter and tragic moral collapse. But it must act quickly, before the heartbreak of the nation bursts in fiery wrath upon the heads of the nation's leaders.

## Racism in the Constitution

IT IS SAID that the dissenting opinions of one generation of Supreme Court justices become the majority rulings of the next generation. We sincerely hope that we shall not have to wait a generation for a reversal of the dangerous decision which the majority of the court handed down on December 18 in the case of Fred T. Korematsu. We believe that the future stability of the republic requires that long before a generation has passed the doctrines which Justice Murphy and Justice Jackson enunciated in their dissenting opinions shall become the law of the land! Korematsu, a citizen of California, had challenged the constitutionality of the 1942 military order which compelled "all persons of Japanese ancestry, both alien and non-alien," to leave their homes in three western states and submit to internment in relocation centers.

A present majority of the Supreme Court upheld the army order. But it did more. In the trenchant words of Justice Murphy, it wrote "the legalization of racism" into the Constitution.

On the day previous to the Supreme Court ruling, the Western Defense Command had lifted the ban which prevented the evacuees from returning to the west coast. Since the court also ruled, in another case decided on the same day as that of Korematsu, that no loyal evacuee could be compelled to remain in the relocation centers against his will, it seems likely that members of this courageous racial minority may soon be restored to the full exercise of their civil rights. But the issue still remains, as Justice Jackson pointed out in his stinging dissenting opinion, whether the damage done to the rights of *all* citizens by the Supreme Court decision can be repaired.

Military orders, Justice Jackson said, are issued to meet an emergency and will sooner or later be recalled. "But once a judicial opinion rationalizes such an order to show that it conforms to the Constitution, or rather rationalizes the Constitution to show that the Constitution sanctions such an order, the court for all time has validated the principle of racial discrimination in criminal procedure and of transplanting American citizens. The principle then lies about like a loaded weapon ready for the hand of any authority that can bring forward a plausible claim of an urgent need. Every repetition that imbeds that principle more deeply in our law and thinking then expands it to new purposes. . . . A military commander may overstep the bounds of constitutionality and it is an incident. But if we review and approve, that passing incident becomes the doctrine of the Constitution. There it has a generative power of its own and all that it creates will be in its own image. Nothing better illustrates this danger than does the court's opinion in this case."

Justice Jackson then recalled that the majority verdict was based on the court's previous ruling sustaining a curfew order in the case of Gordon Hirabayashi. Great care was exercised in that instance, he said, to make it clear that the decision was limited only to the curfew order. "However, in spite of our limiting words we did validate a discrimination on the basis of ancestry for a mild and temporary deprivation of liberty. Now the principle of racial discrimination is pushed from support of mild measures to very harsh measures and from very temporary deprivations to indeterminate ones. And the precedent which it is said requires us to do so is Hirabayashi. The court is now saying that in Hirabayashi we did decide the very things we there said we were not deciding. Because we said that these citizens could be made to stay in their homes during the hours of dark, it is said we must require them to leave home entirely; and, if that, we are told that they may also be taken into custody for deportation; and, if that, it is argued that they may also be held for some undetermined time in detention camps. How far the principle of this case would be extended before plausible reasons would play out, I do not know."

Military necessity, said Justice Jackson in a classic conclusion, must not be allowed to obscure the duty of the court to uphold the principles of the Constitution. "I should hold that a civil court cannot be made to enforce

an order which violates constitutional limitations, even if it is a reasonable exercise of military authority. The courts can exercise only the judicial power, can apply only law, and must abide by the Constitution, or else they cease to be civil courts and become instruments of military policy."

He branded the attempt of General DeWitt to justify his evacuation order as an "unsworn, self-serving statement, untested by any cross-examination," and said that no evidence had ever been brought forward to prove that military necessity actually dictated the dispossession of 112,000 Japanese-Americans, of whom 70,000 are citizens. Pointing out that Korematsu's only crime was that his parents were of Japanese birth, he declared that "if any fundamental assumption underlies our system, it is that guilt is personal and not inheritable."

Justice Murphy devoted most of his equally incisive dissent to the racial angle of the case. He too paid his respects to the majority opinion in no uncertain terms. He declared that it "goes over 'the very brink of constitutional power' and falls into the ugly abyss of racism." He cited a long list of cases in which the courts had held military discretion to strict account. He maintained that the courts must defend the citizen against unreasonable interpretations of military necessity. He held that only when public danger "is so 'immediate, imminent and impending' as not to admit of delay and not to permit the intervention of ordinary constitutional processes to alleviate the danger" can military necessity be accepted as a valid reason for weakening constitutional protections.

General DeWitt's order, he said, "clearly does not meet that test. Being an obvious racial discrimination, the order deprives all those within its scope of equal protection of the laws as guaranteed by the fifth amendment. It further deprives these individuals of their constitutional rights to live and work where they will, to establish a home where they choose and to move about freely. In excommunicating them without hearings, this order also deprives them of all their constitutional rights to procedural due process. Yet no reasonable relation to 'immediate, imminent and impending' public danger is evident to support this racial restriction which is one of the most sweeping and complete deprivations of constitutional rights in the history of this nation in the absence of martial law."

Justice Murphy admitted that the military situation in the spring of 1942 was dangerous and that it was necessary to guard against espionage and sabotage. But neither "reason, logic nor experience" could be marshaled in defense of the assumption that all Japanese-Americans were dangerous, or even a large minority of them. "That this forced evacuation was the result in good measure of this erroneous assumption of racial guilt rather than bona fide military necessity is evidenced by the commanding general's final report on evacuation from the Pacific coast area. In it he refers to all individuals of Japanese descent as 'subversive,' as belonging to 'an enemy race,' whose 'racial strains are undiluted' and as constituting 'over 112,000 potential enemies . . . at large today' on the Pacific coast." Justice Murphy then notes that no evidence was proffered to support these charges and observes that they follow the familiar complaints of unassimil-

ability, dual citizenship, the teaching of the Japanese language and residence near strategic centers—"questionable racial and sociological grounds not ordinarily within the realm of expert military judgment."

In any event, these "main reasons relied upon by those responsible for the forced evacuation therefore do not prove a reasonable relation between the group characteristics of the Japanese-Americans and the danger of invasion, sabotage and espionage. The reasons appear instead to be largely an accumulation of much of the misinformation, half-truths and insinuations that for years have been directed against Japanese-Americans by people with racial and economic prejudices—the same people who have been among the foremost advocates of evacuation. A military judgment based upon such racial and sociological considerations is not entitled to the great weight ordinarily given to the judgments based on strictly military considerations. Especially is this so when every charge relative to race, religion, culture, geographical location and legal and economic status has been substantially discredited by independent studies made by experts in these matters."

As he moved inexorably toward his conclusion, Justice Murphy spoke even more plainly. The whole claim of military necessity, he said, rested on the inference that because a few members of the Japanese-American group had been proved disloyal, the entire racial group cannot be trusted. "To infer that examples of individual disloyalty prove group disloyalty and justify discriminatory action against the entire group is to deny that under our system of law individual guilt is the sole basis of deprivation of rights." This inference which is found at the heart of the evacuation orders is the same as that used by tyrants against members of minority groups. "To give constitutional sanction to that inference in this case . . . is to adopt one of the cruelest of the rationales used by our enemies to destroy the dignity of the individual and to encourage and open the door to discriminatory actions against other minority groups in the passions of tomorrow."

Pointing out that individual hearings had been possible and that the deliberate procedure which was followed in sending these victims to concentration camps belied the claim that hearings could not be held because of the need for speedy action, Justice Murphy concluded by referring to the fact that "not one person of Japanese ancestry was accused or convicted of espionage after Pearl Harbor while they were still free." He ended with a paragraph which should be engraved in stone: "I dissent from this legalization of racism. Racial discrimination in any form and in any degree has no justifiable part whatever in our democratic way of life. It is unattractive in any setting but it is utterly revolting among a free people who have embraced the principles set forth in the Constitution of the United States. All residents of this nation are kin in some way by blood or culture to a foreign land. Yet they are primarily and necessarily a part of the new distinct civilization of the United States. They must accordingly be treated at all times as the heirs of the American experiment and as entitled to all the rights and freedoms guaranteed by the Constitution."

# Religious Liberty Is at Stake!

By Emory Ross

**H**UMAN LIBERTY has been the chief casualty of our generation. Human liberty is thus directly at stake in this war—liberty of body, mind and soul; liberty of thought, speech and action; liberty with moral self-restraint and full responsibility—human liberty. It is at stake not only in this war but in this generation. And not only in Germany, Italy, Japan, Russia, but in the United States, Canada, France, Ireland, Britain, Spain, Egypt, China, Palestine, Argentina, Africa, Portugal, India and in every other spot of human habitation.

In human liberty, religious liberty is basic. Religious liberty is necessary for the deepest and broadest development of the individual man and of society. Religious liberty provides the base on which true spiritual and cultural exchange and cooperation can alone take place. Religious liberty requires the presence and use of nearly every other liberty: liberty of belief and change of belief, of assembly, of speech, of the press, of travel, of residence—in short of the full range of internal and external action and reaction, all within the accepted limits of peace and order. Without religious liberty no other human liberty can be sure and full.

## *What Is Religious Liberty?*

But religious liberty can mean different things to different men. For a Moslem it can mean the right of each religious community to worship in its own way but not the right to change one's religion, except to Islam, and not the right for non-Moslems to live free of economic, social and political disabilities. For a Russian religious liberty today can mean something which foreigners are not yet able clearly to define. For a Roman Catholic in a country with a Catholic majority it can mean about what it does to a Moslem. For a Roman Catholic in a country with a Protestant majority it can mean on the surface apparently about what it does to a Protestant.

For a Protestant religious liberty can have, does have, a broad basic meaning. As a formulation of that meaning for public discussion and for national and international action the following statement was adopted by the Federal Council of Churches and the Foreign Missions Conference on the recommendation of their Joint Committee on Religious Liberty under the chairmanship of Dr. John A. Mackay: "The right of individuals everywhere to religious liberty shall be recognized and, subject only to the maintenance of public order and security, shall be guaranteed against legal provisions and administrative acts which would impose political, economic, or social disabilities on grounds of religion. Religious liberty shall be interpreted to include freedom to worship according to conscience and to bring up children in the faith of their parents; freedom for the individual to change his religion; freedom to preach, educate, publish and carry on missionary activities; and freedom to organize with others, and to acquire and hold property, for these purposes."

This statement is made for no theoretical reasons. It is made because the principles there set down are being violated in many countries whose total populations number many millions. Those countries may be divided into two groups: those in Europe, where our relationships are mostly indirect though very sensitive and warm; and those elsewhere, where our relationships are direct through our missionary personnel and our intimate bonds with the growing national churches.

## *Religious Liberty Being Violated*

The situation in Europe is better known in this country and will not be treated here. The situation in certain countries where Protestant missionaries work is not so well known and is the subject of this article. These areas may be considered in six groups of varying characteristics and importance. Three are areas of actual conflict and in the other three serious problems may arise.

In the latter group is Ethiopia, the smallest territory in the list. The problem which may arise there is a rather special one. It grows out of the emperor's views as embodied in the regulations issued at Addis Ababa on August 27, 1944: that since the Ethiopian Church members (formerly known as Copts) are Christians, no Christian evangelical approach should be made to them; and that Ethiopia shall be divided into "open areas and Ethiopian Church areas" and that "when the minister of education allows an application he shall specify the area or the areas to which the applicant missionary society shall confine its activities."

The issuance of such regulations raises two basic questions: first, whether full religious freedom should not permit all peoples to witness to their religion among all other peoples, subject only to the maintenance of peace and order; and second, whether missions can be confined to "areas" of this sort by a state irrespective of the voluntary consent of the religious bodies concerned without violating the principles of religious liberty.

## *Problems in India and China*

The second area is India. When India becomes independent, will religious liberty be guaranteed and practiced? In the eyes of many Indians Christianity is still a foreign religion. In the eyes of a goodly number it is rather worse than that; it is a Western religion, identified fairly closely with the British *raj*. Another and in some respects opposite view is that it is a leaven, a power for certain revolutionary changes in Indian society which many people do not want. For these and other reasons India may present some real problems in religious liberty.

China is the third area. It may seem far-fetched to suggest that a problem of religious liberty may arise in this most tolerant land. However, there are some disquieting signs. China is in a period of fundamental change. Influences from abroad, other than Christianity, are help-

the most hopeful voice the people hear is that of the preacher who stands in the pulpit of a Christian Church and reaffirms his confidence in the integrity of the moral universe. If that voice wavers, the entire community loses its faith.

There are all too few sources from which the minister himself can draw inspiration. No man, pouring out his heart to his people twice each Sunday and once during the week, can hope to keep the tides flowing full and free unless he has some source at which he can recoup his own powers.

