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Besig, ERNEST

1944

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WAR RELOCATION AUTHORITY
TULE LAKE CENTER
Newell, California

JUL 1 1945

Anyone who wishes to withdraw his membership in the Hoshi Dan or Seinen Dan may do so. No one will be forced out of this camp if he withdraws his membership. Membership in the Hoshi Dan or Seinen Dan does not guarantee that you will be kept in this Center. All who wish to withdraw from the Hoshi Dan or Seinen Dan should call at either the Internal Security or Colonial Police Department. If he cannot call he should write a letter to Mr. Best.

Washington has ordered that the Special Project Rules and Regulations issued March 16, 1945, must be obeyed.

If you do not know what these Rules and Regulations are, call at the Internal Security or Colonial Police Department and they will be explained to you.

J. H. DeWitt, Chief
Internal Security Section

My father inlaw with 350 others were kept in jail 36 hours - fed sandwiches twice and was released with these papers.

DEPARTMENT OF JUSTICE
Newell, California

January 18, 1945

Masao Sakamoto
Chairman, Sokuji Kikoku Hoshi Dan
Tsutomu Higashi
Chairman, Hokoku Seinen Dan
Tule Lake Center
Newell, California

Sirs:

Your letter of January 1, 1945 and your telegram of January 6, 1945 to the Attorney General pertaining to the apprehension as alien enemies of seventy members of your organizations on December 27, 1944 has been referred to me for reply. Although I have been in some doubt as to whether the letter merits any reply at all inasmuch as I have questioned both of you and have found that neither of you is able to write English and therefore neither could have written the letter himself and since neither of you is able or willing to tell me who did write it, I have nevertheless determined to make this reply to your communications so that your two organizations may have a clear and unequivocal statement as to the attitude and policies of the Department of Justice toward the organizations and their activities.

I may say at the outset that the tone of your communications as well as the tone of the statements made to me by the leadership of the two organizations suggests that those leaders, possibly because they have for nearly three years resided in camps safely away from the pressures of war, have lost all sense of reality. The young men of the Hokoku Seinen Dan leadership glibly assert their loyalty to the Emperor of Japan and their desire to fight in the Japanese Army. They have the effrontery to engage on American soil in semi-military drilling and in Japanese patriotic exercises to the sound of bugles. They have the impudence to appear before officials of the American Government wearing their hair cut short in the manner of Japanese soldiers and having painted on their shirts a Japanese patriotic emblem with the background of the Rising Sun. The older men of the Sokuji Kikoku Hoshi Dan do not make such spectacles of themselves but feel free not only to tell the American Government of their loyalty to Japan but even to encourage the activities of the young men.

All this would be bad enough but what is worse is that the leaders of these organizations appear to feel that because of these activities they are entitled to respect and approval not only from persons who are loyal to Japan but from the American Government itself. The tone of the communications which the leaders of the two organizations have had with me indicates that those leaders believe that the organizations are respectable and reasonable ones entitled to the friendly consideration of this Government. In thinking that, those leaders have, as I say, lost all sense of reality.

As those of us who have not for years been sheltered behind the protective fences of this Camp appreciate and as the heroic Misci of the 100th Battalion know all too well, America is engaged in a terrible war and is paying for the victory, which is sure, a frightful cost in blood and lives. The Japanese Army and Navy, to which the leaders of these organizations profess loyalty, commenced this war against us without warning and the victories over the Japanese Army and Navy which we have already won and will continue to win are taking the lives of thousands of our young men of every ancestry, including your own.

Under these circumstances only children or half-crazy people could suppose that the American Government can look with friendship or approval upon organizations openly engaged in activities designed to show loyalty to the enemy. In my opinion the reason the leadership of these organizations so foolishly fails to understand the attitude which the American Government must take toward the organizations is that the leaders have throughout most of the war refused to fight in the American Army, been unable to fight in the Japanese Army and have sat in safety and even relative comfort in a Government Camp. Tule Lake may not be a delightful place to live but there is little doubt that the foxholes are worse. Sheltered as they are, the leaders do not know the meaning of war.

