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- 3.
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- 6. Director's wife to undergo a serious operation at Mayo Clinic
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- 9. Re a clipping from Cheyenne paper
- 10. Mental cases departed for California
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- 12. Apparent effort on part of counties of California to tax vacant church property
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- Item 1. Sending copies re harvest work to Barrows and Utz.
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3. Leave clearance.  
4. Community Enterprises Amended Trust  
5. Secretary returns  
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7. A directory of WRA personnel with position and address needed badly.  
8. Shioya want to know whether the accounts of those people who returned to Japan on the Gripsholm are blocked.  
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2. Item re fire sent to Barrows and Utz.  
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- Item 7. Obtained own private office, secretary has her office which is a reception and a file room.
- 8. Grazing contract.
- 9. Return of Mr. Robertson

MG 12/9/3

- Item 1. Item 2 referring to the trial of the writer of anonymous letter ~~to~~ sent to Provinse.
- 2. Mr. Leflar's trip limited--one of us will visit Heart Mountain soon
- 3. Item 5 re problem of getting and keeping evacuees out on relocation sent to Director and Arnold.
- 4. Should like to know of any future difficulties that you may have with the United States Attorney for Dist. of Wyoming.
- 5. Re remarks about the proposed leasing of project lands by WRA to sheep operators.

GM 12/3/3

- Item 1. Received notice of the meeting of all Project attorneys and Property officer at San Francisco
- 2. Re copy of letter in the attachments
- 3. Release of Jimmy Matsuhara
- 4. Re four aliens who were caught travelling without permission--now been paroled to Guy Robertson
- 5. Re settlement made between the Burlington and Mr. Tokita.
- 6. Compensation case for Kisaku Uesugi
- 7. Started leave clearance hearing again.
- 8. Re lumber that was picked up after a fire.
- 9. Mr. Doi has drafted a revision of the Preliminary Hearing Board statutes.
- 10. Bob Leflar appointed Dean of the Arkansas Law School

MG 12/11/3

- Item 1. Meeting of evacuee property officer and project attorneys been approved.
- 2. Can't feel too sorry for the community enterprises with respect to the Shoyu sauce deal
- 3. Item 3 referred to Provinse and Arnold.

GM 12/11/3

- Item 1. Cemetery situation---checked up in Cody.
- 2. Oda case
- 3. Frank Uyeda case
- 4. Re teaching the obligations of citizenship as well as the benefits of it.
- 5. Chiyeko Higa case
- 6. Episode of gambling cases----after some thousand or more people have returned from seasonal leaves.
- 7. Heart Mountain high school given A rating.



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- 2.
- 3. Uyeda case will be referred to the members of the Review Committee.
- 4. Re giving of a first class Americanization course.
- 5. WRA has no legal responsibility for damages done by evacuee who became insane while out on leave.
- 6. Re money confiscated on gambling raid.
- 7. Item re high school rating sent to Provinse.
- 8. Transcript of Ohara libel suit trial interesting.

GM 12/18/3

- Item 1. Leave clearance hearings.
- 2. Re attachments
- 3. Case similar to Tom Miyakawa
- 4. Fire ordinance was passed.
- 5. Getting considerable amount of income tax work in office.
- 6. One of the busiest weeks since I have been here.

MG 12/29/3

- Item 1. Item re the progress of leave clearance hearings sent to Barrrows for his information.
- 2. Re the purchase of a set of Commerce Clearing House loose leaf work on Federal income tax.
- 3. Sending to Director copy of letter to the Mayor and Councilmen of the Town of Powell.



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Kittredge Building  
Denver, Colorado

November 7, 1942

Mr. Philip M. Glick  
Solicitor  
War Relocation Authority  
Barr Building  
Washington, D. C.

Dear Philip:

This is in response to your note of November 2nd requesting a list of evacuee attorneys at the relocation centers in this region.

1. There is only one evacuee attorney who is a member of a state bar at the Heart Mountain project -- Mr. Kiyoichi Doi. He is a citizen, 42 years of age, and formerly resided at 305 East 2nd St., Los Angeles, California. He says he is a member of the Utah and California Bars and has practiced law for twenty-five years. He engaged in general practice, chiefly criminal law. The evacuee attorneys at Granada who know Doi tell me he practiced very little in the three years preceeding his evacuation.

I previously sent you a list of the members of the so-called legal aid department at Heart Mountain. None of them except Doi have had any responsible law experience. Practically all were interested in commercial law and business. I believe the following two are the best among them.