The annual session of the Conference has been the occasion to which thousands of preachers have looked for assistance. More than one hard-working man has gone home from some inspirational session fired with a hope and lifted by another man's faith, to become a living flame among his people. There is very little in statistical reports and routine questions which will do that for a preacher. The fires of a revival of religion will be kindled, if at all, in those sessions where the hearts of preachers are set aflame by some passionate personality who has a message from God.

There is a very great need, in our opinion, for a clear understanding of the social issues with which the Church is confronted. There is needed likewise expert training in methods of church administration and religious education. But greater than either need, we believe, is the need of a new conviction concerning the reality of God and the authenticity of Jesus' revelation of God. Conference programs should, then, make ample provision for those sessions in which preachers can go back to the fountains of their faith and renew their covenants.

The most valuable service in some Conferences would be one in which the preachers would come again to the altar, confessing their sins of professional jealousy, petty gossiping, and personal rivalries. In at least one Conference, it will be impossible to hope for a real revival until two competitive leaders get a personal feud straightened out and unite in leading the Conference back to a consecration that will be all inclusive.

We believe there is still a place at a Methodist Annual Conference for an old-fashioned altar service, where hearts are melted under a consciousness of failure and where the mercy of God is besought in complete honesty and utter selflessness.

No preacher has a right to accept an appointment from his bishop to minister to a church in the name of Christ, if he bears a grudge against another minister of his Con-

ference which prevents him from speaking to that brother. No bishop of the Church would consider sending a man to serve a congregation if he knew he was a disease carrier and certainly a grudge carrier is a source of spiritual infection as surely as a diphtheria carrier is a source of physical infection.

No preacher in this dire hour has any moral right to go to a congregation as their spiritual guide if he proposes to spend the year preaching old sermons, making routine calls without purpose, collecting his salary, and leaving the people at the end of the year with no more vision than they had at the beginning. A session of the Annual Conference which calls such a man to repentance and to a new consecration will be well worth all

the time it consumes, if a congregation is saved from spiritual anemia thereby.

It is not necessary to import some "big shot" from outside the Conference, though there is undoubtedly some value in a new voice. It often happens that a preacher of the Conference in whom all men have confidence, is able to lead his brethren farther out into a vital Christian experience than an imported leader who does not know their needs.

To make room for such sessions on crowded days it may be necessary for some habitual debaters to curb their desire to make a speech or "clarify a situation." It may be necessary for the committees to have their reports in on time. And, above all, it may be necessary for the pastors to get their annual reports to the treasurer and statistician so that Conference totals can be reported in time to take appropriate action on significant losses. All this calls for a type of consecration that is none too plentiful, on the average.

Perhaps not the least of the requirements of an inspiring session will be that the preachers themselves shall go up to Conference in a high state of expectancy. All too many times it has been true that the session has been anticipated as a vacation sanctified by impressive titles and religious conversation.

The foregoing is not intended as a deliberate neglect of the consecrated laymen who also sit through the Annual Conference sessions. Perhaps more busy men of importance would be willing to spend the time necessary to represent their congregations if the Annual Conference program were spiritually contagious. Most people today feel the need of some indubitable touch from God. The Annual Conference programs, this year, should be triumphant experiences from which Christian men depart with a spiritual glow that means personal and congregational victory.

## A PRAYER FOR THE TIMES

By H. CONRAD BLACKWELL

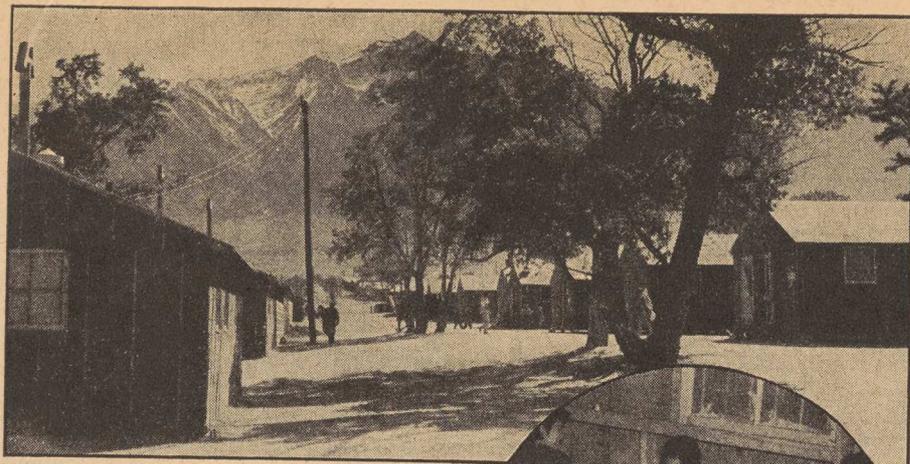
Minister, Farmville, Va.

*Our Heavenly Father, we thank thee that, in the midst of our confusion and uncertainty, thou art still our comfort and stay.*

*As we approach thee we realize that our desires and natures are very different, yet our need is one. Help us, we pray, to see thy hand in all that is happening and give us faith that we may perfectly trust thee. Lead us, we pray, to feel that through thy wisdom good will be the final goal of evil. Give us strength and courage that we fail not thee.*

*Bless our youth who have gone out from our communities to serve their country and its cause. Help these, we pray, to stand firm and to come through their experiences with a larger belief in and loyalty to thee. Bless our nation and those who rule over us. May all who guide our affairs realize their dependence upon Thee. In thy good time, O Lord, bring us into the paths of peace.*

*Forgive us, we beseech Thee, for any mispent opportunities and for our coldness of heart or wandering of mind. Help us in every experience to see thee leading, and empower us with thy spirit that we may work faithfully for the bringing in of thy kingdom. Amen.*



**T**HE other day a manufacturer called me on the phone.

"Hey," he protested, "there's a Jap working right out here close to my plant. How do I know he won't blow us all up?"

"Have you had all your employees checked by the F.B.I.?" I asked. "No."

"Well, that Japanese has been checked against the records of the F.B.I., and his record is perfect. You'd better get busy looking up your own men's records."

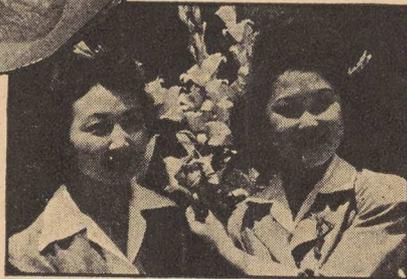
I could have told him more, but he got the point. I could have told him the Japanese-American who leaves a relocation center for a job is subjected to a far stiffer scrutiny than the average citizen has in a lifetime. And I could have told him that every Japanese-American in a war plant has been weighed in the balance and found patriotic, dependable, and able not only by the F.B.I., but also by Army Intelligence, Navy Intelligence, the Provost Marshal's office, and the War Relocation Authority.

The story of how these people are being placed in jobs where they are sorely needed is one that every church member should understand. For it is not only a matter of finding out what is being done; it is a problem of seeing the vast implications of the relocation program, and of catching a glimpse of a great new field for Christian service that is opening.

Let me explain the set-up. Early in 1942 approximately 110,000 Japanese and Japanese-Americans, two thirds of them American citizens by birth, were evacuated from the Pacific Coast area for reasons of military security. Ten relocation centers were established to house them. Soon the growing scarcity of manpower created demands that these evacuees be made



(TOP) Mount Whitney furnishes a background for the quarters at Manzanar, Calif. (CENTER) Families eat together. (RIGHT) Two Japanese-Americans and their own flower arrangement



available for agricultural work. During the spring and summer of 1942, at the request of the planters themselves, over 1,600 evacuees were recruited to cultivate sugar beets in the Rocky Mountain states outside the evacuated area. In the fall about 10,000 were granted short-term permits for work in the harvest fields. Many of these were hired later on a permanent basis by their employers.

In July, 1942, the W.R.A. announced a policy of permitting qualified American citizens among the evacuees to leave relocation centers to accept permanent jobs. A few months later this policy was broadened, with the approval of the War and Justice Departments, to include aliens.

Reasons for this step are obvious. Many of the alien Japanese had lived in this country since childhood, but they had been forced against their

## Check and Double Check

wills to remain aliens because they were refused the right to apply for citizenship. Many of them had sons in the armed forces. And young American-born evacuees could not leave elderly dependent parents behind them when they went to another part of the country to take jobs.

Here is the procedure by which an evacuee is placed in a job:

He files with his project director an application for an indefinite leave. In this he gives the complete history of his life, and lists the names of five

Caucasians who knew him before he was evacuated.

On the basis of this information the project director launches an intensive investigation designed to reveal all there is to know about the applicant's past life.

The five references are questioned minutely, and his life at the project is investigated. When the director is satisfied, he forwards the application to Washington, where it is turned over to the F.B.I. for a check of that agency's vast files to see whether there is anywhere a record showing that the applicant might be undesirable. On the basis of this information, the Washington director of the W.R.A. then either grants or refuses the application.

But when the evacuee's application is granted, he is still not free to leave. The director of his relocation project must see to it that he has a job—and the job and all circumstances relating to it must also have been checked by the W.R.A. through its relocation field offices in Midwest and Eastern cities.

Once the evacuee and his job are approved, prospective employer and employee complete their negotiations between themselves. The employer may hire any eligible evacuee he chooses, or none at all.

When the applicant has a job, he is granted authority to leave the project.

By **ELMER L. SHIRRELL**

Supervisor, Chicago Area  
War Relocation Authority

Photos from the Office of War Information

He goes with two requirements in his mind—he must not return to the evacuated area, and he must keep the W.R.A. informed of his post office address. If he is not an American citizen, of course he must report regularly to Government authorities.

That, roughly, is the picture for the average applicant. But for the evacuee who is placed in a war plant, it is a more complicated matter. He must be cleared by a joint board of representatives from the W.R.A., the Army and Navy Intelligence staffs, the Provost Marshal, and the F.B.I. The record of any person passing that test is spotless.

With that background, I believe, the importance of all this to a churchman becomes obvious. Here is an attempt—safeguarded with every reasonable precaution, checked and double checked—to relocate a large body of people, most of them American citizens. Here is a Government doing its best to return to many people freedom which was of necessity taken from them temporarily; attempting to help them recover their self-confidence, their feeling of belonging, their right to share in a Christian democracy.

But neither the W.R.A. nor any other Government agency can accomplish this tremendous task without the whole-hearted support of those who are interested in human values—those, if you will, who practice the principle of loving neighbors as themselves.

The Church must lead in building the kind of public opinion that will make relocation possible. It must be the voice of reasonableness and calm—and more than that, the voice of sympathy—and it must speak loudly. The Church must do more than sit approvingly on the sidelines. It must help, for example, to solve the housing problems of these people, or see new Little Tokyos arise after or even during the war; it must welcome them into its religious services, or see America's problems of race segregation and misunderstanding grow even worse; it must take them into its fellowship, or see a great Christian challenge go unheeded.

The Church today is proving itself in this matter. Already to many loyal Japanese-Americans has come the conviction that the Church is their one energetic, outstanding friend in America today. It would be pure tragedy if so promising a beginning should end in failure.

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## A Chinese Doctor Reports

By H. W. TSENG

*Acting Superintendent, Methodist Union Hospital, Chungking, West China*

WHOEVER opens a map of the world cannot miss seeing two big chunks of color. One is looking at your right eye and the other peeping at your left, with nothing in between but blues—I mean blues.

If I were a cartoonist, I might be able to draw a picture of a kind old gentleman sitting on a cliff on the sea coast with one hand supporting his chin in deep thought and another at his pocket ready to draw his weapon. His facial expression is that of sadness and uncertainty; yet his intent gaze is fixed upon the other side of the ocean where another old gentleman bearing a surprised, a weary and much bruised countenance, is having a life-and-death struggle with a monster of the sea.

Nevertheless, if I were Superman, I would have featured two young and healthy looking men—one on either side of the ocean. One of them, a big, innocent yet determined-looking farmer boy, is using his bare hands fighting with a bad man carrying weapons; while the other standing on the other side of the sea has a thoughtful, earnest and yet alert appearance, with both fists clenched ready for action. In the last picture of the cartoon strip I would show the latter catches hold of the bad man's feet and throws him headlong into the ocean.

The writer at this moment is but an ordinary and humble physician in the city of Chungking. During the past two and a half years I have witnessed happenings in this part of the world which I could never have imagined before.

I have experienced the sensation of helplessness during air raids. I have known what it is to lie flat on the ground looking at squadrons of bombers flying directly above my body. I have seen shrapnel drop around me and my colleagues and patients covered with bricks, dust, and wood splinters as a result of falling walls. I have found my fellow workers carrying on their work with empty stomachs hours after the kitchen was destroyed. I have observed patients, nurses, and doctors and other hospital staff members suf-

fering from thirst and hunger for twenty-four hours. I have seen surgical instruments and X-ray plants hit by bombs.

