

June 8, 1944

R 12.10

I regret to inform you that Mr. Robert B. Cozzens, asistant director of the W.R.A. here in San Francisco, has denied my request for a permit to visit Tule Lake during the week of June 12. At first he stated there would be no difficulty about my visiting Tule Lake and suggested that I go ahead and make train reservations. After conferring with Mr. Best and Mr. Myer, however, he informed me that the request was being turned down because of a "Tense situation" that persists at Tule Lake. No indication was given as to when it might be possible for me to visit Tule Lake. I have made representations to Mr. Myer by telegram, and have resented the matter to Mr. Ickes in an air mail letter.

I think it would do no harm for you to write to Mr. Cozzens if you limit yourself to a simple request that you be permitted to consult personally with me as a representative of the American Civil Liberties Union to the end of securing court action in your behalf. Such a request can at least do no harm.

As a result of the administration's action, I will apparently be compelled to develop our projected test cases by mail. I will write you further at some later date.

As a result of the administration's action, I will apparently be compelled for loss of property, I would say that as a legal matter there is liability. As Judge Denman suggested in the Korematsu case, however there is certainly a moral obligation, and Congress should at an appropriate time set aside funds to compensate the evacuees for the losses they have suffered.

BESIG

(To an interness) To Okamoto.

July 17, 1944

Tom Yoshiyama

In our opinion, your detention for over 8 months in the Stockade without charges being filed against you, and without being brought before a magistrate ought to be tested in the courts. We have presented the entire problem most fully in a letter to Mr. Ickes, but in the event that the release of all 18 is not ordered promptly by him, we would suggest the filing of an application for a writ of habeas corpus in the U. S. District Court in behalf of one of you, possibly yourself.

We are also entering a complaint with the Post Office Department against the censorship of the mails, for which we can find no basis in law.

Our presence at the Center was brought to a sudden end early Wednesday morning, July 12, when Mr. Best ordered our immediate departure, on the grounds that our presence was interfering with the investigation of the recent murder.

Would you please let me have your prompt response to our suggestion.

Besig.



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American Civil Liberties Union  
Northern California Branch  
216 Pine Street San Francisco 4, California  
Exbrook 1816

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July 17, 1944

Mr. Tom Yoshiyama  
The Stockade  
Tule Lake Segregation Center  
Newell, Calif.

Dear Mr. Yoshiyama:

In our opinion, your detention for over 8 months in the Stockade without charges being filed against you, and without your being brought before a magistrate ought to be tested in the courts. We have presented the entire problem most fully in a letter to Mr. Ickes, but in the event that the release of all 18 is not ordered promptly by him, we would suggest the filing of an application for a writ of habeas corpus in the U.S. District Court in behalf of one of you, possibly yourself.

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Our presence at the Center was brought to a sudden end early Wednesday morning, July 12, when Mr. Best ordered our immediate departure, on the ground that our presence was interfering with the investigation of the recent murder.

Would you please let me have your prompt response to our suggestion.

Sincerely yours,  
(signed)  
Ernest Besig, Director



The Secretary of the Interior

Washington 25 D.C.

August 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,

/s/ 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



Blk. 3205-B  
Tule Lake Center  
Newell, Calif.  
August 11, 1944

Mr. Ernest Besig,  
216 Pine Street....A.C.L.U.,  
San Francisco, Calif.

To dear Mr. Ernest Besig:

May I take this opportunity to give the description of the stockade during my detention by the WRA. Please find my description on a separate page.

I am supporting and signee of the petition for Justice presented to Mr. Besig. I have been asked to write and well do my best to describe the story during my detention in the military prison (stockade). I deeply trust and believe that you will fight for us as Justice is your aim. I do know that Best, Project Director, is a U.S. Government Agent and his power and influence are great which we ourselves cannot fight against him and his agents. So the residents, families, and myself are depending your fair and untiring effort.

Knowing how busy you are I am hoping that you can make whatever use of my description of the stockade. Thanking you for your kind attention.

Sincerely yours,

/s/ Gentaro Ono

Gentaro Ono



August 14, 1944

### DETENTION IN THE STOCKADE

To begin my description, I was arrested by the Army on January 11th, 1944, without any questioning and thrown in the place called "stockade". The reason I do not know and still is a question to my mind?

When I was thrown in the stockade, there was no questioning as to my detention or 200 odd other people detained in the stockade, but was searched very thoroughly from top to bottom when detained and same procedure getting our release from the stockade.

First I would wish to describe the condition of the stockade as Mr. Besig has seen the Isolation Area during his visit to Tule Lake Center. It is surrounded by about 12 feet fence and barbed wire guarded by armed soldiers 24 hours a day with sub-machine guns on four corners on top of a tower and by the gate. There are 5 barracks, one mess hall, and a latrine with shower within a rectangle of about 400 feet x 300 feet. The barracks are 100 feet x 20 feet and averaged about 43 or 44 persons to a barrack which should have only 16 to 20 persons within the Center. We were not given any convenience of sanitation to keep the barracks in order such as bucket, broom, and mop, etc. at first. They furnished cot beds with 3 or 4 blankets without any sheets or pillows which even refused to people with very poor health. Sheets and pillows were even refused that were sent from home. Even extra blankets were refused to people with rheumatism and people with poor health, etc. Our cigarettes which were sent by our families were confiscated and given to us as a ration. During my detention, we were given three cigarettes per day and finally to ten per day. Once in while, without any reason, there were no cigarettes given to us. These condition were very often practiced to the Innocent people detained in the stockade. The stockade does not have any washing place and the people confined in the Area have to wash when taking a shower. Above that Tule Lake weather causes clothes to become dirty and have sweat odor making it impossible to wear long without washing. Soaps were furnished occasionally. Our letters were censored or detained by Best's Agents sent by our families and friends were overlooked. Under these conditions Best, Project Director, knows very well what the people in the stockade feels and think. Medical treatment were very poor and medicine were not sufficient.