Fred Miyasato, age 29, citizen, formerly resided at 617 East 5th Street, Los Angeles, California. He studied at Welch College of Law in Los Angeles for 3 years and at Woodbury College. He served as advisor in drawing legal instruments but is not a member of any bar. He has a B.A. in commerce from Woodbury College and also served as a public accountant in Los Angeles.

Clarence Senoda, age 39, formerly resided at 1601 N. King's Road, Hollywood, California. He studied commercial law for two years in a Japanese school, Kobe Kotoshogyo Gakko, and for one year at the University of Idaho. He is not a member of any bar. He was particularly interested in international law and commercial law. He served as consultant among Japanese on insurance, leases, contracts, etc.





RECEIVED NOV 13 1942 WAR RELOCATION AUTHORITY GRANADA, COLO.

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2. There are two good attorneys at the Granada project as I have told you previously. Mr. Igasaki is a graduate of the University of Southern California Law School and practiced law in Los Angeles, California for about fourteen years. Miss Chiyo Sakamoto graduated from the American University Law School in Los Angeles and practiced law in that city for four years. Both Igasaki and Miss Sakamoto are members of the California State Bar and are quite familiar with California law. I believe Igasaki has had a wide variety of experience and will be very helpful to Don Horn in the Project Attorney's office. Miss Sakamoto is intelligent, keen and gets along very well with the evacuee residents. Both of these attorneys are personally very pleasant.

There is a third evacuee attorney at Granada -- Mr. Frank Ito. I have not met him but I understand he is a young man and practiced law for about four years in one of the west coast states. I am writing Don Horn for further information about him and will send it on as soon as I receive it.

I think the solution to the rather difficult situation among the evacuee attorneys at Heart Mountain which I previously have described to you could be aided very materially if Mr. Doi could be shifted to some other center and two other good evacuee lawyers sent to Heart Mountain.

Sincerely yours,

Jerry W. Housel  
Regional Attorney

cc - Donald T. Horn  
Project Attorney  
Granada Relocation Center

C. E. Rachford  
Project Director  
Heart Mountain Relocation Center

JWHousel:cjk



Approved: [Signature]

Chief, Canadian Relocation Council

Director, Winnipeg

Director, Vancouver

Director, Regina

Director, Edmonton

cc - [unclear]



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*M. H. H.*

Kittredge Building  
Denver, Colorado

November 10, 1942

Mr. Philip M. Glick  
Solicitor  
War Relocation Authority  
Barr Building  
Washington, D. C.

Dear Philip:

This is my report covering the period November 3d to 10th. During the week I wrote you about evacuee attorneys in this region, and wired and wrote you about meeting Lewis in Denver.

1. I spent considerable time this week catching up on review of Central Region instructions and procedures which gathered during my stay at Heart Mountain and my visit to Granada. None of them were particularly important but some took quite a little time.

Upon receipt of revised Administrative Instruction No. 1, question was raised as to whether we have properly been issuing instructions here for the Central Region. Joe Smart and I are somewhat doubtful, in view of this instruction and Administrative Instruction No. 4, that we should be issuing instructions in this region. M. E. Pitts as Acting Regional Director referred this question to Dillon a few days ago.

It is my personal opinion that it probably would be better not to issue instructions in the regions. To have "instructions" from here and from Washington both is some times confusing at the projects. For example, while I was at Heart Mountain administrative people there had been following a Central Region Instruction on clothing allowances which was put out pending issuance of Administrative Instruction No. 27. The project people were following the procedure prescribed in the Central Region Instruction, though it was not in accordance with provisions on the same subject in the Washington instruction which came out a few days later.

Undoubtedly interpretations of Washington instructions and details not covered in those instructions, as well as considerable useful informative matter, might well be put out by the regional offices for the projects. However, I think this material could be in a more informal form than instructions. Material of a fairly permanent nature could be embodied in Circular Letters, and that which is temporary



could be embodied in correspondence. I am inclined to think Joe is pretty much in agreement with these views.

2. In response to your wire of November 9th I have just teletyped certain questions in connection with divorce cases now pending at Heart Mountain. These questions were raised while I was at Heart Mountain a couple of weeks ago and I would like to have some answer on them when I get back up there Thursday. Apparently some of the married couples have violent disagreements which at times are not limited to words. The situation will be aggravated when one or two of the husbands return from the beet fields. I hesitated going ahead with these cases in the local courts until I found out why the divorce cases were being held up in the Pacific Region and whether there is any reason for holding up these cases at Heart Mountain.

One of the biggest problems may be the matter of attorney's services and fees in the locality. I think the best plan will be to follow your general pattern in the Pacific Coast and request the county bar association to furnish a panel of attorneys available to handle evacuee cases in the local courts. I will talk to officials of the county bar association on this matter later in the week to get their views on this subject. If I have an opportunity I also will try to see members of the state bar association on the way up or back from the project.