One day when we were prepared to assist at the birth of a baby the delivery room got a direct hit. Babies are being born in underground tunnels over here. After an air raid we attend hundreds of wounded, and there are bits of human flesh and clothing hanging on leafless branches of the bomb-shattered trees. I have seen the relatives of the dead victims dry-eyed in the face of tragedy and making no complaint.

Winter epidemics are coming in the summer season. Contagious diseases are spreading far more easily than in peacetime. And there are diseases to which I can find no reference in books on medicine.

Over here medical supplies are not only expensive but scarce. It is sometimes impossible to obtain required necessities for a long time. We have tried to minimize the use of medicine and first-aid materials. We have to cope with every situation, using whatever instruments and materials we have on hand. Needless to add, we are doing our bit for human suffering under great handicaps.

All this may seem to have about it the sound of hopelessness, but I want to tell you also that China is working hard to reconstruct while she resists. The Chinese government and private institutions have already taken up the manufacturing of certain drugs and instruments. Experts and technical students have been set to work studying native herbs. There are also special laboratories studying nutrition and many other problems.

So, we are trying to help ourselves. But we desperately need medical supplies from America. In our newspapers it is stated that tons of medical supplies have already arrived from the Red Cross of the United States; and also, for days the newspapers have published stories about "China Week" in America.

We are deeply grateful!

# Can the Soul of Man Survive the War?

WHOEVER first described the present global conflict as "a war for survival" probably spoke more wisely than he knew. Survival of physical life, of racial cultures, and of government controls were what he may have had in mind, for war is fearfully destructive, a besom with a wide and inclusive range. Keyed to the tempo of modern warfare such destruction is vast and devastating. Armies, supply concentrations, as well as homes and churches and hospitals become the targets of our gigantic weapons of the skies.

Under such a program of destruction what is to become of humanity? Will the bombers wipe out every vestige of civilization, the fabric of art and education, social well-being, and religion—that historic deposit which, for want of a better word, we call culture? Can war pulverize the material structures of a people, shatter their techniques of social and political rule, and leave unscathed the creative spirit which has developed such a way of life? Even if the practice of war permits the deception of our enemies it would be fatal for us to deceive ourselves.

Such are some of the issues raised in a stimulating new book entitled *The Judgment of the Nations*, by Christopher Dawson (published by Sheed and Ward, \$2.50), that brilliant Englishman who has been called "the foremost Catholic philosopher of present-day Britain."

In a day when world movements were somewhat static this book would have been provocative of animated discussion but in our day, when continents are aflame with war, it becomes white hot with moral and spiritual incandescence. Even if the reader is not permitted to forget that the writer's historic backdrop is England and that his spiritual allegiance is Roman Catholic, Americans of all political and religious opinions would do well to ponder Mr. Dawson's solemn warnings as well as his sensitive historic and religious interpretations.

While the air is filled with flashing phrases descriptive of the cherished freedoms for which we are fighting, while experts are pouring upon the

By **LOREN M. EDWARDS**

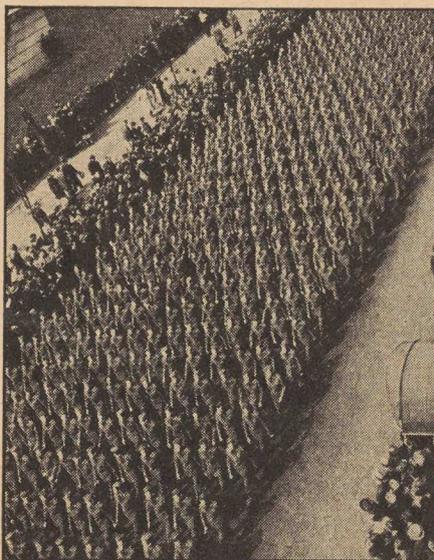
Minister, First Church, Newton, Iowa



Atlantic Charter the light of hopeful interpretation, and while we hold jealously the cultural heritage that fronts the current totalitarian threat, it is time to examine again the texture of modern civilization, note the dangers to its very existence and gird ourselves for whatever eventuality the struggle entails.

In this connection Mr. Dawson pointedly declares that "during the last twenty years we have seen the collapse of constitutional government throughout Europe, and with it the loss of personal freedom and economic freedom and intellectual freedom—in fact, all the liberties which the nineteenth century believed had been won or were being won as a permanent possession for humanity. Are we to believe that these liberties were a sham and proved their worthlessness as soon as they were won? Were they bound up entirely with the social and economic circumstances of the last century? Or is their defeat due to lack of faith in principles that are eternally valid?"

The paragraph just quoted may be taken as the thesis of the book, namely, that our Western civilization is being brought to the edge of history's abyss and something must be done about it,



Gendreau photo

What will become of the marching hosts?

more especially by the Christian Church and all the world forces of religion. I have put the author's question into the title—"Can the Soul of Man Survive the War?" No matter whether there are four or a dozen freedoms for which to contend, if we destroy the first freedom of all, namely the free man, or if we do not now utilize freedoms for which we battle, all is lost. For example, the freedom of worship usually heads the list, but it is bitter irony to battle for a freedom which we now have and which multitudes seldom if ever use. A free person morally furnished and spiritually motivated must survive this world struggle or the war for our various freedoms will have been a shadow boxing contest or a vain sacrifice placed upon Moloch's bloody altar.

According to Mr. Dawson, systems of political administration or social ideologies are secondary to a free and spiritual personality. The Church is mother of Western civilization and religion is the fountain of all true culture. But the nations are too unmindful of these vital truths and are plunging on in blind fury toward mutual annihilation.

The author feels that "we are passing through one of the great turning points of history—a judgment on the nations as terrible as any of those which the prophets described. We see all the resources of science and technology of which we were so proud devoted methodically to the destruction of our world." With repetitive emphasis he concludes that our boasted advance in mechanical invention and technological skills has given a stress to material well-being which has resulted in the virtual enslavement of the worker and the despiritualization of our way of life.

Our culture has been "totally secularized," and the spiritual power of the Church has been reduced to a weakness that is gravely tragic. "Behind the material destruction which a global war entails, there are even greater evils, the loss of freedom and the loss of hope, the enslavement of whole peoples to the inhuman order of violence and oppression." But if one lives among the wolves must he

Candy drank in the interpretation his voice gave the sentences

pocket. "A photograph," she said, handing it to Stuart, "of the rites at the grave. They—the people standing around—they're mostly natives. Just curious natives. People he'd probably never even seen—" She left the sentence suspended, wondering. "What's Burma like, Stuart?"

It was a moment before Stuart realized that she had called him Stuart. He glanced at her swiftly; she hadn't noticed.

"I don't know much about it, Candy," he said simply. "It looks like an upside-down triangle, and it has mountains and swamps and a river that runs wide at the mouth. But I think you have the natives figured wrong." He paused, choosing the words. "I don't think they were just curious, Candy. I like to think they were there paying a sort of humble tribute to someone from away who was fighting their fight, who had tried to help them."

"Yes," Candy said. "I like to think that, too."

Her voice was idling, as though by saying words she could form thoughts around them, thoughts to hold on to. "In a way," she went on, "I'm glad they didn't tell me more about the accident—how it happened, and all that. This way I can think of it in one piece, and there aren't any details to haunt me, to make distorted pictures in my mind. And I'm glad it happened at noon, when the sun was high and things were going on around him." Her voice had ebbed to a whisper. "People just don't—commit suicide—at high noon, do they?"

Stuart's thoughts leaped to hers. So that had been worrying her too! That in addition to the pain of knowing Wyn was gone! He leaned toward her, and his eyes burned into hers, making her believe. "Candy, I'm surprised at you!" He drummed the words softly into her consciousness. "I've never seen Wyn. I've only heard about him, from you, from Zoe, from Bob. And yet, even I know him better than that."

Candy's lips twisted into a smile, and she stood up, in her stocking feet. "I'm a dope tonight," she said. "An awful dope! Maybe it's the firelight; maybe it's the hour. Maybe it's because you always have such a peace about you, and I feel all confused when I stack my thoughts up against yours."

Stuart reached for her slippers, held them out to her.

She brushed a trailing wisp of hair from her forehead. "Is it something kept locked in a safe marked 'for preachers only'?" she asked, her voice catching in a web of lightness. "Or can other



people have a slice of it too, Preacher?"

Stuart took her arm, walked with her to the stairs. "It's in the open market, all right," he said, looking up at her face, which was only a dim blur in the darkness. "All you have to do is want it—really want it."

Stuart lay a long while in bed before he went to sleep, his hands folded on the pillow beneath his head. He was thinking that he had never really seen Barry Nash. He had had only glimpses of him in the car when he came for Candy. Stuart didn't know what he was really like at all. And suddenly it seemed tremendously important that he should know.

**SUNDAY**, December 7, had been a quiet day. Stuart was sitting at his desk late in the afternoon, going over his notes for the evening sermon, when he heard Julian's voice rise sharply above a rush of words on the living-room radio. "Hey, everybody!" he was calling. "Get a load of this! Japan's opened fire on us!"

Zoe came from the kitchen, slowly, wiping her hands on her apron. "You're kiddin'," she said, disbelief plain on her face. Lubin came trailing behind her, some empty fruit jars in his hand.

Stuart reached the room just as Titus Walters came hurrying down the stairs. They stood silently, the five of them,

and listened to the electric, staccato voice of the announcer.

There was a thumping on the ceiling, and Derek's voice came to them, high-pitched, excited. "What is it? What is it?" Zoe turned, numbly, and went up the stairs.

They sat close to the radio, Julian switching from one station to the other, trying to get the latest news possible. "I thought all this belonged in history books," he said once. "I guess I never figured on belonging to a war generation."

At dusk the front door opened and Faye came in with Bob. She wore socks, and a scarf tied over her hair. Her cheeks blazed from the cold, but her eyes were big and questioning, frightened at something she did not understand. Bob's mouth was grim, his eyes steady. They looked so young, there on the threshold of the living room—so young and so suddenly caught up with life.

"We were in the drugstore," Faye said, her voice hardly coming alive, "sipping a soda—when we heard."

They went and sat beside each other on the sofa. Bob kept looking at the little circle of light around the dial, and Faye's eyes, anxious, went from his face to the rug, and back again. She unpinned the scarf. Mechanically, Bob helped her slip out of her coat, then

[CONTINUED ON PAGE 16]



# AMERICANS TOO!

**A young Nisei, Dave Tatsuno, presents some of the problems that war, evacuation, and relocation have brought to the Japanese-Americans of the Pacific Coast. The pictures on these two pages are scenes from one of the relocation centers.**

**T**ODAY, in the wasteland of central Utah, a unique and strange new city is in existence. A year ago this was but a square mile undistinguishable from the rest of the vast, dried terrain. Now the drab rows and rows of army-like barracks are the homes of thousands of Americans with Japanese faces.

Over a year ago—several months after Pearl Harbor—these Japanese-Americans with their alien parents—alien only because of a law which denied them citizenship, however much they desired it, most of them having lived for forty to fifty years in this country—were faced with the almost unbelievable and startling fact that they were to be uprooted from their homes on the Pacific Coast because of military necessity. So 110,000 were evacuated. Two thirds of them were citizen Nisei, the second-generation Japanese-Americans born of first-generation Japanese parents who came as pioneers from Japan. They were evacuated to temporary assembly centers, many of which were located in race tracks.

They were relocated by the War Relocation Authority in the fall of 1942 to their new homes in the desert surrounded by wire fences. There are ten such "mushroom cities" scattered throughout western and central United States.

What were the Nisei doing before Pearl Harbor? The average age of the Nisei was twenty, and many of them were students at colleges and universities. Every graduation brought its harvest of Nisei valedictorians and salutatorians, as well as many honor students. They were well liked by their fellow Caucasian American students and friends, and respected and praised by their teachers. The average Nisei spoke English just like any other American youth, including slang and popular idioms, and he sang the songs, popular and semiclassical, which his fellow Caucasian Americans sang.

Now, what is the life the Nisei are leading in their new stereotyped homes out in the wilderness? The first immediate problem that faces them is the basic problem of home life. There is a great tendency for the home to disintegrate under the pressure brought about by crowded living in small quarters with lack of privacy at all hours. The family table at mealtime is the heart of any home, and you can well imagine the difficulty of trying to maintain a proper home life when the whole family must take its meals three times a day at the block community dining halls where the food is literally handed out at the end of long "bread" lines.

Another concern of the young evacuees, especially in the teen ages, is education. There is a general lack of adequate school buildings because of the little time the Government

had in which to establish the centers. Education was not the prime necessity, and now, with shortages of essential materials, the school buildings have not gone up, and may never go up. Ordinary barracks must be used for schoolrooms, and the dining hall for laboratory work if there is any equipment. There is also a lack of adequate school supplies such as books, and of proper teaching staff and personnel.

Greater than any material or physical discomfort are the psychological problems that face these young Japanese-Americans. The first and foremost problem is the feeling on the part of the Nisei that they are not wanted by the rest of America. This feeling has been engendered and fostered at the very outset of the evacuation by the evidence of race discrimination of the Japanese on the Pacific Coast through war hysteria and by the very fact that the young Japanese-Americans, citizens though they were, were evacuated while alien Italians and Germans were not.