Members of the organizations, particularly the Hokoku Seinen Dan, tell me that they are anxious to fight for Japan and that they should receive at least the respect due to enemy patriots. I doubt very much whether they are entitled even to that consideration. In the first place, the members of the Hokoku Seinen Dan are almost all American citizens. They were born in the United States. Even by the Japanese code, loyalty is a matter of birth; and this country, therefore, is the mother country of the members of the Seinen Dan. Yet in time of war those young men, who were born in this country have betrayed it and have demonstrated their loyalty to the enemy. They are not patriots, but traitors. They are, thank God, but a small minority of the young people of Japanese ancestry born in this country, but they are a disgrace and a shame to their brother Japanese-Americans who have proved with their blood that they understand what it means to be loyal to the country of one's birth.

Not only are the leaders of the Hokoku Seinen Dan traitors to the country of their birth but it is very doubtful whether they are truly loyal to Japan. A very large number of the leaders are Kibei who left Japan after 1937. In that year Japan commenced the China Incident which, although it was not a declared war, was nevertheless a bloody and costly one. Ever since 1937 soldiers of the Japanese Army have been fighting in China. Ever since that time there has been compulsory military service in Japan. Of course, few people left Japan who were actually drafted but many of the young men who were 17, 18 or 19 in those years left one jump ahead of the draft. If you do not believe this, look around among your Kibei friends. Ask yourselves why these boys who now say they are so anxious to fight and die for the Emperor didn't stay and do so when they had the chance. Ask yourselves why it is only now, when they are snug and safe in an American camp for the duration of the war, that they decide that they want to fight for Japan. Is it not that they know they will go back to Japan after the war and know that the veterans of the Japanese Army will ask them why they left during the Chinese war and where they were when the fighting was going on? Is it not their hope that by this foolish head-shaving and bugle-blowing they will persuade people of their Japanese patriotism even though when they were last in Japan they fled the draft?

Some of the young men admit they left Japan during the fighting in China, but say they are now going back on an exchange ship and fight. There is reason to doubt their sincerity. In the first place, while they were making these assertions it looked to everyone as if there would be no more exchanges during the war, although throughout the entire war the United States government has been anxious to exchange Japanese nationals desiring to return to Japan for American citizens in the Orient. Japan had agreed to only two exchanges and had not agreed to any since October, 1943. Thus it seemed perfectly safe for the boys who did not fight when they had the chance to say that now they wanted to go back on an exchange ship and fight. In the second place it is not at all clear yet what the conditions of the exchange will be, or even if there will be one. Ordinarily men of military age are not exchange or, if they are, an agreement is made between the belligerents forbidding them to fight. This may be included in the terms of the contemplated exchange. The boosters still may be safe.

Many of the leaders of the Sokuji Kikoku Hoshi Dan and the Hokoku Seinen Dan have expressed the view that the activities of these organizations are permissible since residents at this Center were told, when it was established as a segregation center, that his Camp was to be for persons who look toward a future in Japan and, in a sense, was to be for persons who were loyal to Japan. This is wholly wrong. It is true that this Camp was set aside as a segregation center and that by and large persons who were denied leave clearance were transferred here. It is also true that many persons who were segregated here had already declined to express their loyalty to the United States. Many people, however, came here to be with their families or for other reasons unrelated to loyalty to Japan. Thus, it is incorrect to say that this is a camp exclusively for Japanese patriots and that pro-Japanese activity is therefore permissible. No Government can force inner loyalty. These Issei who feel loyal to Japan may live quietly in the Camp and continue to feel that loyalty. These Nisei who feel loyal to Japan may, under the new statute, apply for renunciation of their citizenship; and, if it is approved, they, like their elders, may live in a Camp quietly and continue to feel that loyalty. No one, however, has the right to engage in pro-Japanese demonstrations and parades or to publish pro-Japanese newspapers or to wear a semi-military uniform bearing the emblem of the Rising Sun on it. What is even more important, no one loyal to Japan has the right here to seek to convert others to that loyalty. I am well aware that your two organizations have put pressure on residents of this Center to assert loyalty to Japan and that in a

number of cases physical violence was employed. There is no more right to engage in Japanese patriotic ceremonies or to publish a pro-Japanese paper in this Center, where some loyal Americans still live, than there is anywhere else in the United States. It is as treasonable to coerce others into asserting loyalty to Japan here as it would be outside. All these activities will stop.