The question as to whether evacuee government officials can be compensated for their government work has been answered in Dillon's wire to Joe.

There are a few other questions in my previous reports but I don't believe any of them are pressing.

3. Phil Barber was down over the week end. He is a little disturbed by a letter from John Provinse accompanied by a note from you to the effect that provisions should not be made in the plan of government for an issei advisory group. Phil tells me that when Dillon spoke to the temporary council at Heart Mountain (mostly issei) he specifically suggested that provision be made in the government charter for an issei body to advise and make recommendations to the community council. Phil says he made practically the same statement before the block administrative officers (mostly nisei). I was not at Heart Mountain when Dillon was there but I do know that when he talked to the first temporary council at Granada he urged that the evacuees, in working out their self government, make as full use as possible of the able issei in the community.

Phil and I and I think Chris are firmly convinced that a plan of government which provides for an advisory group of issei would be infinitely superior to a plan of government which provides that issei groups shall be appointed by the community council. Provision for such a body in the charter would give the issei members considerably more dignity and prestige than they would have if subject solely to the



will of the community council. We think it would attract much more able men if their status is defined in the charter and that the issei who do participate will do so much more willingly and conscientiously than they will if they feel they are subject to the appointing and removing power of the community council.

Provision for an issei advisory group in the government charter is not at all inconsistent with the theory that the community council will be the highest legislative body in the center. I am afraid my use of the term "upper chamber" in describing this plan to you in one of my reports was unfortunate. The sole function of the issei group under the proposed government plan would be to submit recommendations on any subject referred to it by the community council. It would have no power to change the council's action and the action of the council would be final in all cases. However, the scheme would provide an independent issei advisory group which could submit recommendations without fear of removal by the council.

For these reasons, and because both issei and nisei evacuees at Heart Mountain have been proceeding on the basis of Dillon's suggestions to them in this matter, Phil and I, and I think Chris, urge that formulation of the plan of government be permitted to proceed on this basis. I have not seen John Province's letter to Phil so I do not know whether it prohibits this plan or not.

a. I understand the administrative people at Heart Mountain are somewhat concerned about shipment of personal property of evacuees residing there. I don't know that they will be very much assisted by Supplement A to Bulletin 21, issued November 4, 1942 by the Pacific Region. This bulletin provides that commercial property will be kept in permanent warehouses in the Pacific Region. Household and personal effects now in storage will be shipped to the projects only upon acknowledgment by Project Directors of their ability to receive and dispose of the property. Since the policy outlined in Bulletin No. 21 is reaffirmed I assume evacuees will still pay the transportation costs for moving their property from private warehouses to warehouses designated by the War Relocation Authority.

Will the instruction to be issued by the Washington office on evacuee property also cover disposition of household and personal effects? If not I suppose the provisions of Bulletin No. 21, and Supplement A, of the Pacific Region will govern. I believe this should be the subject of a Washington Instruction as it concerns all projects.

Project Directors at both projects here have been somewhat fearful where they were going to put personal property of evacuees shipped to them. Both projects have received several carloads but I assume no further shipments will be made without their consent if the provisions of Bulletin No. 21, Supplement A are followed.



4. I am following Bob Leflar's lead and preparing a Regional Opinion on the recording and issuance of birth and death certificates, and marriage licenses. I will have to get some further information on this subject when I go up to Heart Mountain to complete the Opinion, as the Wyoming laws are not clear as to procedure and practice now being followed. If I can't get information in Park County where the project is located I will have to stop in Cheyenne on the way back in order to finish it. I trust the issuance of a Regional Opinion on these matters is satisfactory to you.

5. I have done some preliminary work on the matter of organizing the cooperative at Heart Mountain project. I asked Don Horn to examine the Colorado Cooperative Law to determine whether it is better to organize the cooperative enterprises at Granada under the Colorado law. Also I asked him to prepare material and necessary forms for the Opinion on this subject for organization of the Granada cooperative if he has time so I may include them in the Regional Attorney Opinion. I plan to work on this again tomorrow. I do not now know of any phases of the problem in connection with which I can call upon you for assistance but will advise you later on this point.

6. Shortly after I returned from Granada last week Joe Smart told me he thought there would be a General Policy Conference in Washington about the 18th. I said if there were I should like to go to it as I had profited a great deal from participation in the Policy Conference in San Francisco. He replied that he would wire Dillon suggesting that I accompany him back to the meeting, which he did on the following day. Later I learned that it was going to be a conference of Regional Directors chiefly for the purpose of working out certain organizational problems. I then suggested to Joe that in view of this there probably wouldn't be very much point in my going back with him. He later agreed to this and shortly afterwards we received Dillon's wire indicating that I was not authorized to accompany him.