Another sore point is the spreading of malicious misinformation about the Nisei throughout America by politicians who are trying to use the evacuees as political footballs and by other selfish pressure groups. If you will only let their



past record speak, America will see the truth. Incidentally, not one single act of sabotage was committed by the Japanese and Japanese-American residents in the United States, and even at Pearl Harbor, from the beginning of the war up to the time of evacuation. This is mute testimony of the loyalty of not only the Nisei but of most of the Japanese residents in America.

The psychological problems within the centers themselves are, first, the fact that the Nisei, confined in such "concentration" camps with only Japanese, excepting for the few Caucasian administrative staffs, lose touch with the rest of America.

Another problem arises from the fact that the evacuees, young and old, are dependent upon the Government for everything. Initiative and self-reliance is soon lost. And, finally, the whole evacuation and relocation has been tremendously upsetting to the many young evacuees because the future for them seems dark and woefully uncertain.

In spite of the rather gloomy, but realistic picture that I have painted, all is not lost with the Nisei within the relocation centers. The one biggest factor which has made relocation more satisfactory is the friendship and active help that the Christian friends, Churches, and organizations have extended to the evacuees. Last Christmas, thousands of tiny evacuees were able to have a "white" Christmas with gifts and toys generously donated by the various Christian denominations all over America. Lesson materials for Church Schools, periodicals and books for the center libraries, equipment for recreation, hymnbooks for churches, toys for little children—all these flowing into the centers have been concrete evidences of the love typified by the Man of Galilee twenty centuries ago. Whatever else may have failed, Christianity has not failed!

As for college students whose studies were interrupted by the evacuation, the American Friends Service Committee has set up a Student Relocation Council which has relocated many Nisei college students in colleges in the Midwest and in the East. Scholarships offered by various Church groups and denominations have enabled many deserving Nisei students

[CONTINUED ON PAGE 15]

1. An American soldier of Japanese descent visits an evacuee
2. Eighteen-year-olds register for the draft at Jerome Center
3. American-born Lillie works as a secretary at one center
4. This is a view of a typical center; its barracks house 8,000
5. A barrack room, 20x25 feet in size, is home for the Tatos



# Everything Happens at Once!

**J**ANET RHOADS'S right foot pushed hard on the slippery button accelerator of the old Model T Ford. The rolling green hills of Valley Forge through which she drove might as well have been mounds of concrete, for all the attention she paid them. Janet was late for work, and the time clocks of the Fabry Fibre Company wait for neither man nor girl, but that wasn't the reason for her absorption. Her mind was a thousand miles away—literally a thousand miles—with John, her twin brother, somewhere on Guadalcanal.

The telegram that had come last night still seemed like a bad dream—something that couldn't happen, something that you'd wake up to find was all a mistake. But here it was morning—a morning like all other mornings—and no one had said, "It isn't true."

The telegram had been telephoned in as Janet had sat at the desk writing a letter to John—a long, newsy letter on thin air-mail paper. She had been telling him all about her job at Fabry Fibre—all the funny little intimate things that she knew John would enjoy. She'd told him about her boss, fat Freddy Williams, who was always snowed under heaps of defense orders and hurry-up telephone calls that he just couldn't cope with; about the two debs who were working in the mill, all done up in slacks from Best's which cost more than they earned in a week. She'd told him how scatterbrained she herself was about decimal points, and how she'd overcharged a customer \$700, but so great was the pressure on defense industry that the customer hadn't even noticed it until the correction was made.

Then had come the sharp b'ring of the phone and the operator's impersonal voice, reading the regulation message: "Private John Rhoads . . . wounded in action."

"Wounded in action!" Why it could mean anything! John's eyes—a leg—an arm—even more dreadful things that she couldn't let herself think about. Could it have been only eight months ago

that she and John had hauled and pushed Tin Lizzie out of the barn together, and then wisecracked and teased as together they had put her in running condition again? She remembered Johnny berating her because she hadn't wanted to ruin her manicure on dirty work. "Hey!" he had said. "You'd better give up manicures. There's a war on! Remember?"

Janet had remembered, ever since. She had remembered when she got up at the crack of dawn to get to work by 7.30. She had remembered when John came home on a brief overnight leave in his Marine uniform. She had remembered on Saturday nights, when she went to the movies with the family instead of having a date. All the boys her age were in the service. She was being cheated of the years of her youth that were the traditional fun years. Yes, she had remembered there was a war on.

Now, as she turned in the gate of the plant, which was situated like a great sprawling prehistoric beast on the banks of the river, she was remembering even more poignantly. The letter lay on the seat beside her, and the address in her small, feminine backhand was plain: Private John Rhoads, U. S. Marine Corps, Unit 570, % Postmaster General, San Francisco, California. She parked Liz with a jerk, picked up the letter, and walked briskly to the mill office.

**M**ISS Rhoads," called Freddy Williams as soon as she pushed open the door, "will you get your book and take some dictation right away, please?"

"Right away," replied Janet as she tossed the letter into the office mailbox. I wonder if it will ever reach him, she thought, I wonder—"Yes, Mr. Jones, as soon as I finish with Mr. Williams."

"Snap out of it, Jan. You're in a fog!" Mary Miller said good-naturedly



**BY BETTY CAVANNA**

**Illustrated by Walter Stewart**

## Americans Too!

[CONTINUED FROM PAGE 9]

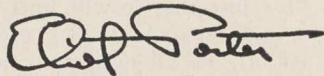
to continue their education. Who can tell what future leaders for a world of peace may come out from among them?

What can Presbyterian young people do to help these young Americans with Japanese faces as they wrestle with their problems? I sincerely believe that you young people can help by, first of all, helping to make the resettlement of these Nisei and their aged parents a reality. You can, through your local Church, try so to influence your community that the Nisei can resettle without being the target of unwarranted prejudice and discrimination by those ignorant of the true facts. You can also lend moral support to young evacuees in the centers by exchanging letters through the Churches in the relocation centers. You can help to combat prejudice, discrimination, and intolerance directed at these Japanese-Americans by learning the truth about them and by helping to counteract misinformation and malicious propaganda. And, lastly, in the larger sense, each one of you can live your life, like the Master, with a broad, understanding, and universal outlook that knows no color nor creed and that looks to one Father of us all.

## Cooperatives Pave the Way

[CONTINUED FROM PAGE 13]

co-operators. In Sweden, Denmark, and England they have leavened the entire distribution systems and enabled the poorest to live a more abundant life. They merit the Christian recognition and encouragement they are more and more receiving.



<sup>2</sup>Nearly everybody knows that 28 hungry weavers founded the first co-operative society 99 years ago in Rochdale, Lancashire, England. With \$140 laboriously saved, they rented a warehouse basement and put in a modest stock of butter, sugar, candles, and meal. The first year their business grew to a \$3,500 total. By the fiftieth year it was \$1,500,000, and their society was one of a mighty association of similar societies which is now England's largest business, owning 150 factories and mills, including the Empire's largest flour mill and its largest textile mill, plus a coal mine, plus a fishing fleet, plus tea plantations in India and palm and olive plantations in Africa, plus a banking business second only to the Bank of England.

Nearly everybody also knows that the Rochdale system means buying at wholesale and selling for cash at prevailing retail prices and dividing net profits according to amounts purchased. Occasionally all or part of the profits is used instead to furnish hospital care, recreation, and education. Membership is open to everybody, regardless of race or class, on purchase of a single share. Shares draw a limited rate of interest, and shareholders have one vote no matter how many shares they own.

## PARK COLLEGE

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William Lindsay Young, President

## Where the Heart Is

[CONTINUED FROM PAGE 4]

Somehow Fred lived through the ordeal of introductions. They were wonderfully kind, these friends of Fred's. What they thought, they hid. And they greeted Gloria warmly as Fred's fiancée.

"We hope you'll be with us every Sunday," Mrs. Samgaard said.

Gloria behaved herself very well. The Ericksons had to give her credit for that. She waited until after they were out of the church building and on the way home.

"If you think for one minute that I'm going to sit around in church all the time, you're mistaken, Fred Erickson! Conventions, church services, Sunday School! And the next thing, I suppose, you'll want me to sing in the choir!"

"It wouldn't hurt you," Fred said doggedly. He felt numb, as if nothing mattered any more.

Gloria would have continued, but Father Erickson turned from the wheel. "There will be no more quarreling in the back seat!" he thundered, as he used to do when the children were little. And silence reigned until they reached home.

Fred escaped to the refuge of the barn, pleading chores to be done. When he did not appear for dinner, Gloria went to find him. Frieda never knew what they said to one another. But immediately after their little talk, Gloria stamped up the back stairs, and they could hear her slamming things around in her room.

"Is anything the matter, Gloria?" Frieda asked outside her door.

"I'm leaving," snapped Gloria. "I've had all I can stand of Fred Erickson!"

"Would you like to have George drive you home?" Frieda asked, her heart leaping joyously within her.

"No, thanks!" Gloria sniffed with hauteur. "My boy friend from home will be glad to drive me. He likes me the way I am!"

The house seemed brighter after Gloria had gone. Father Erickson unbent over the berry cobbler, and the crowded table echoed with the rumble of his hearty laughter. It was Anna who blurted out the sentiment of all the Ericksons.

"I'm certainly glad," she said, "that she's gone!"

Frieda was surprised after dinner to see Julia coming through the back path just as she used to do.

"Frieda," Julia said urgently, "let me in quickly. Is there some place we could be alone?"

"Of course," Frieda said.

"You'll think I'm crazy, I guess," Julia said breathlessly, once they were seated, "and probably I am. I've tortured myself so long keeping it all in. Frieda, this quarrel with Fred was all my fault. I'm to blame. We had gone together so

long—I took him too much for granted. I laughed at him and teased him. I knew he'd always come back. And then one day—he didn't come back. And I was too proud to say I was sorry."

"Surely," Frieda cried, "there's blame on Fred's side too."

Julia rushed right on. "This morning in church I saw her! Frieda, he can't—he mustn't—she'll ruin him! There isn't anything I wouldn't do to save Fred from making such a mistake—even if it turns him against me forever and ever. I want to tell Fred I'm sorry."

"You're an angel, Julia," Frieda said softly. "Fred isn't here just now. But when he comes, I'll find a way to send him to you. You can depend on me."

Frieda went back to the dinner dishes, and presently Fred came in. He took up the dish towel and began to dry the glasses. Neither spoke. At last Fred set down the glass he had been polishing.

"Frieda," he said hopelessly, "I've been an awful idiot. I've lost the only girl I ever really cared for—the one who was meant for me."

Frieda's heart danced. "Then why," she said gently, "don't you go to her and tell her so?"

"Do you think she'd listen?" Fred's eyes lighted with hope.

"Isn't a lifetime of happiness worth a try?" Frieda said.

As Fred dashed out the kitchen door, ran down the back path, and headed for the Lien ranch with all speed, Frieda remarked to the kitchen range, for want of a better listener, "Miracles do happen!"

## Tusculum College

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## NATIONAL BIBLES

SINCE 1863

At Your Bible Bookstore



## The House on Cockspur Street

[CONTINUED FROM PAGE 7]

took and held it absently across his knees.

There was little conversation at the table. They kept their attention on the radio, turned up to carry into the dining room. Zoe left the dishes standing. "There'll be all night to do 'em," she said.

The young people were meeting Monday night instead of Sunday, so Stuart stayed close to the radio until 6.30, then went to his room for his sermon notes. Julian turned in his chair as he left the room. "I suppose you'll tell them war is hell, Preacher," he said, his voice more caustic than it had been lately.

"I guess they don't have to be told that," Stuart said, taking his hat and going out the door. Besides, he was thinking, the people of his congregation would be listening to their own thoughts tonight.

Stuart watched the faces of the people as they came in. They were strangely quiet and composed. There was a gentle murmur of voices, but they sounded stunned, waiting. All through the singing it worried him—the helpless dazed way they kept looking straight ahead, at the pulpit.

Then, instinctively, he knew why they were there. They had come wanting to hear something that would lead them through the shock of sudden reality. They were there because down deep, beneath their bickering and their pettiness, they were Americans—and Christians. Because down deep they believed in something bigger than themselves, and tonight they wanted to touch hands with it again.

Stuart took his notes from his pocket. He was going to preach on "The Four Centurions." Well, the centurions could wait. Tonight he would stand behind the pulpit and tell them simply, as the words came to him—and he knew that they would come somehow—of the faith that was so strong it could move mountains, so strong it could keep a candle burning in the soul when all without was black and bitter and seemingly a loss. He would try to reach back of the night, back of all the years and the wrongs that had led to the night and bring their hearts in contact with the great heart of God. He placed his hands on the pulpit, and, his Bible unopened before him, quoted his Scripture in a voice weighted with conviction:

"And he said, Go forth, and stand upon the mount before Jehovah. And, behold, Jehovah passed by, and a great and strong wind rent the mountains, and brake in pieces the rocks before Jehovah; but Jehovah was not in the wind: and after the wind an earthquake; but Jehovah was not in the earthquake: and after the earthquake a fire; but Jehovah was not in the fire: and after the fire a still small voice."