The food condition that existed in the stockade were very poor and the ration for the number people was not sufficient. We were only given 2 pounds of sugar per day when there were 155 odd persons. One box of orange or apples were sent consisting of rotten fruits so most of the people did not get any. We were on a carrot diet from January 16 for nearly one month and carrots day after day. Even these consisted of bad vegetable. There was no jam or butter (oleomargarine) for the bread. Black coffee for a long time without sugar. Their were so many confined that people had to eat their meal in 3 shifts for not having adequate dishes and silverware. Therefore; Best, Project Director,



## DETENTION IN THE STOCKADE

- 2 -

have done these cruel things on purpose so the people in the stockade well become home sick and get tired of the condition and the surrounding atmosphere. (Enclosed in separate page please find a copy of the menu for 100 persons but same amount of food distributed to 175 odd full grown persons slipped out of the stockade when I was released).

The procedure of releasing the people were conducted poor and the Administration have asked insulting questions as: "why are you in here", when the people that was detained without and charge wished to know why? Some people have been detained for over 6 months without any hearing for losing their temporary pass. They were picked up when the Army searched the barracks November 26, 1943 and some released as late as April the following year.

Since July 3, 1944, Best have put plaster board around the stockade without any reason when the Isolation Area is good 100 yards away with double fence. They have at present taken down the board around August. This is the way Best spends the American Public money needlessly.

I believe strongly that our negotiation committee stood for their rights. I sympathize their situation in their present distress. May I again ask for your fair and understandable consideration to assist us in freeing my innocent friends as JUSTICE is your aim.

I do not know what well bring a strong point in a legal way at the time of trial but hoping that you can use whatever amount of this note.

Again, May I thank you for your kindness and understanding on our situation.

Respectfully submitted,

/s/ Gentaro Ono

Blk 52 'hoo'

/s/ Moso Ogawa

Blk 52 "



(At this time the number of the  
people was approximately 175)

# PROJECT MENU

For 14 April 1944

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Breakfast	Per 100 Persons
Oat Meal Mush	9# Oats
Scrambled Eggs and Potatoes	36 Eggs (Add Milk) 15# Potatoes
Oranges	100 Oranges
Toast	12# Bread
Oleo	2# Oleo
Coffee	2# Coffee-2# Sugar
Milk	10 Gal. Milk

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Dinner	
Fish	35# Fish
Corn Fritters	2-Cans #10 Corn 24 Eggs-6# flour 4# Lard-2oz. Baking Pow.
Vegetables	20# Cabbage
Steamed Rice	25# Rice
Syrup	1 Gal. Syrup
Tea	$\frac{1}{2}$ # Tea

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Supper	
Diced Balogna	30# Balogna
Vegetables	10# Onions 10# Carrots 20# Cabbage
Baked Brown Potatoes	15# Potatoes
Steamed Rice	12 $\frac{1}{2}$ # Rice
Bread	12# Bread
Tea	$\frac{1}{2}$ # Tea



August 22, 1944

Mr. Gentaro Ono  
3205-B Tule Lake Segregation Center  
Newell, California

Dear Mr. Ono:

During my absence on a vacation, I received from you a statement concerning your detention in the Stockade. I am grateful to you for sending me the information.

Sincerely yours,

Ernest Besig, Director

EB:H



copy

(Letterhead of )

United States  
Department of the Interior  
War Relocation Authority  
Washington

August 17, 1944

Mr. Roger Baldwin  
Director, American Civil Liberties Union  
170 Fifth Avenue  
New York, New York

Dear Mr. Baldwin:

This is in answer to Mr. Forster's letter of August 8, enclosing a photostatic copy of the August issue of the American Civil Liberties Union News published in San Francisco and asking for any facts or comments that we should care to make in view of the allegations made in the lead article of that issue.

I am disturbed over the publication of the article. In the distortion, exaggeration, misinterpretation and omission of facts the article compares with many other attacks that have been made -- with entirely different motivations -- upon WRA policies by the Hearst press and some other organizations. I am deeply concerned about the possibility that the article will have precisely the same effect in its international implications as those other attacks. The blazoned charges of "tyranny", "Gestapo methods", "brutality", and "incommunicado" detention will certainly delight the Japanese propaganda machine. They may -- although I sincerely pray that they will not -- result in recriminatory action against the American civilians in Japanese hands.

Even if the charges were wholly true I should regard the publication of the article to be very ill-advised. Certainly there are avenues available to Mr. Besig, through your organization and otherwise, to obtain any remedial action that may be needed without endangering the war effort or the lives of our citizens abroad.

The situation at Tule Lake is an extremely delicate one. I agree fully with Mr. Besig on that score. We have among the Tule Lake evacuees a group of strongly pro-Japanese persons who are willing to go to almost any length to embarrass the Government, provide fuel for Japanese propaganda, and enhance their own future status with the Japanese Government. It was these persons who formed the nucleus for the November incident of last year at Tule Lake. The persons still in Area B, commonly called the stockade, were the most active in the incident. It is these persons whom Mr. Besig interviewed and it is undoubtedly their statements upon which he relied in making most of his charges. He did not attempt to get from us the case histories of the individuals whom he interviewed. He at no time attempted to learn from me what we were doing, or why. As a result of the distorted picture which he received and so sensationally publicized, he has played directly into the hands of these persons.



I should like to point out that even though the more active of the known leaders are still in the stockade, Tule Lake is still turbulent. A leader of the evacuee faction advocating cooperation with the administration and its policies was recently murdered. There have been aggravated assaults on others who have, for one reason or another, been deemed by the rabidly pro-Japanese not to be sufficiently pro-Japanese. Evacuees who have sought leave clearance hearings in order to be removed from the category of "disloyal" and moved to other centers have been threatened as a result of their action. We have given haven in the project hospital to some persons who are in fear of their lives. It is very difficult to obtain any evidence against the trouble-makers. The unusual situation has, in our judgment, demanded unusual treatment.

In order to prevent further disruption and facilitate the stabilization of the community after the November incident, it was deemed necessary to place several hundred persons in Area B until tranquility was fully restored, evacuee leadership had been given a chance to develop among more responsible persons, and a complete investigation could be made in each individual case. All of these persons were apprehended either because of their connection with the incident itself or because they subsequently engaged in disruptive actions.