Coming to the specific questions which you asked the Attorney General in your letter of January 1, 1945, you are informed that the seventy men apprehended by the Department of Justice on December 27, 1944 were apprehended as alien enemies pursuant to Section 21 Title 50 United States Code, which authorizes the apprehension of alien enemies who are deemed dangerous to the internal security of the United States. All of these men were alien enemies either because they were later to begin with or because they were dual citizens who had renounced their American citizenship, thus leaving only Japanese citizenship. Their internment as alien enemies was deemed in the national interest by the Attorney General because of the subversive activities of the organizations of which they were leaders.

You next state that these men were originally segregated in Tule Lake with their families because of their professed loyalty to Japan and ask why they are now interned and separated from their families. They have not been interned because of their feeling of loyalty to Japan but because they were leaders in subversive organizations which encouraged the pro-Japanese activities to which I have referred. They are apprehended because it was felt to be necessary to remove them to a Department of Justice Internment Camp where their conduct could be more carefully controlled. At some later date it may or may not be possible to arrange for their internment in a camp where their families may join them. At the present time there are not sufficient family camp facilities to permit this. The Geneva Convention does not guarantee an enemy, whether a prisoner of war or a civilian internee, the right to have his family with him. Internment in family camps is an additional humanitarian procedure provided by this Government which can be provided only as there is space available.

Your third question asks why the men who were apprehended on December 27 were not given time to bid farewell to their families or to pack their belongings. Since the men were apprehended in the middle of the night when they presumably were in their apartments with their families, I should suppose they did in fact have an opportunity to say goodbye. I also understand that they were able to take with them their necessary belongings.

You last state that one of the seventy men was arrested when his mother was ill and you assert that his removal was, therefore, inhuman. It is, of course, unfortunate that this man's mother was ill at the time but there is nothing inhuman about the son's apprehension. Persons who engage in subversive activities may expect to be apprehended and if this apprehension comes at an unfortunate time, that is his own responsibility. In view of the fact that seventy men had to be moved by special train, it was necessary to conduct the operation with speed and efficiency and, although I am unaware of the details of the movement, I assume that there was a practical reason which made it impossible for the apprehended man to visit his mother. The Department of Justice desires to be humane but when dealing with avowed enemies of this country, the interests of the United States will, within the safeguards of the Geneva Convention, come first.

In your letter of January 1, 1945 you refer to the apprehension of the seventy men as an "intolerable incident". There is nothing whatever "intolerable" about that incident. What is intolerable is that the activities of your two organizations continue. Since these activities are intolerable, they will not be tolerated but, on the contrary, will cease.

For the Attorney General

John L. Burling

John L. Burling

OFFICE OF THE
UNDER SECRETARY

UNITED STATES
DEPARTMENT OF THE INTERIOR
WASHINGTON 25

July 12, 1945.

Mr. Ernest Besig, Director,
Northern California Branch,
American Civil Liberties Union,
216 Pine Street,
San Francisco 4, California.

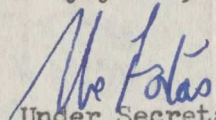
~~JUL~~ 18 1945

My dear Mr. Besig:

Secretary Ickes has referred to me your letter of July 6 relating to occurrences at the Tule Lake Center in California.

I am inquiring into the situations to which you refer, and will communicate with you as soon as it is possible to obtain the necessary information.

Sincerely yours,


Under Secretary.

OFFICE OF THE
UNDER SECRETARY

UNITED STATES
DEPARTMENT OF THE INTERIOR
WASHINGTON 25

July 20, 1945.

Air Mail

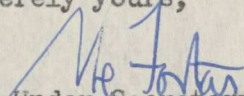
Mr. Ernest Besig, Director,
Northern California Branch,
American Civil Liberties Union,
216 Pine Street,
San Francisco 4, California.

JUL 23 1945

My dear Mr. Besig:

I have your letter of July 17 with further reference to your complaints about alleged conditions at Tule Lake. I am causing an investigation to be made of this situation, as I previously advised you; but I would not want either you or the persons whom you represent to govern your conduct in a matter of this importance by an erroneous impression of the speed with which we can act. As you will understand, it is necessary for me to cause a careful investigation to be made. This will necessarily require some time, although the investigation is being pressed with all possible diligence. I am advising you of this so that you may proceed in light of the probable time schedule.