He repeated the last slowly, "And after the fire—a still—small—voice." The faces that turned up to his held a sameness he had not seen before.

CANDY was in the living room with the others when Stuart got back to the house. She wore a softly tailored brown wool dress and a net over the back of her hair. It was almost time for her to dress and go to the Green Parrot.

Milo Dugan had come in from Badenville, bringing an extra edition of the Badenville *Bugle* with him. It lay scattered on the floor, its bold black type shrieking from the carpet.

Faye and Bob had gone. The war meant something a little different to them than it could possibly mean to the others, and they were off somewhere, trying to reason it out together.

Titus Walters sat silently in a chair by the fire, and it seemed to Stuart that the lines of his face had softened. Dugan's arm was still in a sling, and he looked big and awkward on the sofa beside Lubin. Candy twirled a nail file in her fingers, but her eyes stared at a pattern in the rug. This will make it easier about Wyn, Stuart thought. She just had to give him up a little sooner.

A log shifted in the fireplace, making the only sound in the room other than the soft music that came and went between news flashes.

Julian turned his head to one side. "Isn't it queer!" he said tersely. "Millions of words will be written about today. History books will go on speaking of it for centuries. Tomorrow every curbside tramp, every millionaire will have his piece to speak. But tonight not one of us—has a thing to say!"

"I do," Candy said curtly, getting up and going from the room. "Good night, boys and girls!" In the doorway she paused, leaning idly against the wall. "Know what they'll do at the Green Parrot tonight?" she asked. "Want me to sing 'The Star-Spangled Banner'—high notes and all."

Stuart looked after her thoughtfully. Dugan kicked at the paper on the floor. "What's eatin' her?" he asked.

Zoe jabbed at a loose pin in her hair. "Aw, I guess she ain't in no mood to warble to a lot of half-lit bar flies whippin' up their patriotism with a few fast ones down the hatch."

"In plain English," Julian grinned slyly at Dugan, "Zoe says that singing at the Green Parrot must seem pretty unimportant tonight."

"Candy's too fine a girl to waste her voice at a place like that." The words were spoken firmly and came from Titus' chair.

THE group that gathered around the radio for the declaration of war on Mon-

day morning was a motley one: Zoe and Faye with flour on their hands; Lubin carrying a piece of garden hose; Titus and Dugan, unshaved, wearing bathrobes; and Candy, in a housecoat, sewing up a runner in some hose.

". . . With confidence in our armed forces . . . with the unbounding determination of our people . . . we will gain the inevitable triumph . . . so help us God."

Candy's eyes kept going to Stuart, not willingly, yet almost unavoidably, as though she trusted his reactions and desired to read them right.

He watched her, wondering if, sitting there in the chair, pushing the needle in and out—the sun shining on her hair—she knew how glowingly she typified something as vital to America as its fighting forces. He watched closely, wanting to hold that picture of the moment in his heart for the times, bound to come later, when he would look back—

Just before dinner that evening he found Faye alone in the kitchen, where he had gone looking for Zoe. A chair was pulled close to the kitchen table, and she huddled in it, her head buried in her arms. She snatched a handkerchief from her pocket when she heard Stuart's step, and brushed it across her eyes.

Stuart went to the chair and stooped down, looking up at her. "Is it Bob, Faye?" he asked softly.

She nodded. "He enlisted. This afternoon. In Badenville."

"But you wanted him to do that, didn't you, Faye?"

"I guess so." She tried to hold her head up, but the tears welled in her eyes, and she looked down.

"It's just that it will hurt so to see him go," Stuart said. "I guess there are a lot of girls all over the country that feel just as you do."

Fresh sobs broke loose.

"You mustn't let Bob see you like this, you know. He's got an upper lip that has to keep steady too. And you can help him."

"I'll be all right soon," Faye mumbled. "I—I thought I'd better do my crying now, and—and get it over with."

Stuart patted her shoulder. "Good girl," he said, thinking how like a child she looked in the little checked gingham dress and pinafore, her hair spilling in curls over her shoulders. "I only hope Bob knows how lucky he is."

She smiled, holding back the tears. "I guess he knows, all right," she said. "I'm not very coy."

Stuart had known Bob would enlist. He had seen it in his eyes the afternoon before, sitting there on the worn sofa with Faye's coat across his knees. It would bring the war home to them all—home to the house on Cockspur Street.

[TO BE CONTINUED]

# Churchill Warns of Invasion

By United Press

LONDON, July 28—Prime Minister Churchill warned Italy yesterday that she will be invaded and "seared, scarred and blackened from one end to the other" unless she surrenders unconditionally and immediately.

The Allies have received no peace approaches from the new Italian government, he told Commons in a fiery speech, and therefore no decisions are called for by the Allied government except to bring "the maximum avalanche of fire and steel on all targets of military significance throughout the length, and breadth of the land."

"From the north and the south, from the land and the air, and by amphibious descents, we shall endeavor to put the utmost rigors of war increasingly upon them," he said. "Orders to this effect have been given all Allied commanders concerned."

Churchill acknowledged that it might take the new Italian government under Marshall Pietro Badoglio some time to make up its mind on withdrawing from the war and said it would be the Allies' task in the meantime to let the Italians "stew in their own juice for a bit and heat up the fire to the utmost in order to accelerate the process."

He hinted strongly that further developments might come at any time with chances good that he might be able to make a further illuminating statement next week.

## Armstrong Removal Brings Student Protest

Declaring that the removal of Barbara Armstrong from the San Francisco Office of Price Administration is against the interests of students interested in public service, Consumer's council has sent a letter of protest with 800 student signatures to Prentiss Brown, OPA director, Chairman Russ Kletzing '45, announced yesterday.

One of the reasons given for her removal is the policy of eliminating college-trained professional OPA administrators because of lack of business experience, and we, as students, are against this policy, he said.

"We are concerned with this not only because college-trained specialists are effective in price control programs, but also because such a policy endangers public service careers for students," the letter to Brown states.

Students are vitally concerned with food price and rent ceilings and have felt the benefits of the rent and price program as enforced in the bay area, Kletzing wrote.

"We believe that yielding to pressure groups intent upon establishing a situation in which they can raise rent and food prices will be against our interests," Kletzing declared.

## Fifty Campus Servicemen Still Await 'GI' Clothing

By Pvt. Frank Scroggs, USMCR

To the relief of many a campus serviceman with a diminishing civilian wardrobe, all but 50 of the 1,117 Navy and Marine trainees on campus have finally been completely outfitted.

The campus uniforms for the Marine corps detachment are undress greens or khakis. Beginning today, trainees will wear khaki on campus instead of the warmer undress greens.

Marines were issued one full set of dress greens with overseas cap, blouse and trousers (two pair) two khaki overseas caps, six khaki shirts, khaki trousers (four pair), shorts, socks, T shirts, four field scarfs, shoes (two pair), a field jacket and an overcoat.

Uniforms for liberty, as prescribed by Capt. W. P. Gooch, Jr., USMC officer in charge, will be full dress



Candidates for the position of representative-at-large in the primary elections today are, from left to right: Pat Horta '45, Charles Crompton '44, Audre Marcus '44 and Mary Murray '44.

Photo by Barbara Currier

## Freshmen to Vote For Officers Today In Primary Election

Seven freshman candidates will compete for class officer positions in the primary elections today.

Voting will take place from 8 a.m. to 4 p.m. today at the same polling booths used for the representative-at-large elections in Eshleman court and Engineers' court, and at Sather Gate.

Candidates and offices are: President: Arnold Beisser, Maxwell Chaplin and Jack McClaren; vice-president: Chester Denton and Jerry Jampolsky; secretary-treasurer: Leo Collins and Alice Lee Johnson; yell leader: Walt Bowman and Bill Cooper.

Voting will be held in conjunction with the ASUC representative-at-large elections.

## Tower and Flame Has New Officers

Newly-elected officers of Tower and Flame, lower division honor society, were announced yesterday by in-coming president Bill Schwabacher '47.

They are: Schwabacher, president; Virginia Wilson '46, vice-president; Nola Hansen '47, corresponding secretary; June Baker '46, recording secretary; Howard Merrill '47, treasurer; Barbara Miller '47, Barbara Kessler '47, Margaret Gabbert '46, Russell Kletzing '46 and Otto Plaat '46, council members.

## Dormitories and Sororities To Compete for War Award

Dormitory and sorority women will vie for the honorary title of "Dorm of the Month" or "Sorority of the Month" respectively, awarded to the house contributing most to war work during the month, Connie Blair '44, Pan-Hellenic president, announced yesterday.

The contest, with the same point system for sororities and dormitories, will be under the joint supervision of the dormitory and sorority war councils, she said.

Points given each hour of work will be as follows: surgical dressings, 1; harvesting crops and canning, 2; clerical work, 1; selling stamps, 1; youth leadership, 1; AWS, 2; and graduate nurses aides, 2.

Eight points will be given to blood donors, one point for entertaining servicemen and 25 points each week to houses that meet their stamp and bond quotas.

In determining the winner, the total number of points of each house will be divided by the number of members. The organization with the highest index number in each group, sorority and dormitory, will be the titled house for the month, Miss Blair said.

Second and third places for each group will also be announced, she added.

## Radio Drama Slated Today

"Experiment in Love," a half-hour radio commission drama written by John Michael Hayes of the AST unit on campus, will be presented at 9:35 p.m. today over KRE, Commissioner Alma Polack '44 announced yesterday.

The play concerns the entanglements of a Hollywood playwright with two designing women. The cast includes Barbara Jarnegan '45 and June Dowler '45.

Hayes was a script writer for several radio productions in New York before he joined the Army.

## Sophomore Class Council Chosen

New sophomore class council members for the summer term were announced yesterday by President Bob Katz '46.

They are: Dave Connelly, Dick Dodds, Peter Dunston, Ken Gaver, Joanna Harrington, Dorothy Herbert, Martha Landon, Bill Miller, Reed Robbins, Kathleen Shea, Daphne Smith, Hanne-Lore Sutra, Mary Tweedie, Don Wallace, Bernie Wanek and Meredith Wikkerink.

The first council meeting will be at 4 p.m. tomorrow in the Council room, Stephens Union.

## Primaries Scheduled For Today

All ASUC members will go to the polls today to cast ballots for their favorite candidates for ASUC representative-at-large.

Students who hold ASUC cards may vote from 8 a.m. to 4 p.m. at election booths located in Eshleman court and Engineers' court and at Sather Gate.

For the convenience of meteorology students who are not able to vote at the campus polls, booths, open from 11:45 a.m. to 1:30 p.m., have been placed at Bowles hall.

The two contestants receiving the highest number of votes in today's election will run in the finals Friday.

The four candidates for the post are:

**Charles Crompton '44:** president of Honor Students association and Alpha Chi Sigma and a member of Golden Bear and Welfare council.

**Pat Horta '45:** member of ASUC card sales committee, Advertising Service bureau, sophomore class council, Pelican staff and Women's Athletic association.

**Audre Marcus '44:** former chairman of war stamps and bonds sales and a member of Women's Judicial committee, Welfare council and Varsity Debate team.

**Mary Murray '44:** associate editor of The Californian and a member of Mortar board, California club and Prytanian.

"It is important not only that students belonging to the ASUC vote to fill the vacant post, but that they vote to show their faith in the ASUC as a student body government as well," Diana Cooper '43, acting chairman of Elections board, announced yesterday.

The primary election will be held under the rules and regulations laid down by the ASUC constitution. They are:

Total campaign expenditures in behalf of any ASUC candidates shall not exceed \$10. Expenditures in behalf of any candidate for class office shall not exceed \$5. Donations, gratuities, or assistance available to all candidates on an equal basis may be accepted. (Continued on page 2)

## Quartet to Present Third Concert Here

The London String quartet will give the third of a series of public chamber music concerts at 8:15 p.m. tomorrow in Wheeler auditorium.

The program will consist of Quartet in E Minor, by Giuseppe Verdi, Quartet in B Flat Major, Op. 67, by Johannes Brahms and Quartet in F Major, Op. 74, No. 2, by Josef Haydn.

Members of the quartet are John Pennington and Laurent Halleux, violins; William Primrose, viola; and C. Warwick Evans, violoncello. The concerts are sponsored by the Elizabeth Sprague Coolidge foundation in the Library of Congress and the University Friends of Music.



Give a heel a break

NAVY SOX

wool or cotton

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Roos Bros  
CALIFORNIA SHOPS

greens, including garrison belt, not "G.I.", and insignia. Issued tan shoes, the men had to dye them the regulation color of cordovan. They may purchase dress blues and frame caps at their own expense.