The special separation of the trouble-makers was an administrative arrangement to secure peaceful and orderly administration. It was not designed as punishment for an offense. The stockade itself consisted of barracks, a mess hall, and latrine and surrounding grounds formerly used by the Military Police contingent, with a fence around it. Persons placed in the stockade were given food allotments, housing, medical care, and other necessities equal to those furnished evacuees in the rest of the center. The stockade residents were given as complete freedom of movement within the stockade as other evacuees had within the rest of the residential area. Generally speaking, the persons in the stockade were treated simply as if they had been removed to another center. A few additional restrictions, however, were necessary. Control over communications between stockade residents and other evacuees was deemed imperative in order to prevent agitators in the stockade from continuing their efforts to gain leadership in the center and disrupt center administration. It was also considered necessary not to permit family members to join persons in the stockade, since this would have furthered one announced goal of the agitators -- to compel the further segregation within the center of what they considered to be the "really" pro-Japanese population. Further, we did not wish to confine women and children unnecessarily within the more restricted area of the stockade.

Since the separation was for the purpose of securing peaceful and orderly administration and was not designed as a penalty for an offense, only such investigation of any particular case was made as was requisite for an administrative determination by the Project Director that the person's separate maintenance in the stockade was in the interest of peaceful and orderly project administration.



Nevertheless, after the evacuees had been placed in the stockade, each case was carefully reviewed. An impartial interview was given ~~xxxx~~ ~~xxxx~~ every stockade resident where there was any reasonable doubt about the need for his separation. A Committee of three responsible War Relocation Authority officials reviewed the facts in every case and made recommendations to the Project Director. On the basis of these recommendations and in the light of improved conditions within the center, most of the stockade residents have been permitted to return to the general residential area.

I believe that the foregoing adequately explains our position with respect to the detention of the evacuees still remaining in the stockade. I am sure that Mr. Besig's judgment was warped because of his entire reliance upon the allegations made by the stockade residents whom he interviewed. Our case histories on these same persons clearly show that they are strongly disloyal and that they were the leaders of the strongly pro-Japanese group. It is regrettable that Mr. Besig did not see fit to ascertain from us this information.

Mr. Besig's article also charges brutality on the part of the War Relocation Authority police force, particularly during the November incident. Here again, he made no effort, to my knowledge, to substantiate the charges so made by the evacuees with whom he talked. The War Relocation Authority made a thorough investigation of these charges some time ago and uncovered absolutely no evidence to substantiate them. The Spanish Consul made a similar investigation with similar results.

The only other subject in the article that requires comment is Mr. Besig's treatment during his stay in the center. I am enclosing a copy of Mr. Best's report on Mr. Besig's visit and of a letter Mr. Best wrote to the Rt. Rev. Edward Parsons, Chairman of the Executive Council of the Northern California Branch of the American Civil Liberties Union. I think it is apparent from this report that Mr. Besig's attitude and actions were anything but impartial and that there was ample reason for the precautions taken by the Project Director. With respect to allegations that sugar was placed in the gasoline tank of Mr. Besig's automobile, we have already written Mr. Besig asking for any evidence that he might have concerning who was responsible. I should be surprised and chagrined if any member of the War Relocation Authority staff was responsible. However, we have ordered a full investigation into the matter.

Sincerely,

Signed: Malcolm E. Pitts  
Acting Director



August 30, 1944

Mr. Clifford Forster,  
170 Fifth Ave.,  
New York City 10, N.Y.

Dear Clifford:

I have your letter of August 24 enclosing a copy of a letter from the WRA, signed by Mr. Malcolm E. Pitts, concerning which you ask my comment.

Let me say at the outset that on August 22, attorney Wayne M. Collins conferred here in San Francisco with Dillon S. Myer, Philip Glick, Robert Cozzens, R.R. Best, Bernhard and one other. I believe it was agreed at that meeting that those remaining in the Stockade would be released no later than August 31, so contemplated legal action was withheld. On August 25, Mr. Collins counselled with various segregees at the Center. The night before his arrival, the seven persons remaining in the Stockade were released. It is my understanding that the Stockade will not be reopened unless there are general disturbances at the Center, in which case those apprehended will be duly charged and tried in accordance with existing WRA regulations, or Federal or State laws.

I'm afraid Mr. Pitts and I will be unable to agree on many of the things he says in his letter and which I have heard echoed here in San Francisco by Philp Glick. In my opinion, the article in question in no way exaggerates, distorts or misinterprets the facts. Also, the article does not purport to be a general examination of the conduct of the Center. I merely recited the Civil Liberties questions that were dumped in our laps when we went to Tule Lake, and we used 30% of our August issue in telling about it. Just what it is that Mr. Pitts would have us add to our story he fails to mention.

Maybe he wanted us to recite the story of the Nov. 1 and 4 troubles, in order to give a background for the government's action. To my mind, such material would be interesting in explaining why the Army and WRA acted as they did, but it does not answer the question in which we as an organization are interested. At the same time, we're not concerned about case histories maintained by the WRA (which have a questionable value anyway judging from one I examined in an appeal hearing), and whether the persons in question are loyal or disloyal, and whether they are "trouble-makers" and agitators, or quiet and peaceful. ALL WE ARE CONCERNED WITH IS THE QUESTION OF IMPRISONING CITIZENS (GOOD OR BAD) FOR 10 MONTHS AND DENYING THEM DUE PROCESS UNDER THE CONSTITUTION, NOT TO SPEAK OF THE DENIAL OF PROTECTIONS ESTABLISHED BY THE WRA'S OWN ADMINISTRATIVE REGULATIONS.

This isn't the first time charges of abridgment of civil liberties have been countered by declarations that those whose rights are invaded are "trouble-makers" and "agitators." And invariably NECESSITY requires that their agitation be met by suppressive measures.



August 30, 1944

Mr. Pitts objects to the terms by which I characterized what transpired at Tule Lake. It seems to me, however, that denial of due process of law is tyranny; and that the sort of experiences to which Mrs. Adams and I were subjected at Tule Lake partake of the nature of Gestapo methods. Our charges that those in the Stockade were held virtually incommunicado, and that members of the Internal Security force were guilty of brutalities we can establish by good legal evidence, and not solely from the testimony of the segregates.

We did seek an administrative remedy. We called our complaints to the attention first of Mr. Best, the project director, and then, under date of July 14, to Messrs. Ickes and Myer. The latter were Air Mail letters. Despite the fact that we were concerned with a problem involving a question of unlawful detention, we received no answer to these charges until August 8, and such responses made no reply to our complaints, except on the question of the right to counsel.