Sincerely yours,


Under Secretary.

July 6, 1945.

Hon. Harold Ickes,
Secretary of the Interior,
Washington, D.C.

Dear Mr. Ickes:

At our Executive Committee meeting yesterday I was instructed to write to you about a situation that has arisen at the Tule Lake Segregation Center in California.

Under date of March 16, 1945, Mr. R. R. Best, the Project Director, promulgated certain Special Project Regulations. These regulations go far beyond anything that is presently prohibited under the Espionage Act, the Seditious Conspiracy Statute, and the Smith Seditious Act. Moreover, no definite penalty is assigned for the prohibited acts. The regulations provide merely that "Any person found guilty of violating any of the above regulations will be subject to disciplinary action which may include confinement in jail, fine or other disciplinary action."

Under the regulations, the Project Director serves as Prosecutor, Judge and Jury and Lord High Executioner. Our Administrative Law experts find the exercise of such authority to be unprecedented.

Recently, our attention was called to two cases involving 16-year-old boys. Jack Takahashi, we understand, was sentenced to 120 days in jail for wearing a sweat shirt that was held to violate the regulations, and Thomas T. Imagawa, we are informed, was sentenced to 370 days in jail, with 120 days suspended, because he also wore prohibited garb and in doing so violated probation which he received when he was prosecuted for the illegal blowing of a bugle under Regulation No. 1. We presume that both boys were convicted under Regulation No. 2 which provides that "The wearing of any insignia, emblems or garments symbolic of or indicating any form of Japanese nationalism or Japanese nationalistic organizations, is prohibited."

We think the sentences noted out in these cases are shocking. In the case of Thomas Imagawa, since the sentence is five days more than a year, he has, in effect, been convicted of a felony without the benefit of a jury trial. Just what limit the project director would place on his sentences we have no way of knowing, nor do the people who are supposed to abide by the regulations.

We have informed various segregees at Tule Lake

Hon. Harold Ickes

-2-

July 6, 1945.

that we will be glad to bring appropriate proceedings in the courts to remedy this situation. In fact, one of our attorneys was about to file habeas corpus proceedings in the U.S. District Court when the parents of the boys requested us to withhold action. One woman wrote us that "The parents and childrens have sworn to endure all this acts, are even ready to be killed by the local officers in charge, all in the feeling that they will revenge someday. The firm feelings on the part of the colonists are something I can not do anything. For the time being at their request please leave things as it is."

My Committee is of the opinion that you must be uninformed of this outrageous situation at Tule Lake otherwise it would not be allowed to exist, and I have been instructed to appeal to you to take such remedial action as the situation warrants. Won't you please investigate the matter and advise us in due time of your reaction.

Sincerely yours,

Ernest Besig, Director.

C O P Y

THE SECRETARY OF THE INTERIOR
WASHINGTON 25, D. C.

AUG. 3 1944

My dear Mr. Besig:

I have read with concern your letter of July 14, written after your visit to the Tule Lake Segregation Center. An investigation of the circumstances and the results of your visit indicate that your unfortunate lack of understanding of the intricate administrative problems connected with the Tule Lake Center and perhaps a mutual mistrust on your part and on the part of those in charge of the Center have brought about an unhappy situation.

The problem presented by the Tule Lake Center is by no means a simple one, and I think that there is nothing to be gained by recrimination between individuals and administrators, all of whom are interested in protecting the constitutional rights of the residents of this camp.

Neither the Director of the War Relocation Authority nor I have any disposition whatever to deny to any resident of Tule Lake his right to counsel and advice with respect to his legal rights. It is the policy of the Authority and the Department to make every reasonable provision to this end. At the same time it is not administratively feasible to allow unrestricted access to the Center for all persons who have or think that they have some interest or business with any of its residents. If he has not already done so, the Director of the War Relocation Authority will indicate to you that any resident of the Center who so requests in writing may confer with an attorney of his own choosing at reasonable hours with complete privacy. If any resident so requests, he may also confer with you or any other representative of the American Civil Liberties Union, provided that the representative is authorized by the National Director of that organization to visit the Center for such purpose.