The sailor uniforms "without white stripes" are the undress blues, which constitute the campus raiment of Navy trainees, who were issued two of these outfits and one of dress blues for off-campus wear.

Those who received uniforms in the first issue were also given whites, but these must be turned back, because they cannot be worn in this area, Comdr. W. D. Hoover, executive officer of the Naval unit, said.

When the men are transferred elsewhere, they will be required to exchange these uniforms for a complete regulation re-issue.

In the future, demerits will be given to those who have uniforms for wearing civilian clothes.

## Stamp, Bond Sales Total \$1,226.55 For This Week

Stamp and bond sales yesterday amounted to \$1,226.55, the highest to date, bringing the total this term to \$4,110.20, Katinka Gallin '44, chairman of the stamp and bond sales, announced.

Sororities purchased \$227.20 worth of stamps and bonds, with the Alpha Epsilon Phi house leading. Warring place led dormitory sales, which amounted to \$217, she said.

Sales on campus proper totaled \$782.35. This amount included \$475 worth of bonds, purchased at the cashier's desk in Stephens Union.

## ASTU Must Wear Wools in Summer

Because summer uniforms are not authorized for Army men in the bay region, ASTU men are not allowed to wear them, Maj. G. S. Stewart, ASTU officer in charge, said yesterday.

It is a ground force regulation that only wools may be worn in the bay area, he added.

# Journalists Make Tour Of Campus

Talking vociferously in their native languages, twelve Latin American journalists on a good-will tour of the United States, stopped in at The Californian office yesterday while viewing the University campus.

Being shown through the University library, the writers insisted on stopping innumerable times along the way to examine copies of books they have written which are on call at the loan desk.

Sponsored by National Press club and the Coordinator of Inter-American affairs, the group included men from Columbia, Ecuador and Venezuela.

The visitors reported that they were impressed by the vastness of the campus and the multitude of beautiful women.

Included among the group of newspapermen were editors, publishers, owners and directors of Latin-American papers. Also making the trip was Jose Miguel Ferrer, press officer of the Venezuelan Ministry of foreign affairs.

# Pellies Sent To Servicemen

Lost, strayed or outcast Pelicans of whatever date will be sent to servicemen if students will bring them to 109 Eshleman hall, Barbara Newman '44, Pelican War editor, said yesterday.

"Former University students now in the service, especially those who haven't been on campus for some time, really appreciate the magazine when they get it, but none can be sent out until the collections begin," she added.

# Activities Today

**CAL HOSTS**, group one, will meet at 4 p.m. in 105 Eshleman hall.

**ENGINEER'S** council will meet at 5 p.m. in 105 Eshleman hall.

**LITTLE THEATRE MAKE-UP** staff will meet at 3 p.m. in 22 Wheeler hall.

**NEWMAN** club will hold a general meeting at 4:15 p.m. in the clubrooms at Ridge road and La Loma.

**PHRATERES** will hold a business lunch meeting at noon in 402 Stephens Union.

**THALIAN** tryouts will be held at 4 p.m. in 310 Wheeler hall for "Twentieth Century Lullaby."

**WAR** board will meet from 4-6 p.m. in the Committee room, Stephens Union.

**YWCA HALF HOUR OF MUSIC** will meet from 12:30-1 p.m. at the "Y" cottage. The program will consist of Tschalkowsky recordings.

**YWCA PHILOSOPHY OF LIFE** group will meet at 3 p.m. at the "Y" cottage, under the leadership of Lillie Margaret Sherman, YWCA secretary.



COL. DAVID M. RANDALL, USMC (ret.), assumed the duties of commander of the Marine corps department of the Pacific until a new commanding general is named to succeed Maj. Gen. William P. Upshur who was killed last week in a Sitka, Alaska, plane crash.

# Campanile MORNING MUSIC

Morning music, arranged especially for the Campanile chimes, was played yesterday by Margaret Murdock, assistant chimesmistress, in one of the first 7:50 a.m. concerts presented since the budget cut stopped regular musicales.

The music was adapted for chimes from the works of Grieg and Brahms by the Campanile's first chimesmaster, Henry F. King.

Miss Murdock will attempt to play at least two morning concerts and two evening concerts weekly, in addition to Chimesmaster Noyes' noon concerts.

**BUREAU OF OCCUPATIONS** Junior or senior mechanical engineering student is needed to work on campus, hours flexible, at 75 cents an hour.

Orderlies are wanted from 9 p.m. or 10 p.m. to midnight as many nights as possible in a Berkeley hospital at 75 cents an hour.

Man student, mechanically inclined, is needed for maintenance work 12 to 16 hours a week in Berkeley at 75 cents an hour.

One or two men students are needed for clerking from 8-11 p.m. three to seven nights a week in Oakland at \$1 an hour.

# VOTE FOR COLLINS

for Secretary-Treasurer of Frosh Class

# Classified Advertisements

## LOST

LOST — WALLET. Main library men's washroom, July 21. Mail or return to L. C. A., Rm. 765, Callaghan Hall. 7-26-3

## TUTORING

TUTORING in any lower division Mathematics or Physics. Call Esten Buck (M.A. '30), ASHberry 9493, 7-7:30 p.m., 2433 Durant. Rates reasonable. 7-5-4

## WANTED

WANTED TO BUY used radio, washer, refrigerator. Working order. Call between 1:00-3:00 P.M. BE. 9163 Dick. 7-26-3

## DANCING

DANCE: Latest ballroom steps, Rumba, tango, etc. Appointments gladly arranged. Eva Billerbeck Modern Studio, Berkeley 1517, 2124 1/2 Center St. upstairs. Half block campus. Special rates. 7-1-20

## ROOMS

ATTRACTIVE STUDIO ROOM for two. Fireplace, Venetian blinds, \$20 each or work in exchange. Kitchen privileges. Student household. Two blocks above college off ASHby, TB-1138. 7-38-3

# Design Standards High Here

## UNIVERSITY ARCHITECT RATES IN TOP FIVE

Design work at the Massachusetts Institute of Technology is poorly studied and miserably presented in contrast to standards at the University, Ens. Jack Whipple '42, now attending the Institute, stated in a letter to the architecture department.

Ensign Whipple, a University graduate in architecture, scored among the top five men in Naval engineering competition at MIT. Competition was conducted while his class was training for the Navy construction battalion.

Commenting on Ensign Whipple's statement, Warren C. Perry, chairman of the department of architecture, said: "This report is gratifying to us, because it seems to me a sound and forceful argument for giving the

school of architecture a vital place in the educational defense program, something which I feel it has not had to date."

California architecture graduates have successfully filled jobs of engineers in Army, Navy and war industry programs, Howard Moise, professor of architecture, said yesterday.

"Our graduates are well equipped to take such jobs because of the thorough training in engineering which architecture courses include. They have an advantage over technically trained engineers in that the broad training which they receive here in addition to engineering gives a more flexible and resourceful mind," he explained.

# Sign-ups for Car Sharing Program Taken

Sign-ups for the car sharing program are still being taken. Mary Elizabeth Porter '44, chairman of War Transportation board, said yesterday.

Persons who want supplementary gas books should also sign up from 1-2 p.m. daily in Eshleman basement, she added.

With the instigation of a new rate on the "N" East Oakland bridge motor coach line, effective August 1, the monthly commutation rate will be reduced from \$7.75 to \$6.50, Alfred J. Lundberg, president of Key system, revealed.

The new rates will carry universal transfer privileges, entitling passengers to transfer to connecting Bridge railway lines, streetcars and motor coaches without additional cost, he said.

# Engineer to Sell Subscriptions

Subscriptions for the California Engineer will be taken from 9 a.m. to 12:15 p.m. today in the foyer of the Engineering building, Manager Tom Sturgeon '44 announced yesterday.

# WOWs Urged To Enroll in YWCA Class

WOWs who signed up for youth leadership and women students working in nurseries are urged to enroll in the YWCA group craft and play course, which begins at 4 p.m. tomorrow at the "Y" cottage, Chairman Lydia Griffin '45 said yesterday.

The course, which will be held from 4-5:45 every Thursday, will last for 10 weeks. It will consist of practical techniques for work with children from 3 to 12 years of age.

Instruction in games, crafts and story telling designed to appeal to all ages under observation will be given. The course includes also a series of short open discussions on the techniques of group leadership.

An afternoon of observation of children at the Institute of Child Welfare will be part of the course.

The discussion tomorrow will be on "The Meaning of Group Work." On completion of the course, a certificate will be given for work in centers. Enrollment fee is 35 cents.

**YWCA PUBLIC AFFAIRS** group will meet at 4 p.m. at the "Y" cottage to discuss the Smith-Connally bill. Everyone is invited.

# Relocation Authority To Speak

Dillon Meyer, national director of the War Relocation authority, will be guest speaker at the first University meeting of the summer term, at 10 a.m. Friday, Aug. 6. All classes will be dismissed that hour.

Meyer, who will be introduced by President Robert Gordon Sproul, will discuss the relocation problem on the West coast.

Working in close cooperation with the War department and the Federal Bureau of Investigation, Meyer is coming to the Pacific coast to confer with local officials.

Meyer will come from a Denver conference with heads of relocation centers, where arrangements are being discussed to provide for better treatment of pro-American internees.

# More News on Elections

(Continued from page 1)

The ASUC will honor bills up to the proper amount if the candidate is certified as needy by the dean of students.

Expenditures, gratuities, and the substance of campaign literature must be approved by the Elections board chairman in writing before any money is spent or benefits accepted.

Before the time of counting on election day, all candidates must submit a signed statement of expenditures and source of income to the Elections board.

Absentee voting may be carried out through the office of the general manager prior to the day of election. Voters must leave sealed envelopes addressed to the Elections board chairman, containing their preferences and their ASUC card.

No attempt shall be made to influence the vote of any person on election day within 50 feet of any polling place.

**Make Your Luncheon Headquarters** at 2526 Bancroft Way Chatterton Bakery

# Sportin' Around

By JOHN STUDLEY Sports Editor

Contributed by Glenn Erickson '44

Bill Carter, in his column "In the Press box" in the Southern California Trojan, does a piece on Cliff Bourland, captain of the USC track squad, and national champion in the quarter mile.

In bold face type, Carter says: "This season Cliff was about as outstanding in the quarter as Corny Warmerdam was in pole vault."

We'll admit that Bourland is good, but we certainly don't agree with Carter when he says that Bourland spread-eagled his quarter mile field as completely as Warmerdam has outdistanced his competition.

The past year, Bourland won the two championships, NCAA and AAU, but he didn't get under 48 flat. In both the races, Bourland was given close competition by opponents. Stanford's John Fulton, a remarkable runner for his size, was plenty close to Cliff.

Bourland is good, but not great.

Grover Klemmer had his number. Hubie Kearns came closer to Klemmer than Bourland ever did. Bourland is credited with a USC freshman mark of 48.6. In his freshman year in 1940, Klemmer ran a 47 flat 440 against ACAL All-Stars, and ran 47.8 for a Frosh Big Meet record that won't be touched for quite a while.

In 1941, Klemmer's brilliant year, Bourland couldn't catch him. Hubie Kearns caught him in the NCAA meet after Klemmer had to run the outside the whole way. Klemmer badly outdistanced the field in the PCC meet when he tied Ben Eastman's World record of 46.6 for the 440. Bourland was out of the picture of the race. In the AAU meet, Grover beat Kearns by inches, and Bourland by a yard or so in World record 400-meters time of 46 seconds flat. In the USC dual meet, Klemmer had whipped Bourland by a healthy margin in meet record time of 47.4.

In 1942, Bourland lowered that mark to 47.3, but Klemmer was injured in the first 20 yards and was through with the quarter or half until this year.

This year, Klemmer breezed through an undefeated season as an 880-man, and raced only once against Bourland, injured early in the year. At Fresno, Captain Grover beat Cliff by 15 yards in the quarter mile of the medley relay. He was stopped by a couple watches at better than 47 seconds. Expecting an early Navy Y-5 call, Klemmer quit track to study for finals and take a well-earned vacation from training for football, basketball, and track, in which he won Block C awards.

Bourland is good, but any remarks he or his followers have made about his being able to beat Klemmer as he pleases are without foundation. And Carter certainly is mistaken if he figures that the Trojan is the "Cornelius Warmerdam" of the 440 this year.

# Gremlins? OBSTACLE RUN

At first glance it looks as if the gremlins had gone berserk on Edwards track, with all those outlandish contraptions placed at fantastic intervals around the field. But it's only the physical education department's obstacle course, an important feature of California's conditioning program.

Developed last fall, the 419-yard course is actually on the field, running parallel to the track and inside it. Altogether there are 14 obstacles to make the running more interesting: sand and water pits, ditch jumps, tunnels, hurdles, 10-foot walls, ladders, and log-rolls.

# The Flying Dutchman



Ensign CORNELIUS WARMERDAM, who is best known for his 15-foot pole vaulting, also knows a little about the arts of war. He is shown here presenting arms as part of his training as an instructor in the naval aviation physical fitness program at Del Monte Pre-flight.