Since the question is essentially one of due process, it seems to me it makes no difference whether the group in the Stockade is pr-Japanese, or whether they are murderers, or simply agitators and "trouble-makers." Under its own regulations, to say the least, the WRA should have granted these men due process.

Mrs. Pitts justifies the imprisonment by offering the specious argument that the Stockade was not established as a prison but simply as Area B of the Tule Lake Center. "Generally speaking," says he, "the persons in the stockade were treated simply as if they had been removed to another center. A few additional restrictions, however, were necessary." Of course, it is these "few additional restrictions that transformed the Stockade into a prison. They are the restrictions one generally imposes on prisoners--detention in a limited area; separation from their wives and families; divorce-ment from general community activities; censorship of their mail; refusal of visitors; refusal to allow a couple of the Stockaders to see children born after their incarceration, or to visit their wives while they were hospitalized; limitations on the right to marry, etc.

I note that a so-called "impartial interview" was given certain stockade residents, and that a Committee of three WRA officials examined the propriety of their own actions in imprisoning the men. It seems to me that on the basis of these admissions and others contained in the letter, a case is made out for the intervention of the A.C.L.U.

Mr. Pitts is mistaken when he suggests our evidence was gained only from the segregates. Their stories were corroborated by WRA Caucasian employees, past and present, many of whom have supported our efforts financially since we undertook to clean up the stockade problem.

Concerning our charges of brutality, which Mr. Pitts denies, I would suggest that the WRA reinvestigate. I think many of the Caucasian employees will help correct Mr. Pitts' ideas on that



August 30, 1944

subject. Also, with reference to the WRA's interference with the U.S. mails, you might find out from the WRA why our letter of August 9 to Tom Yoshiyama was not handed over to him for ten days.

Incidentally, I might add that I have submitted our "News" for August to past and present employees of the WRA who are acquainted with the situation at Tule Lake, and, without exception they declare that the article on the Center is an understatement of what took place.

I have seen a copy of Mr. Best's letter to Bishop Parsons (it was read at our last Committee meeting), but I have not seen the copy of Mr. Best's report, so I am unable to comment upon it. If you will be good enough to send me a copy, I will be glad to give you my reactions to it. We might even get Mrs. Adams' comments; her husband, an attorney, is a member of my Committee.

All I can say about the placing of salt (and two paper sacks) in the gasoline tank of my car, is that the car behaved perfectly when I drove 38 miles from Klamath Falls to the Center on July 11. The car was parked over night next to the Administration Bldgs., and when we left the Center the next day it started to misbehave--sputtering, back-firing and slowing down all the way to San Francisco. Naturally, I do not know who put the salt in the tank (otherwise I would have sworn to a complaint long before this), but I think the evidence is sufficient to show that the mischief was committed at Tule Lake. My hunch is (and this is mere speculation, of course) that one of the Internal Security boys did the trick because we had been inquiring into their wielding of baseball bats against the heads of some of the segregationists.

In closing this letter, it may be fitting to quote from the decision of the Hon. Louis Goodman in the recent Tule Lake draft cases:

"It does not follow that because the war power may allow the detention of defendant at Tulelake, the guarantees of the Bill of Rights and other constitutional provisions are abrogated by the existence of war. The due process, which is unalienable to the defendant in this proceeding, cannot be suspended because of the war or danger to national security, but only upon a valid declaration of martial law."

Sincerely yours,

Ernest Besig, Director



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American Civil Liberties Union News  
September, 1944

18 Tule Lake Prisoners Freed  
W.R.A. Releases Citizens Held in Stockade  
Without Charges for More Than Eight Months

Faced with the prospect of habeas corpus proceedings, the War Relocation Authority last month very quietly released 18 United States citizens of Japanese ancestry who had been imprisoned in the Stockade at the Tule Lake Segregation Center for more than eight months without charges or hearings, and without the privilege of receiving visits from their parents, wives, children and friends. The releases followed a conference on August 22 between Wayne M. Collins, American Civil Liberties Union attorney, and W.R.A. officials, including Dillon S. Myer, national director of the W.R.A. Philip Glick, solicitor, Robert Cozzens, area director, and Raymond Best, project director at Tule Lake. The W.R.A. agreed that the ten men still imprisoned would be released by the August 31, at the latest, but on August 24, those remaining in the stockade were freed, and they are again residing with their families.

W.R.A. Had Bear By the Tail

We venture to say that even the W.R.A. is glad to be rid of the "stockade problem" for that agency has acted as though it had a bear by the tail and did not know how to let go. We understand that the stockade will not be re-established, unless there are disturbances at the center, in which case all persons apprehended and lodged there will be duly charged and tried.

Following Ernest Besig's complaint to Secretary Ickes, in a letter dated July 14, the men imprisoned in the stockade were suddenly allowed visitors, and, for the first time in eight months, they were given an opportunity to talk to their parents and wives. However, no regulations were ever established to allow periodic visits.

Plaster Board Wall Comes Down

Also, about August 1, the plaster board wall, which had been erected on July 3, to prevent the relatives and friends of the stockade inmates from occasionally waving to them from behind a wire fence more than a hundred yards away was suddenly removed. On August 10, however, according to the report reaching the Union, some of the friends and relatives of the men in the stockade who were waving to them were driven from the area by a couple of Internal Security police and told not to return.

Ernest Besig, who had been ordered from the center by Project Director R.R. Best on July 12, on the ground that his presence was interfering with the investigation of a murder that occurred on July 2nd, was permitted to return to the Center on July 30 in order to appear as counsel in certain proceedings before a leave clearance Appeal Board. On this occasion, Mr. Besig was also permitted to confer with persons who had previously made written requests to counsel with him, and who had been denied that opportunity at the time he was ejected from the center on July 12.



## Second Visit Relatively Uneventful

Mr. Besig's second visit to Tule Lake was relatively uneventful. He was met at the train station by a uniformed and armed member of the Internal Security police, who stayed with him at all times during the two days he was at the Center, and who drove him to and from the Center. In accordance with "instructions" he sought to sit in on Mr. Besig's conferences with segregees, but after the matter was taken up with the Project Director, the policeman was withdrawn from the room and stayed at a respectable distance on the outside.