I am sending a copy of this letter to Mr. Roger N. Baldwin, National Director of the American Civil Liberties Union.

Sincerely yours,

(SIGNED) Harold L. Ickes
Secretary of the Interior.

Mr. Ernest Besig,
Director, Northern California Branch,
American Civil Liberties Union,
216 Pine Street,
San Francisco 4, California.

C O P Y

1944 AUG 6 PM 8 06

ERNEST BESIG
216 PINE ST SFRAN-

THANK YOU AND PARSONS FOR INVITATION BUT BELIEVE MATTERS AS WELL
SETTLED WITHOUT VISIT MORE IMPORTANT TO ARRANGE AT BOSTON BECAUSE
CASES CAN BE NOTED UNLESS AGREEMENTS REACHED WITH WRA STOP MINUTES
LAST NOVEMBER STATED WITHOUT OBJECTION FROM YOUR COMMITTEE THAT WE
WOULD CONTEST ADMINISTRATIVE EVACUATION AND LESS DECISIONS AS TO
TIMING AND PLAINTIVES TO OUR COMMITTEE ON WAR CASES SUGGEST YOU FORWARD
AT ONCE INFORMATION AND RECOMMENDATION WHICH WE WILL CONSIDER AND TAKE
UP WITH WRA TO AGREE ON TESTS WITHOUT MOTTING WHEN AGREEMENTS ARE
REACHED WOULD EXPECT YOUR OFFICE TO HANDLE LITIGATION OUR EXPENSE AND
BEHALF BOTH NATIONAL AND LOCAL---

ROGER BALDWIN

WITHOUT MOTTING BESIG..

1944 AUG 7 PM 1 31

ERNEST BESIG
216 PINE ST SFRAN-

BOARD DESIRES YOUR COMMITTEE TAKE NO ACTION NOW IN STOCKADE CASES PENDING
CHECK WITH MYER AND OTHERS OF ALLEGATIONS IN CURRENT PAPER TOGETHER WITH
ANY OTHER FACTS WE CAN DISCOVER STOP WILL ADVISE YOU FURTHER AFTER NEXT
BOARD MEETING ON AUGUST 21--

AMERICAN CIVIL LIBERTIES UNION
CLIFFORD FORSTER STAFF COUNSEL

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON

AUG 10 1945

AUG - 6 1945

Mr. Ernest Besig,
Director, Northern California Branch,
American Civil Liberties Union,
216 Pine Street,
San Francisco 4, California.

My dear Mr. Besig:

This is in further reply to your letters of July 6 and July 17 concerning detentions at Tule Lake for violation of the special project regulations prohibiting Japanese nationalistic activities. We have completed our investigation and in this letter I shall report rather fully our findings and conclusions.

Basically there are, I believe, three points that concern you: (1) the need for and hence the reasonableness of the special project regulations, (2) the apparent lack of any limitations upon the discretion of the Project Director in enforcing the regulations, and (3) an apparent abuse of authority in imposing certain sentences involving minors. I should like to take up each of these points in turn.

1. When Tule Lake became a segregation center, WRA adopted a policy of permitting evacuees to operate Japanese language schools and engage in Japanese cultural activities, in recognition of the fact that many of the residents sincerely desired repatriation to Japan and that their children should be given an opportunity to become acquainted with Japanese culture. Unfortunately this policy was utilized as an entering wedge by a number of strongly pro-Japanese evacuees for the formation of virulently pro-Japanese nationalistic organizations. These evacuees were motivated chiefly by the desire to attain standing in the eyes of the Japanese government and obtain positions of leadership in the colony. To this end they instituted Japanese-type military drill, mass exercises, bugling, wearing of Japanese insignia, emperor worship ceremonies, pro-Japanese demonstrations, and other purely Japanese nationalistic activities designed not to serve any cultural purposes but to instill in the Tule Lake people a fanatical devotion to the principles of the militarist regime in Japan. By preying on fear of Selective Service they induced parents to exert pressure on their children to join the organizations. In addition they resorted to intimidation, threats of violence and actual violence in coercing residents to join the organizations and participate in their demonstrations. It was primarily due to the pressures of these organizations that over 80 per cent of the citizens eligible to do so applied for renunciation of citizenship this past winter. When Department of Justice representatives arrived at Tule Lake to conduct hearings on applications, the organizations stepped up their demonstrations and their pressures on the applicants. Undoubtedly many of the applicants were in the grip of the emotional