# Dickey's Hit Wins for Yanks

With two on and two out in the thirteenth inning, Bill Dickey, veteran catcher, stepped to the plate as a pinch hitter for Crossetti and slapped a grounder over second base to score Bill Johnson from second and give the Yanks a 4 to 3 win in a thrilling game with the Cleveland Indians. The win put the Yanks 8 1/2 games ahead of the idle Detroit Tigers.

In other games in the American league, St. Louis downed the Athletics 8 to 4, and Chicago met Washington in a night game. In the Athletic-Browns game, St. Louis showered base hits all over the Philadelphia's home park as they tallied seven runs in the last two innings to drive Black and Pagan out of the box, and overcame a 4 to 1 deficit.

It was a bad day for Philadelphia baseball fans, as the Phillies dropped

a doubleheader to the National league leading Cardinals 6 to 2, and 5 to 2. The sweep made it eleven in a row for the Cardinals who are now 9 1/2 games ahead of the Dodgers, idle yesterday. Boston trounced the Reds by 6 to 2, and Pittsburgh downed Mel Ott's Giants 8 to 5, in other games.

Jim Tobin, ex-Oakland star, and now probably the best hitting pitcher in the Majors, helped win his own ball game with a timely hit in the fifth that put the Braves ahead for a while. The Red's Bucky Walters was driven from the mound in the eighth when the Braves iced the game on a three-run outburst, and was charged with his eleventh loss against five wins. It was victory nine for Tobin, who allowed seven hits to the Reds, and drove in two runs for his own squad.

# First Game Close In Marine 'Mural'

With every game a hard fought, closely contested affair, the marines intramural program got under way yesterday, featuring play in two sports. If succeeding cage battles are as close as yesterday's opener then the Marine basketball league should be a close race all the way. In the inaugural cage tilt played in the Gymnasium for Men, the first platoon of Co. A had a tough time downing the second platoon 19-17.

In the opening softball encounter, Co. C, third platoon topped the second platoon by a 5-4 count, while the first platoon of Co. B pounded out a 5-1 victory over Co. A, third platoon.

The Marine volleyball loop will get under way this afternoon at 5 p.m. on Union field as the second and third platoons of Co. A clash on one court and the first and second platoons of Co. C meet on the second.

In addition to these games, the Navy V-12 group goes into action at the same time on the basketball and softball front. On the basketball court, Co. V, first platoon, meets the second platoon; and Co. VII, second platoon, battles Co. VIII, first platoon, in the second game.

In the two softball games scheduled for Union field Co. VIII, second platoon, encounters the Co. IX club; as Co. VI, first platoon, clashes with the second platoon to round out the slate for the day.

Howard Jones, master of Trojan stalwarts for years, coached longer than any other conference football coach at one school.

The men selected were: Cleveland: Oris Hockett, cf; Russ Peters, ss; Hank Edwards, rf; Jeff Heath, lf; Mickey Rocco, 1b; Ken Keltner, 3b; Ray Mack, 2b; Gene DeSautels and George Susse, c; Ray Foat and Pete Carter, p.

New York: Roy Weatherly, cf; George Stirweiss, ss; Bud Metheny, rf; Charley Keller, lf; Nick Ethen, 1b; Bill Johnson, 3b; Oscar Grimes, 2b; Ken Sears and Rollie Hemsley, c; Tommy Bryne and Marvin Breuer, p.

Ruth will have Yankee Coach Art Fletcher and Cleveland Coach Del Baker as his assistants.

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# Roos Bros

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You must weigh all the facts, and figure this out for yourself, but here are a few ideas. First, can you picture Cal without the ASUC? No one knows what's going on for there's no Daily Cal, nor any publication. The club rooms and Stephen's Union are closed. There's no student government, no war transportation board, no labor board, and the athletic equipment is slowly falling apart.

There's only one way to prevent this occurring in a few terms, and that is to get your ASUC card now, thus guaranteeing a student-controlled and managed university for yourself and all following classes.

# Join the ASUC today

ESHLEMAN COURT OR CASHIER'S OFFICE

## Appeal to Reason

The movement to arouse hatred against persons in the United States of Japanese ancestry is rapidly getting out of control. The thing is dangerous. It is a threat to the rights of all minorities; it is striking down the barriers to race hatred; it is furnishing fuel for Japanese propaganda against the United Nations in the Far East and for German propaganda against the United Nations in South America. It has got to be stopped by rational people before it becomes too big to handle in any peaceful and reasonable fashion.

Evidence of such a movement to arouse hatred against the Japanese in this country, both citizen and alien, is abundant. We have on our desk at this moment a pamphlet entitled "Slap the Jap" put out by an organization known as "The Home Front Commandos." The frontpiece bears the legend, "No Jap is now fit to associate with human beings." It contains this plea:

**"Join now and keep the Jap rats out of your hair.**

**"One-half million Japs in California—Do you want them in your hair?"**

**"Unless something is done the 'Long Hairs' will put them back on your farm lands, as your neighbors, as your business competitors."**

A clipping on our desk, a column for the Madera News entitled "The Editor's Pink Tea," reports that most of the ladies clubs of the country have joined the "Stop-the-Jap" movement.

A wave of resolutions is passing through the Chambers of Commerce, American Legions, and city councils of the state urging that the Japanese, both citizen and alien, be kept out of California not only for the duration of the war but forever after.

The San Francisco Examiner on its editorial page ran a cartoon of some very repulsive looking Japanese saluting the American flag with their fingers crossed. It bore the following caption:

**"Most of the Japs in the relocation centers, Nisei or not, keep their fingers crossed when they pledge allegiance to the American flag.**

**"It is entirely too difficult to tell a good Jap from a bad Jap to ever take a chance on allowing these enemies freedom anywhere."**

Results of the mounting tide of irrational feeling against people of the Japanese race, whatever their background, have been to undermine the faith of the citizens of Japanese descent in the democratic principles professed by the land of their birth, to greatly impede any satisfactory settlement of the problem of the Japanese in the relocation centers, to arouse widespread disparagement of the rights of citizenship, flagrant attempts to disregard them altogether, and to provide fuel to the enemies of the United States for propaganda maintaining the claims of this country to be fighting for the freedom of all men and the rights of all minorities are hollow.

This hatred of the people of the Japanese race in the United States is not simply a manifestation of the national hatred for the Japanese empire which American soldiers are fighting to destroy. It has been deliberately fomented for economic reasons. Its greatest strength is in rural districts, where the Japanese have been economic competitors to white farmers. Its greatest proponents have been large farmers in these districts. Hence the insistence that the Japanese be forbidden to return to the west coast ever.

This, then, is the problem that faces citizens of rational mentality and of the more restrained type of patriotism. It is our thesis here that the problem is particularly the concern of college students, who belong, for the most part, to the above class of citizens. It is further our thesis that this class of citizens has a decided responsibility to combat a situation which is becoming an actual menace to the nation.

Students on this campus have a very good opportunity to help combat it. The President of the University, Robert Gordon Sproul, is honorary chairman of an organization formed to meet the situation known as the "Pacific Coast Committee on American Principles and Fair Play." The Berkeley headquarters of the organization is right outside Sather Gate.

The policies of this committee are as follows:

1. Segregation of all disloyal persons of Japanese ancestry.
2. The protection of the right of loyal Americans of Japanese ancestry to serve in the armed forces of the United States.
3. The opportunity for loyal Americans of Japanese ancestry to resettle in the manner which, in the judgment of the federal government, is the best designed to meet the manpower shortage.
4. Fair play for Americans of Japanese ancestry who are loyal.

The committee is shortstaffed. It needs help. It needs people to send out form letters, to prepare lists of groups to which material may be sent, to handle publicity for the program, to compile information and facts about the problem, and to perform numerous odd jobs. But above all, it needs people to combat as individuals the virulent propaganda against the Japanese in the United States with solid facts and intelligent reasoning.

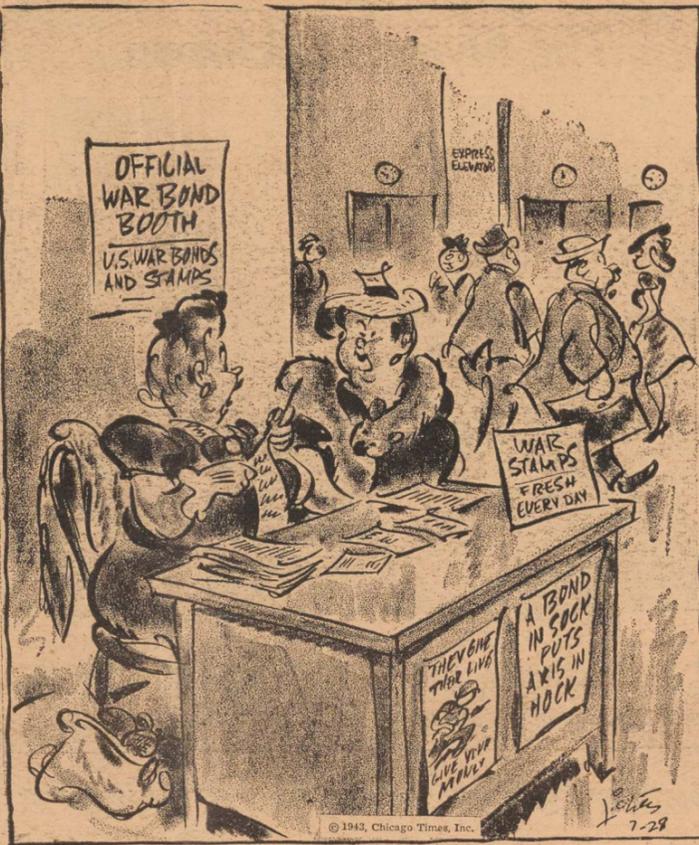
Yes, this is a plug. We admit it shamelessly. We hereby urge all interested students to go down to the office of the committee at 2234 Telegraph avenue and volunteer their services for an hour or two each week, or at least to look over the material which has been compiled there. We think it would do a lot of good.

*Editorials and features in The Californian reflect the opinions of the writer. They make no claim to represent student or University opinion. All unsigned editorials are by the editor.*

## Buy War Bonds & Stamps

## Grin and Bear It

By Lichty



"Bond selling, Red Cross, canteen work, first aid, block captain!— Sometimes I think I'm over-trained for just one war!"

## IN THE NAVY

By Dick Ruiz, AS, V-12, USNR

Lashing a broom to the fore topmast originated as a navy custom in the time of Richard Cromwell's Commonwealth. Dutch Admiral Harpejzoon Tromp, who is said to have originated the "line ahead," ordered that brooms be lashed to the fore topmasts of his vessels, saying that he would sweep the British off the seas.

In response to Admiral Tromp, Admiral Blake of England had a coach whip lashed to the topmasts of his ships, claiming that the Royal Navy would give the Dutch the whipping which they so rightly deserved. It is

claimed that the commission pennant of today has its origin in this act of Admiral Blake's.

Also ships of the United States fleet have hoisted brooms at mastheads for many years to signify that they have won battle efficiency pennants.

Ships standing first in gunnery and engineering hoisted brooms even before the present competitions. Today in the submarine service brooms are lashed to the mastheads of those subs that have made a successful cruise.

## The Caliac

Pelican writers are queer people, utterly Bohemian, the Californiac muttered.

Just twenty minutes before he had been curled up in a chair engrossed in "Tom Swift and the Giant Searchlight" when there came a furious knocking at the door of his sanctum sanctorum. Carlos Quink, Pelican numismatist, rushed in shouting, "Deadline, deadline, where's the typewriter?"

The Caliac pointed to the typewriter in the corner of the room and returned to Tom Swift.

Suddenly—"What's a new movie?" "How about 'Coney Island.?' the Caliac suggested.

"Great," Carlos bellowed. "How did you like it?"

"Pffft," the Caliac commented. "Marvelous, colossal, funny as heck," Carlos beamed. "Mix me up a good old batch of coffee, will you, old man?"

The Caliac dragged himself to the kitchen and reheated last night's mixture.

Half in despair, half in hope, he turned back to Tom Swift who now had six German agents on his trail. "Wholesome as graham crackers, wholesome as graham crackers, where did you read it, huh, huh?"

"For your information, old friend," the Caliac steamed, "I still am trying to finish the first grade primer and unless your worthy phrase is contained therein I have no idea where I could have read it."

Silence settled over the room. Tom Swift had spotted an enemy dirigible hovering overhead. He rushed to the telephone. The German agents had disconnected the wires. He had to get in touch with the authorities some way. There must be a way! There must—

"More coffee, old man," Carlos burst out as he tossed his cup to the Caliac.

The Caliac slammed his book on the floor and turned to "The Bobsy Twins in Never-Never Land." (25 cents at your nearest bookstore.) S.R. '44.

### THE DAILY CALIFORNIAN

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## FRESHMEN!