Incidentally, the sugar which was placed in the gasoline tank of Mr. Besig's car on the previous trip to the Tule Lake Center, turned out to be "salt". Two paper sacks were also stuffed into the tank which had to be removed and thoroughly cleaned. The fuel pump had to be placed, the carburetor cleaned and the gasoline lines blown out, all at a cost of over \$21. The W.R.A. will investigate, but they would be "surprised and chagrined" if any employee of the Center committed the malicious mischief.

On August 25, attorney Wayne M. Collins visited the Center and conferred for six hours with various segregees (including the former stockade inmates) concerning their problems. The W.R.A. refused to grant a permit to Ernest Besig to accompany Mr. Collins. Project Director Best informed Mr. Collins, however, that he had no objection to future visits by Mr. Besig. The night before Mr. Collins arrived at the Center, the last of the stockade prisoners were released.

### Secretary Ickes Answers Complaint

Under date of August 3, the Union received a response from Harold L. Ickes, Secretary of the Interior, under whose jurisdiction the W.R.A. is operating. Except to declare 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, no effort was made to answer the charges contained in the letter signed by Ernest Besig. The best answer to the Union's complaints, however, lies in the release of those who were imprisoned. Still unsettled, however, is the issue arising over complaints that members of the Internal Security dragged certain of the prisoners into the Administration Building and beat them with baseball bats. Some of the persons who are alleged to have participated in the brutality are still employed on the police force. Also unsettled is the question of the censorship of mail and delay in its delivery to those held in the Stockade. The Postmaster General has not yet answered the Union's complaints.

### W.R.A. Silent On Center Events

As noted above, the stockaders were released without publicity. In recent weeks, also, no announcements of a more recent hunger strike conducted by the stockaders (which ended early in the morning of August 13) were made to the public, nor has any mention been made of the recent occasions when the troops were suddenly on alert.

On August 11 some of the wives of the stockadeers, who were near hysteria from the prolonged concern over their husbands, tried to get permits to see them. When permits were denied, the women refused to go home, so Internal Security men finally dumped water on them.

On August 12, at about 8:30 o'clock in the evening, according to reports given to the Union, a crowd of 400 to 500 people were seen gathered at the high school auditorium in the colony. The Army prepared its gun, the Caucasian police donned gas masks and secured a supply of tear gas. However, when inquiries were made by the administration representatives, it was found that the meeting had been duly authorized, but the matter had not been reported to the administrative heads. Meetings at the Center, it should be added, may be held only



by permission of the administrative authorities.

After the foregoing story about the Tulelake Japanese segregation center was written, we discovered the following U.P. article in the Oakland Tribune, under an August 28, dateline:

"An isolation area at the Tulelake Japanese segregation center for separating 'trouble makers' from other camp inmates is empty for the first time since its establishment last November, the War Relocation Authority announced today. A total of 386 internees were confined in the Area for periods ranging from one to 10 months."

Apparently based on the same press release, the San Francisco News for August 28, carried essentially the same story at the Tribune, except that closing of the stockade was attributed to "Improvement of conditions at the Tule Lake" center. The "News" story also related that 28 aliens in the group had been transferred to the Department of Justice internment camp at Santa Fe "and the others were returned to the residential area following reviews of their cases."



February 5, 1945

Dillon S. Myer, Director  
War Relocation Authority  
Department of the Interior  
Washington, D.C.

Dear Mr. Myer:

In the August 1944 issue of the American Civil Liberties Union "News" (Vol. IX, No. 8), the following statement appeared concerning alleged brutality committed by members of the Internal Security at the Tule Lake Segregation Center:

"The complaint (to Secretary Ickes), however, does not go into charges of brutality and third degree methods that have been leveled against Caucasian Internal Security police. There is evidence that on the night of November 4, 1943, police dragged certain Japanese into the administration building and beat them with baseball bats. It is general knowledge among the Caucasian personnel that the people who came to work in the administration building the next morning of November 5 found a broken baseball bat and had to clean up a mess of blood and black hair. The persons who are alleged to have participated in the brutality are still employed on the police force and have since been accused of other brutalities. This aspect of camp administration had not been fully investigated when Director R. R. Best ordered the Union's representatives to leave."

Under date of August 17, 1944, Mr. Malcolm E. Pitts, writing to Mr. Roger Baldwin, national director of the A.C.L.U., with reference to the various charges we had made concerning the administration of the Tule Lake Segregation Center, had the following to say regarding the alleged brutalities:

"Mr. Besig's article also charges brutality on the part of the War Relocation Authority police force, particularly during the November incident. Here again, he made no effort, to my knowledge, to substantiate the charge so made by the evacuees with whom he talked. The War Relocation Authority made a thorough investigation of these charges some time ago and uncovered absolutely no evidence to substantiate them. The Spanish consul made a similar investigation with similar results."

When Mr. Pitts' letter was called to the attention of our executive committee, a motion was adopted requesting our national office to secure a copy of the report of the "thorough investigation" of these charges alluded to by Mr. Pitts. We were duly informed by Clifford Forster, office counsel for the A.C.L.U. in



New York, that he had presented the request to your office and had been informed that the report in question was oral, but would be reduced to writing. We understood that when it was reduced to writing we would be furnished with a copy.

After waiting for this report for many months, we are now informed by Mr. Forster that your office takes the position that the report in question is confidential and that it cannot be released to us. With that position, our executive committee, at its last meeting on February 1, took issue and instructed me to protest to you and to present to you our formal request for a copy of the report.

We have considerable difficulty in understanding why a report of this kind should be confidential, when your Mr. Pitts had originally taken the position that there was absolutely no foundation to the charges contained in the story we ran in the August 1944 issue of the "News." Moreover it seems to our committee that the question is one of public concern, and that the public is entitled to know the facts surrounding the particular situation out of which the charges grew.

May I therefore respectfully request that we be furnished a copy of the report in question.

Sincerely yours,

Ernest Besig, Director

EB:EH



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
WAR RELOCATION AUTHORITY

Washington

February 16, 1945

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

Dear Mr. Besig:

I have received your letter of February 5, and given consideration to your request that you be furnished with a copy of a report of our investigations with respect to alleged brutality of Internal Security officers at Tule Lake on the night of November 4, 1943. Since the Army was in control of the center on that night, we do not feel free to make our files on the events of that period available. We shall be glad, however, to repeat in this letter what we have told the national office of the American Civil Liberties Union with respect to our investigations.