hysteria created by these organizations, or actually acting under fear of violence, in confirming their desire to renounce citizenship during the hearings. The general uniformity of the answers given indicated that the applicants were well coached. These facts are reflected in an increasing volume of cancellation requests from Tule Lake renunciants, who frankly state in many cases that they were acting under compulsion in renouncing their citizenship.

On January 19, 1945, Mr. John Burling, special representative of the Attorney General conducting renunciation hearings at Tule Lake, addressed a letter to the heads of the two principal organizations setting forth the position of the Department of Justice toward the activities of the organization. A copy of that letter is enclosed (Exhibit I). In that letter Mr. Burling, speaking for the Attorney General, strongly condemned the activities of the organizations and stated that they must stop. Despite this letter, which was widely circulated in the center, the activities of the organizations did not abate. In order to maintain peace and order, protect the Tule Lake residents who were loyal to this country or who disagreed with the aims and objectives of the organizations, and to stop the subversive activities of these groups, two steps were taken. One was the transfer of the known alien leaders of the organizations (including persons who had renounced their citizenship) to internment camps. The other was the adoption of the special project regulations prohibiting the overt demonstrations which were fundamental to the organizations' programs.

As a result of these two steps the organizations have lost much of their prestige. Many evacuees who joined the organizations have notified WRA of their withdrawal from membership. Opposition to the organizations has come out of hiding. Nevertheless the influence of the organizations is still strong, and their activities continue. The Director of the War Relocation Authority believes enforcement of the special project regulations is still necessary in order to maintain law and order at Tule Lake and guarantee to the law-abiding residents the right to live in peace and free from fear of violence and recrimination for failure to assert aggressive loyalty to Japanese war aims. In the light of the facts I am unable to disagree with his conclusion.

2. As you state, the special project regulations assign no definite penalty for the prohibited acts. These regulations were, however, issued under and subject to the provisions of WRA internal security regulations applicable to all centers (Exhibit II). These over-all regulations prescribe procedural safeguards with respect to arrests and prompt arraignment and hearing. The right of the accused to counsel is guaranteed and the Project Director is specifically responsible for seeing that a complete case is fairly presented. The maximum penalty that can be imposed by a Project Director for commission of any one offense is imprisonment for not more than three months. In addition, any evacuee may of course carry his case directly to the Director of the Authority if he believes that he has been unjustly dealt with, and during the course of center operations a number of evacuees have done so.

Our investigation has revealed no departure from these over-all regulations by the Project Director in the enforcement of the special project regulations. While the sentence imposed in a number of cases has exceeded 90 days, this has

Hon. Abe Fortas

August 14, 1945

page 2

the end justifies the means that have been resorted to in the present situation.

We are glad to learn that there is a 3-months' maximum penalty on sentences imposed on any charge. Even if we accept the judicial authority of the project director, we think there ought to be some limitation on the sentence that can be meted out in each case. We have examined the statements concerning four of the five youths who are now imprisoned and we find absent from them any allegations that the boys in question engaged in any actual violence or intimidation of any person. In the absence of such violence or intimidation, it seems to us that a 270-day sentence for Imagawa, which the center paper erroneously listed at 370 days, is clearly excessive.

Just a couple of days ago, I was discussing with a former resident of the center the activities of these boys. If his word can be accepted, the activities of the boys are merely a nuisance, since they disturb the camp by their early morning rising and bugle blowing. It seems to me that appropriate action could have been taken against these youths without resorting to the Special Project Regulations.

I regret that we felt it necessary in view of the position taken by your department to file petitions for writs of habeas corpus. As you undoubtedly know, orders to show cause have been made returnable before Hon. A. F. St. Sure on Monday, August 20. We have at this time made no effort to secure publicity on the issues of the cases. However, it is not our position that what we regard as a denial of due process should be kept a confidential matter. ~~However~~ Since the cessation of hostilities has just been announced, I suppose there will be an end to the Tule Lake Camp in the near future and possibly a mooting of the cases.