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# CONCORD NEWS & FACTS

OFFICIAL ORGAN OF THE  
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FOR HUMAN BROTHERHOOD

under the Patronage of  
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## JAPS!

(Reprinted for free distribution by permission of "THE PRIEST" October, 1945)

THE trouble with a band wagon is that a lot of people who climb on it are just going along for the ride. Remember how much wrath and how much rhetoric were expended on the Japs after Pearl Harbor and the outrageous sneak punch? Any man who could wield a pencil, a pen, a piece of chalk on the adjoining wall, or a paint brush, rushed into print with some expression, crude or refined, of his personal animosity and his deathless spirit of revenge. Isei and Nisei were tarred with the same brush: residents of thirty years who had sons in the service, the aged and the infirm, children and babes in arms were packed into freight cars and "relocated," as the current euphemism had it. It all passed rather easily for Patriotism in those hectic bewildering days when maiden ladies saw Nipponese under their beds and even the judicious felt fear.

### Reluctant Convertend

But who hated the Japs? And for what reason? That's a different story entirely. As an exercise in elementary logic we might say. *All patriots hated the Japs*, which yields: *Some of those who hated the Japs are patriots*. Only some, please note. That's all we can squeeze out of the reluctant convertend; for some of those who hated the Japs were nothing but congenital haters, who hated the Filipinos, who hated the Chinese, who hated the Negro, who hated the Catholic; in a word, who in some native perversity thrive on hate instead of love. Others who "hated the Japs" really rather hated their economic competition, and this was largely

the case with the farmers, the flower growers, the small green grocers, some ranchers, and sundry who did business in middleman fashion with all those here set down. Only this was the chance to climb on the band wagon of patriotism and ride to the end of the road, "for free."

Well, now the war's over. Quite understandably the Japanese would like to come home. Home, be it clearly noted, does not mean Japan and has not meant Japan for years to these people. Home is San Francisco, or Seattle, or Portland, or Tacoma and the like. So Mr. and Mrs. Watanabe would like to get out of Idaho's U. S. version of the concentration camp; their sons have been decorated for distinguished service on several fighting fronts; their younger children still miss Mary Jones and Johnny Smith who used to be classmates and are at least occasionally missed in turn; whole families, to give this an authentic Catholic turn, would surely love to get back to the once flourishing Maryknoll Church up on 16th Avenue for Sunday Mass again.

### The Uses of Adversity

What happens? A great many adverse things. The W.R.A. is most solicitous indeed, arranges transportation, scouts jobs, serves in every possible way, and in every possible way reflects the official attitude of the U. S. Government towards these Japanese. Then the opposition sets in. Here is a random case:

"Seattle Won't Buy From Him, Nisei Gardener Discovers." This is a heading from the *Seattle Times* of recent issue. The gardener in ques-

tion (call him Hideo, if you like, but he is now only a type) carefully worked over his neglected acres, repaired his long rows of greenhouses, hoed his corn and picked his tomatoes, and started for town with the excellent produce for which he and his kind have been rather long famous on the West Coast. There he ran into trouble.

Four times in all he trucked in his wares himself. At the fourth try the manager of the commission house told him it didn't "look so good" for a "Jap" to be hauling in stuff to his house. He was advised to send it by common-carrier. He took the advice gladly, humbly, as one who must somehow pay for the sins of his race. The manager then phoned up to tell him more openly not to send anything at all in any way. Hideo began to see the light.

### Pressure

But let's not be too hard on the commission-house man as if he were really a free agent and had done this thing *sua sponte*. If there was pressure on Hideo, there was also pressure on the manager. A union official otherwise unknown had threatened to take the men off the floor if this nefarious trade continued. The manager had but bowed to the inevitable.

W.R.A. patiently went to work again as on so many other occasions and called out-of-town produce houses.

Evasion was the order of the day: some were already well supplied with what Hideo had to offer; others

weren't handling that kind of stuff just then, but of course would let him know when they could do business with him; one house at least had the honesty to confess that it could do nothing until its competitors all agreed to handle Japanese produce. This last case drags the issue out into the open anyway: you can't do business with the Japanese!

Now what has all this to do with patriotism? Nothing, absolutely nothing. We are not dealing with fifth columnists. In fact it is extremely difficult to cite cases of treachery on the part of these people, even in the case of those who were living in Honolulu in a pre-Pearl Harbor era. The Watanabe's and their friends and relatives are just like the Meyer's, the Montifiore's, the Swenson's, the Smith's, the Goldstein's and the O'Brien's. They are, simply, people—people who wanted to live in the United States and who were willing to go forth out of their country and from their kindred and out of their father's house and into the land God showed them—they caught from afar off the light of the "Four Freedoms."

#### Heroism As A Habit

And the Japanese Americans who fought overseas in this war fought for those same freedoms, too. Says Capt. Thomas E. Crowley, commander of such a group of the 42nd Battalion, "They thought they were fighting for the principles of equality and justice at home as well as abroad. They were completely sold on the idea that we were in this war for all Americans, not just a part of them, and they certainly were not fighting to perpetuate race prejudice."—"Their heroism became a habit," he continues, "but they are quite disheartened, because their families are sometimes not received well at home."

We are, so it is said, trying to stamp out the superstition of "blood and race." Let's begin here with this strong proof of the superb qualities of this new American (no longer Japanese) blood, for as Crowley also remarked, "I didn't see any difference in the color of the blood of those Japanese-American soldiers and the other soldiers as it flowed and mixed on the battlefields of Italy and France. And the blood flowed, too,

because out of a combat team of 5,000, there were 3,000 casualties."

#### Banish Japs Forever

After Pearl Harbor, the *Sumner Standard* carried the following slogan in a double masthead on its front page: "Our objective: Banish Japs Forever from U.S.A." In the fertile White River Valley ranchers and business men tacked up signs reading similarly, "We Don't Want any Japs Here Ever". The Police Chief of the City of Kent confessed that he had found it necessary "practically to form a bodyguard" for a Japanese boy on furlough from the U. S. Army. "I don't see," he remarked, "how a Japanese could return here and live against that feeling." Neither do we.

But neither do we see why that feeling must endure—whereas we think we see quite clearly how disastrous its endurance will be. Hate is the law of hell and hate makes a hell of any place it permeates. Least of all can we afford to let it dominate an already overwrought post-war world.

Some political observers have already rather pessimistically prophesied future trouble in the Orient—and not necessarily with the Japanese, for it may be that Japan will never again rise from her ashes. They say, however, that the East and the West have come at last to a profound parting of the ways, a parting which former financial or diplomatic ties and surface pretenses had served for a time to prevent. They say that the East is now determined to ape the West. And it may be so. It may be that the East will fight for markets and woo imperialism; burn josticks before the great god Greed, forsaking patient Buddha; preach yellow or brown supremacy bluntly as a substitute for an odious slogan they have heard too often—"White Supremacy." We don't profess to know how perspicacious such observers really are. In no case do we wish to add fuel to the fire, to give a local habitation and a name to the vague fears Japanese war propagandists have played on too long and too well.

Far above all mere political expediency however—and the previous consideration is little more than that

—stand the obligations of Justice and Charity: Justice to honest foreign-born Americans who seek at least a pre-war status in the name of loudly proclaimed post-war principles; Charity, above the demands of strict justice, filling up what may be wanting.

#### Symptom of Hate

Let it be said that this Japanese question, somewhat provincial, may perhaps resolve itself. But let it not be dismissed as trivial if it be another symptom of the hate that seems to be so much abroad, if it be another phenomenon of that ugly underlying reality whereby gentile is set against Jew, Christian against Christian, employer against employee; each a case, in different ways, of brother against brother.

Justice and Charity our modern Popes have cried out for again and again. Why, in God's name, not? "What we have to fear is fear itself": the paralyzing fear that we cannot insure Justice and Charity; the fear, obversely, that evil must prevail. In the name of God, let us stand once again on principle.

The general reader has been unconsciously trained to forswear principle. For too many years, perhaps even centuries, he has been afraid to face the moral Ought, has been surreptitiously teased into crediting "facts" with the ignorance of his world. But what are "facts"? Only what you and I make them! And, at that, principle may be coming back into its own. At least, it is with profound satisfaction that we quote recent words of General MacArthur:

#### "Basically Theological"

"Military alliance, balances of power, League of Nations, all in turn failed. . . . We have had our last chance. If we do not now devise some greater and more equitable system, armageddon will be at our door. The problem basically is theological and involves a spiritual recrudescence and improvement of human character that will synchronize with our almost matchless advance in science, art, literature, and all material and cultural developments of the past two thousand years. It must be of the spirit if we are to save the flesh."—G.J.G.

Christian Science Monitor, September 26, 1945

ALIEN JAPANESE IN UNITED STATES SUBJECT TO REPARATIONS

----Rodney L. Brink

Los Angeles--September 26----Reparations will penalize the Japanese aliens who lived on this Coast as well as those in the Japanese homeland. And this despite the fact that many of the Japanese in the United States would have become citizens had this country's laws permitted. Others, of course, would not.

The properties of Japanese aliens in this country will be seized and subjected to reparations action, "even to the Japanese-owned corner grocery store." This is the assertion of Edwin W. Pauley, head of the American Reparations Commission.

Alien Japanese assets in the United States will be found to be mainly liquid, as bank accounts and negotiable paper. This is because California, which was the home of most of the aliens, forbade by law their ownership of real property. Almost all holdings have been converted to liquid form since the compulsory evacuation early in 1942.

SUBTERFUGE

As a subterfuge, many alien Japanese held lands in the names of minor children, or were silent partners in groups which owned and operated farms or businesses, involving real property. For several of the war years the State Attorney General and District Attorneys of the various counties have been running down these subterfuges and suing to escheat such lands to the State.

Mr. Pauley...estimates that the total of both German and Japanese property in the United States which may be seized as reparations will not exceed \$500,000,000. Of this, he believes, two-thirds will be German property, the remainder Japanese.

...

*For  
Salem Fisher*

ARMY OPPOSES COUNTY BOARD STAND ON JAPS

From the San Diego Union  
May 26 (or 25th?), 1943.

Taking sharp issue with the county supervisors for their recent action in adopting a resolution urging that Japanese be kept in relocation centers until victory, the war department yesterday disclosed its views in a letter received by the supervisors and signed by Col. William P. Scobey, a general staff executive. The letter said:

"The secretary of war is in receipt of your letter of May 12 transmitting a copy of a resolution adopted by the San Diego board of supervisors on the subject of Japanese in America.

Cites Cost of Centers

"The war department does not subscribe to the view stated in the resolution. The war department feels that retention of 100,000 people in relocation centers at the expense of the government in time of war is not only unjust to those who can establish their loyalty but it is an unnecessary expense.

"The war department policy in this matter is to make a determination of those who are loyal and release them from the centers to be employed in gainful occupations in support of the war effort or serve in the army. Also the war department is in accord with the view that all disloyal or suspected ~~or~~ disloyal Japanese, whether citizens or aliens, should be retained under close supervision and denied the privileges that are given to loyal people.

Cites FDR Stand

"This policy is in accord with expressions of the president, the recommendations made by Sen. Chandler, chairman of the senate sub-committee for military affairs, and it appears to be in accord with democratic American views.

"To condemn the Japanese in this country as a whole for the actions of the Japanese militarists does not seem to be just or appropriate. Undoubtedly you are aware that the war department and the army have the responsibility of protecting the west coast as well as all other coasts, and it does not propose to relax any of the restrictions which jeopardize this security.

Hold Privileges

"However it must be recognized that United States soldiers of Japanese extraction who have been taken into the army have the rights of soldiers and they have the authority to visit on the west coast. The privileges afforded these soldiers must be respected."

Resolutions similar to ~~one~~ adopted by the county supervisors also were adopted by the supervisorial boards of Los Angeles and Monterey counties.

ARMY OPPOSES COUNTY BOARD STAND ON JAPS  
(Continued)

From the San Diego Union  
May 26 (25th?), 1943.

BOU D LETTER STUDIED

The city council yesterday referred to an early conference Councilman Ernest J. Boud's letter urging an official city protest against the government's contemplated move to release 70,000 Japanese now interned in inland relocation camps.

Boud moved adoption of a resolution protesting against the release of interned Japanese and Councilman Paul Hartley seconded, but Councilman Fred Simpson moved to amend Boud's motion so the form of the resolution can be discussed more fully in conference.

"I believe we all agree on this matter," Simpson said, "but I think we should be careful in preparing the resolution." His amendment was passed unanimously.

The council referred to the same conference a letter from Franklin Zahn urging councilmen not to interfere with the government's Japanese internment program. His letter termed it "Un-American to hold Japanese who are loyal to the United States without charges against them." Zahn's letter contended the release of the 70,000 Japs now in relocation camps would help relieve the manpower shortage.

Boud and Simpson voted against referring Zahn's letter to conference and Boud's earlier motion to file it was defeated.