It should be pointed out in this connection that our investigations were not compiled in the form of a report but appear primarily in the form of statements by various persons of the events of that time. Careful checking of these statements and questioning of the WRA staff at Tule Lake failed to substantiate the rumor that any third-degree methods were used by WRA employees upon any of the evacuees who were taken to the administration building for questioning on that evening. Persons who reported the rumors admitted they had no first-hand knowledge and merely repeated hearsay or drew certain conclusions from the fact that there was blood in the room in which the evacuees were questioned. The Internal Security officers in particular were questioned in detail. They denied any participation in, or knowledge of, any beatings or other third degree methods and gave full accounts of their activities on the night of November 4.

The source of the rumor, we are confident, stems from events occurring earlier in the evening. A number of evacuee strong-arm squads were at that time roaming around the administration area, some of them armed with clubs, attempting to disrupt communications between administration buildings and, we believe, to do violence upon WRA employees. There were several encounters between the Internal Security police and these squads. In one instance, an Internal Security officer used a baseball bat in self-defense. (It was this officer who was later the subject of the rumor about beatings in the administration building.) The evacuees involved in this encounter were taken to the administration building for questioning. At least one of them was bleeding. By that



time the Army was in control of the center and the questioning was conducted under its auspices. We have no evidence of violence to the evacuees during the course of the questioning.

As I have indicated above, we have discussed this matter with your national office and Mr. Baldwin has indicated his satisfaction with our judgment that the rumors referred to in your letter are untrue. I might add that the persons with whom you talked at Tule Lake, and upon whose statements you relied, were involved directly in the November incident and have shown a direct interest in attempting to embarrass the administration at every turn.

Sincerely,

/s/ Malcolm E. Pitts

Acting Director



R 12.12

D. of J. Alien Enemy Control Unit

August 22, 1945.

AIRMAIL

Dear Mr. Besig:

I have for reply your two letters of August 7, 1945 and your letter of August 11, 1945 relating to the detention as alien enemies of persons of Japanese ancestry who were formerly United States citizens but who renounced their citizenship pursuant to Section 401(i) of the Nationality Act of 1940 as amended. In reply to these letters I shall also refer to your letter to the Attorney General of July 24, 1945. It is evident from all of these communications that you are not familiar with the considerations of policy which led this Department to recommend the enactment of the amendment to the Nationality Act permitting voluntary renunciation of citizenship nor with the subsequent problems and considerations associated with the administration of the new statute. Because of your interest in this important public question I shall furnish you with a statement concerning the Act and concerning the legal questions which you now raise.

In the fall of 1943, following the disorders at Tule Lake on the first and fourth of November, a great deal of thought was given to the entire problem presented at Tule Lake by persons of Japanese ancestry, both citizens and aliens, who freely asserted their loyalty to Japan. It was found that there was at Tule Lake an inner group numbering well over a thousand young American citizens who were militantly loyal to Japan and who asserted the hope to return to Japan to fight for the Emperor and the desire to make all possible trouble for the United States. As a practical matter, it clearly would not have been possible to expel this group from the camp and to permit its members to be at large on the West Coast. As a legal matter, however, since they were born in the United States, there was no doubt that they were United States citizens, whatever their loyalty might be. It was Attorney General Biddle's opinion that the constitutionality of detaining American citizens not charged with crime on the ground that they had been administratively determined to be disloyal was, to say the least, extremely doubtful. He thought it not unlikely that, if a writ of habeas corpus were brought and pressed, such detention would be held unconstitutional. If there was ever a case where the practical necessity of the situation was such, however, that the court might be driven to diminish the historic liberties of American citizens by permitting such detention, a habeas corpus case brought on behalf of avowedly disloyal persons of Japanese ancestry during the war most certainly would have been that case.

The answer to the apparent dilemma appeared to lie in the fact that the very degree of disloyalty which prevailed among the fanatical group at Tule Lake would in all probability induce the members of the group to renounce their citizenship if given an opportunity to do so. This it was believed would permit the detention of that group which clearly had to be detained in the real and demonstrable interests of national safety while at the same time avoiding the detention of American citizens. I believe that it was Mr. Biddle's view that such a program would serve the purpose both of national defense and of safeguarding civil liberties.

Accordingly the Attorney General recommended an amendment to the



Nationality & Law to permit a citizen voluntarily to renounce his citizenship. Because it appeared that during the war some renunciation of citizenship, not necessarily associated with the problems of Japanese-Americans, might be injurious to national defense, it was recommended that the right to renounce citizenship be limited by the power of the Attorney General to reject the renunciation if he found it contrary to the interests of national defense. The legislation was enacted by Congress in the form recommended by the Attorney General, and now every American citizen in time of war has an absolute right to renounce his citizenship limited only by the power of the Attorney General to disapprove it if the Attorney General finds the renunciation contrary to the interests of national defense. Neither the Attorney General nor any one else has any authority or discretion to reject renunciations of citizenship on any other ground.

It is also to be observed that at the time of the Attorney General's recommendation of this legislation to Congress there had been introduced in Congress at least a dozen bills providing for some form of involuntary loss of citizenship such as on the basis of a negative answer to question 28 of the so-called Loyalty Questionnaire of February 1943 or on the basis of any written or spoken statement of disloyalty to the United States. The danger which such legislation presents to civil liberties is apparent and it is believed that the enactment of the voluntary renunciation of citizenship bill was effective in preventing the passage of involuntary expatriation bills.

33 [Precisely because it was foreseen that pressure might be brought to bear on citizens at Tule Lake to renounce and because it was feared that duress in the legal sense might be employed, every practicable measure was taken to make sure that each renunciant was not under immediate duress and understood the legal consequences of his act. Under the statute it would have been possible and easy to have appointed a group of clerks at Tule Lake and to permit those desiring renunciation merely to file past and sign a renunciation form. Instead, The Attorney General promulgated regulations requiring each person desiring renunciation individually to write to the Department asking for an application form. The application form itself then had to be sent to Washington and subsequently an individual hearing was held.