Sincerely yours,

EB:ar

Ernest Besig, Director

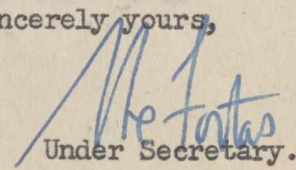
been because more than one offense was committed. We have found no instance in which the sentence imposed exceeded 90 days on any one count. Out of 454 persons apprehended for open violation of the special project regulations, 424 have been released without further action, after lectures on their behavior. Eleven received sentences ranging from 90 to 270 days. The remainder received sentences of 90 to 360 days, with 60 to 250 days of the sentence suspended on condition that they not violate the regulations after release. It has been the general practice to carry out sentences of imprisonment only in cases where the violator is recalcitrant and states that he will continue to disregard the regulations if released. I believe that these facts reflect sane and considerate handling of this difficult problem.

3. Four recent cases of violation, including the two you mention in your letter of July 6, have involved persons under 18 years of age. Reports on these cases are enclosed (Exhibit III). Despite the youth of the offenders, the facts in the cases do not indicate in my judgment that the sentences imposed were unnecessarily harsh or that the cases could have been handled satisfactorily in some other manner.

None of the four youths involved in these cases has been classified as a detainee by the Western Defense Command or by the Department of Justice. So long as they wish to remain residents of the center they will be required under WRA regulations to serve their sentences. They are, however, free at any time to leave the center even if they are serving a sentence for violation of center regulations. The War Relocation Authority does not maintain that it has power to detain any person who is eligible to leave the center and wishes to do so, even if he is being disciplined for violation of project regulations. Administrative Notice No. 207, which prescribes this policy, is enclosed (Exhibit IV). I should also point out that the Authority could legally expel any such person from a center, although as a matter of policy this power is exercised only in aggravated cases.

In summary, I am unable to conclude on the basis of our investigation that the special project regulations are unnecessary, that the WRA procedures for enforcement of the regulations are unreasonable, or that the Project Director at Tule Lake has exceeded his authority or been other than temperate under the circumstances in enforcing the regulations. I do not, of course, believe that my judgment should interfere with any action that the American Civil Liberties Union might deem appropriate under the circumstances. I should like to point out, however, that action such as you propose will doubtless be widely publicized. Enemies of the evacuees on the West Coast will undoubtedly play up the activities of the pro-Japanese organizations which will be the basis for the Government's defense. So far as the long run interests of persons of Japanese ancestry in this country are concerned, I think that the contemplated action would be a serious mistake.

Sincerely yours,


Under Secretary.

August 14, 1945

Honorable Abe Fortas
Under Secretary
Department of the Interior
Washington, D. C.

Dear Mr. Fortas:

I am grateful to you for your excellent report of August 6 concerning the arrests at the Tule Lake Center arising under the Special Project Regulations. I was particularly interested in your declaration, supported by "Administrative Notice No. 207", that the boys now imprisoned are "free at any time to leave the center even if they are serving a sentence for violation of center regulations".

This is the first time the administrative notice has been called to our attention and we are wondering whether it was advertised at the Tule Lake Center? As far as I can discover, the segregees are ignorant about the matter, although I am making a special investigation to determine just how much is known about it there.

The application of this new policy to minors raises some very nice questions. Let us assume for the sake of argument that the judgments in question could be set aside for denial of due process. Under the "notice", children would be compelled either to accept their unlawful imprisonment or to suffer banishment from the community wherein their parents and guardians are in forced residence under war-time exigencies. It seems to us that the choice that is offered is morally and, I hope, legally, wrong.

We do not deny the existence of militant pressure groups at the Tule Lake Center whose members have resorted to threats and violence in order to switch the allegiance of the segregees. But no matter how bad the members of these organizations are, we insist they are entitled to due process of law. Moreover, they ought to be subject to the same laws as the rest of the people in the United States. We think the Special Project Regulations go beyond the laws that Congress has enacted for the protection of the country against subversive activities. We can not agree that