Inasmuch as the only issues which the Hearing Officers could legally consider were (1) whether the applicant understood the nature and consequences of his act and was voluntarily renouncing his citizenship, and (2) whether the renunciation would be detrimental to the interests of national defense, the hearings went far beyond what was legally necessary . . . They were under the general supervision of my assistant John L. Burling who has been working on problems concerning the Japanese-American group since several months before the evacuation and who is keenly sensitive to the civil liberties aspects of the problem. He conducted the first hearings himself and set up the pattern. All of the Hearing Officers were sent out from the Department in Washington and were either attorneys or other professionals of high standing. They were all given instruction as to the background of the evacuation and as to the group at Tule Lake. The form of the hearings themselves went as far as possible toward



minimizing the possibility of duress. Each applicant was heard alone in a closed room with no other person of Japanese ancestry present. This necessitated the use of Caucasian interpreters which was difficult from the standpoint of personnel. A full stenographic transcript was made of each hearing and each hearing continued until the Hearing Officer was satisfied that the applicant understood that the signing of the paper would constitute an abandonment of all rights as an American citizen and until he was satisfied that the applicant desired to sign the renunciation form. In endeavoring to make sure that the renunciation was voluntary the Hearing Officers frequently asked questions such as concerning the applicant's experiences and loyalties before the outbreak of the war, his reasons for not considering himself an American and his attitudes toward Japan and the Japanese Emperor. In almost every case the applicant responded with a determined effort to paint himself as being fanatically loyal to Japan and as believing that the Emperor Hirohito is the living god, for whom he would willingly die. Since the applicant was alone, except for the Government officials, during the course of these hearings, it would have been possible for him, in the event that he feared injury if he did not renounce his citizenship, to have told the Hearing Officer and for him to have left the hearing without signing the renunciation form and without his failure to renounce being known to any person of Japanese ancestry except himself. On several occasions this was done. . . .

It is true that the number of renunciations was several times larger than the number anticipated. I do not, however, attribute this to the existence of a great number of persons who did not desire to renounce their citizenship but who were forced to do so because of fear of reprisal. I do attribute it to a great wave of pro-Japanese feeling which reached its high point in the late autumn of 1944 and the early months of 1945. At the time the hearings were started there were two organizations at Tule Lake having very large memberships which were openly carrying on pro-Japanese activities. One of these, the Hokoku Seinen Dan, was made up of young men. Nearly two thousand of these men were getting up in the morning, putting on a kind of uniform which included a rising sun embroidered on a sweatshirt and were marching in military formation and taking part in Japanese patriotic observances. These rites were accompanied by a well-trained bugle corps. Members of this organization shaved their heads so that they might more closely resemble Japanese soldiers. The purpose of this organization was to train these men so that they would be ready to fight in the Japanese Army if they should be returned to Japan. Their elders were less noisy but equally fervent. Their organization openly published a Japanese language paper containing Japanese propaganda. A Greater East Asia School was flourishing.

No IV What stimulated this wave of pro-Japanese feeling is a matter for conjecture and need not be gone into here. Its existence, however, is beyond dispute. It appears furthermore that at least to some extent the number of renunciations was also increased by the opinion, which may or may not have been correct, among citizen-residents of the Tule Lake Center that renunciation was necessary to avoid compulsory relocation before the end of the year 1945. In any event, whether the residents of the Tule Lake Center renounced because they felt loyal to Japan and thought that the renunciation of American citizenship would serve as an indication of



allegiance to the Emperor upon their return, or whether they renounced because they believed that this would make sure that they would be kept in detention during the war, or whether they renounced because they wanted to be in the same legal status as their parents or brothers, the fact is pretty clearly established that they understood what renunciation meant and that they wanted to go through the process. Whether they were wise or intelligent in making that decision is, of course, another matter entirely. I am satisfied, however, that in substantially every case the renunciation was accomplished as an exercise of the renunciant's free will.]

The situation in which the various persons who have written to your organization asking your assistance in helping them restore their citizenship is that of persons who voluntarily made a change in their legal status and who now regret their action. As I have written several of these people, I have sympathy for them; but I am at a loss to understand how the Department's policy can be criticized. It is difficult to see in general why any citizen should not have the right to renounce his citizenship if he wishes to do so and it is also difficult to see what the Government should do in such cases beyond making sure that the act is understood and is not coerced. I do not perceive how any Government official could be asked to go further and to undertake to decide for the particular applicant that, notwithstanding his professed desire to renounce his citizenship, renunciation would not be in accord with his best interests.

It must be admitted that it is unfortunate that as a result of their own folly some 5,000 American citizens have thrown their citizenship away. On the other hand, it must be admitted that important public benefits have also been achieved as a result of the renunciation program. Following the decision of the Supreme Court in Ex parte Endo, the constitutionality of the detention of American citizens on the ground of disloyalty became even more dubious and at the same time it would have been, as a practical matter, impossible to release the 2,000 young men in the Hokoku Seinen Dan who asserted their desire to die fighting for the Emperor of Japan and who were already organized in semi-military formations. Due to the renunciation program, however, the problem was never posed and, in fact, shortly before he left office Attorney General Biddle informed the War Department that he did not believe that the detention of American citizens on the ground of disloyalty was then constitutional and the War Department and the Western Defense Command accepted his opinion and removed all citizens from the detention lists. Military officials have made it clear that the renunciation program was an important factor in leading them to accept this view. Had the Japanese war gone on longer the importance of this victory for civil liberties would, of course, have been greater, but even as it is every American citizen of Japanese ancestry (except those involved in criminal proceedings) was free of detention for some time prior to the cessation of hostilities.

Coming to the specific criticisms raised by your letters, I have already dealt to some extent with the question of pressure and renunciation. I have no doubt that there were many cases in which pressure was put on citizen children by alien parents. In every case, however, the child was given full opportunity to make a statement in the absence of his parents and, if he decided to do as his parents wished, it was his own choice and



there was no means by which the law could step in and forbid him to do so. The hearings were in no sense perfunctory and were far more careful than was necessary as a technical legal matter to determine whether the subject was acting voluntarily. In no case was duress a factor since that term refers to an act committed in immediate fear of bodily injury and since the renunciant in every case was alone at the time of the hearing and could not have been in immediate danger of any sort of physical injury from another person of Japanese ancestry.

As I have indicated, the Attorney General is without authority to disapprove renunciations unless he finds that such disapproval would be contrary to the interests of national defense. There is no case arising at Tule Lake in which the interests of national defense would be injured by approval of the renunciation. It follows, therefore, that the Attorney General is, as a matter of law, required to approve the renunciations (I am not now discussing the somewhat difficult question of whether a renunciant may withdraw his renunciation prior to the Attorney General's approval) unless he should find it to have been involuntary.

It is the present intention of this Department to keep in detention all renunciants and, therefore, Shigeru Kawano, to whom you refer in your letter of August 7, will not be permitted to leave the Tule Lake Center. The authority under which this detention is ordered is to be found in Section 21 of Title 50 of the United States Code and the Presidential Proclamation of December 7, 1941 delegating to the Attorney General the power to detain aliens of enemy nationality. You are correct in believing that no Presidential Warrant has been served upon Kawano. This, however, in no wise affects the legality of his detention.

Legally speaking, no warrant whatever is necessary to apprehend an alien enemy and the term "Presidential Warrant" is merely one which we in the Department of Justice have come to use for an order from the Attorney General to the Director of the Federal Bureau of Investigation instructing him to apprehend a particular alien enemy. It came to be called a Presidential Warrant, for no legal reason, in the early days of the Alien Enemy Control Program because it was analogous to a warrant and was based upon authority delegated by the President. It is, however, entirely intra-departmental. Since the Tule Lake Center is maintained by another department of the Government, the Attorney General has not sent an order to the Department of the Interior but has accomplished the same purpose by authorizing a letter to be written to the Department of the Interior requesting that that Department detain renunciants whose names appear on lists supplied to it. The name of every renunciant at Tule Lake appears on such lists.

Individual renunciants have not been informed that they are to be detained because the War Relocation Authority, I believe correctly, feared that if it became generally known in War Relocation Authority Centers that every renunciant would be detained that might lead to a fresh wave of renunciation in other Centers by persons who were loyal to the United States but who, because of economic fears, were unwilling to leave the Centers and who might renounce their citizenship as a means of insuring their continued detention in a camp. For this reason only such renunciants at



Tule Lake as have indicated a desire to leave have been told that they are in detention. For the reason just given I feel that you would be performing a grave disservice and would be inviting thousands of additional renunciants if you were to inform your clients that the order is a general one.

Coming to the question of whether some of these renunciants are stateless, as you suggest, or are nationals of Japan, you are correct in believing that this Department is of the opinion that every renunciant may be presumed to be a Japanese national. The basis of this presumption is that under Japanese law a child born in the United States of Japanese citizen parents may himself acquire Japanese citizenship. Prior to a date in 1924 citizenship automatically attached to the child unless the parents went to the Japanese Consulate and filled out a form rejecting it on behalf of the child. After that date Japanese citizenship attached to the child if the parents registered his birth with the Japanese Consulate. The question of which American-born have Japanese citizenship therefore, is a question of fact depending upon formalities before the Japanese Consuls. The records of the Consulates, however, have been destroyed and no evidence as to this question of fact would appear to be available except perhaps in some cases the testimony of the parents. The authorities are clear, however, that if an alien is detained as an alien enemy under Section 21, Title 50, U.S.C. the burden of persuasion is upon him to prove that he is not of enemy nationality. In this situation, however, the Department is not relying upon the legal circumstances that the renunciant is unable to sustain the burden of persuasion but relies upon the additional evidence of the subject's adherence to Japan in time of war. In almost every case the subjects told Hearing Officers that they were dual nationals or that they considered themselves as being Japanese. For example, George Fumio Tsuetaki, who you state advised you that he has never held dual citizenship, made these responses in the course of the hearing:

"Q Why don't you hold your citizenship?

A Well, I can't have both at one time.

Q Why not?

A No, I think I have to make up my mind one way or the other.

Q Don't you think it would be better if you held on to your citizenship and then went to Japan and if you didn't like it, come back?

A I don't think they will stand for that either, because I am pretty sure they want me to be definite and I don't think this country would want a person like me if I weren't definite.

.....

Q Why don't you retain your citizenship?

A If I go back, it is the only way I have to be definite you know. I appreciate all the help you people are giving me.



Q Do you understand if you give up your citizenship and go to Japan, you can never come back here again and if you hold on to your citizenship, you can go to Japan and if you don't like it you can come back here?

A I don't think that's right though."

In addition, in an overwhelming majority of the cases the renunciants assured the Hearing Officers that they keenly felt allegiance to Japan and rejected any allegiance to the United States. In the light of these circumstances it appears to me that it is reasonable to presume that a person born in the United States of Japanese parents who during a war between the United States and Japan voluntarily renounces his United States citizenship and declares his allegiance to Japan is, in fact, a national of Japan.

It may be, of course, that there are some cases in which the renunciant can obtain evidence sufficient to carry the burden of persuading the court that, notwithstanding his rejection of United States citizenship and his assertions of loyalty to Japan, he is nevertheless not a Japanese national but is merely stateless. If you find such particular cases, it would be appropriate either to bring the facts to the attention of this Department or to institute habeas corpus proceedings since it will be conceded that persons born in the United States who become stateless are not subject to internment under the existing statute. In view of the persuasiveness of the reasoning that the children of enemy aliens who renounce their citizenship in time of war are in fact nationals of the enemy country, I do not believe, however, that evidence of bare assertions by the renunciant and his parents that Japanese nationality was rejected or that the birth was not registered at the Japanese Consulate will be sufficient.

You next ask how it is possible for persons born in the United States to be interned. As I have already indicated, the internment is under the Authority of the alien enemy act which authorizes the internment of any citizen of an enemy state. The significance of birth within the United States is that such birth confers citizenship. Once the citizenship is renounced the protection acquired by birth here disappears and the enemy national may be interned like any other alien enemy. In passing, I may say there is nothing peculiar to persons of Japanese origin about this. There are probably several million citizens of German or Italian origin who could be interned if they renounced their citizenship since both Germany and Italy recognize jus sanguinis.

You indicate that your branch of the American Civil Liberties Union contemplates litigation to compel the restoration of citizenship in some cases and to test the validity of detention in others. I certainly do not wish to prevent you from seeking to safeguard what you deem to be essential rights of American citizens or of stateless aliens residing in this country. On the other hand, I feel that I should point out to you that it would be necessary for the Government in defending such suits to make the arguments which I have just advanced here. I feel that you should consider carefully whether the prospects of success in the litigation are such as to make it in the public interest at this time to litigate issues such as these and

Edward J. Ennis