The only <sup>other</sup> reason I had for going to Washington was to talk with you about the matter of a full time Project Attorney for Heart Mountain. Since the answer to this question may be determined somewhat by the outcome of the present conference of Regional Directors I will postpone any recommendation on it until I hear from you or talk with Joe upon his return to Denver. I plan to spend at least two weeks at Heart Mountain and hope in that time to completely untangle the legal situation and get the Project Attorney's office set up and under way.

If we determine to get another attorney for Heart Mountain it may be advisable to have him report fairly soon because I believe the Project Attorney's office there will need fairly constant supervision. It is difficult for me to give this supervision and try to handle work in the Regional Office, particularly when it takes so long to get back and forth to the project.



7. Have there been any further developments on payment of insurance policy premiums? This question has been raised at Granada with Don Horn and I am advising him that the matter is still under consideration in Washington and that until some definite announcement is made evacuees should continue to pay their premiums if possible or to take advantage of whatever arrangements they can make if they are not able to pay them.

Don and his attorneys are doing a fairly large volume of private work direct with attorneys and firms in California for evacuees at the Granada center. I enclose two or three of his attachments showing the general nature of this work.

Don also inquired about use of franked envelopes in connection with private problems of evacuees. In view of paragraph 8 of Ed's report dated November 6, 1942 I am advising Don not to use franked envelopes except when the particular piece of mail is being sent by his office.

Don also has inquired whether registrant evacuees under the Alien Registration Act and the Selective Service Act are to notify the proper officials as to their change of address. I agree with Don that there is nothing to exempt these people from giving such notice and that they should do so. I will appreciate your advising me if these evacuees are not required to notify the proper authorities as required under these laws.

8. Joe McClelland (Reports Officer at Granada) telephoned last week to inquire how he could print a release from the War Department Language School in Minnesota. The release was accompanied by a note that precaution should be taken against republication of the material in publications outside the center. I advised Joe I thought it would be sufficient if he accompanied his article by a notice to this effect.

9. We are moving to the Midland Savings Building some time this week. There is a building law library there on the floor just above my office which I think will be convenient to use though it closes at 5:00 o'clock on week days and 12:00 o'clock on Saturdays. It is quite out of date and I am requisitioning a copy of the Wyoming Revised Statutes and the Supplement to the United States Code. I think the Colorado Statutes in that library are up to date.

With kindest regards.

Sincerely yours,

Jerry W. Housel  
Regional Attorney

Enclosures  
JWHousel:cjk



*Jerry Housel*

WAR RELOCATION AUTHORITY

Office of the Solicitor

Washington

November 10, 1942

AIR MAIL

Mr. Jerry W. Housel  
Regional Attorney  
War Relocation Authority  
Kittredge Building  
Denver, Colorado

Dear Jerry:

This is with reference to items 8 and 9 in your weekly report dated October 17, 1942.

8. You asked whether Paragraph II of Administrative Instruction No. 10 which provides that an evacuee who is sick and presents a doctor's certificate remains on duty status, also applies to evacuees injured and entitled to compensation benefits under the Act of February 15, 1934. Administrative Instruction No. 10 has recently been revised. It now provides that an employee who is on duty status may be granted sick leave for a period of fifteen days for any one illness, and further provides that if any one illness continues longer than fifteen days the evacuee shall be eligible for unemployment compensation. Physical inability to work as a result of an injury might reasonably be included within the terms of this Instruction.

Section 7 of the United States Employees' Compensation Act of 1916, which was amended by the Act of February 15, 1934, provides that "as long as the employee is in receipt of compensation under this Act, or, if he has been paid a lump sum in commutation of installment payments, until the expiration of the period during which such installment payments would have continued, he shall not receive from the United States any salary, pay or remuneration whatsoever except in return for services actually performed, and except pensions for service in the Army or Navy of the United States." The terms, "salary, pay or remuneration", here refer to additional money paid an employee as a result of his employment status or as a result of the injury which he has sustained. The terms do not include grants which are made as independent transactions and not as a result of the employment status or as a result of the injury.

The cash payment to which a worker is entitled while sick during the fifteen days of illness would be "salary, pay or remuneration" within the meaning of this provision, since it is a gratuity that he



is given by virtue of the fact that he became physically unable to work while employed. The employee, therefore, could not receive both the cash payment from the Authority while on sick leave and the benefits of the Compensation Act for the same period. However, he might be permitted to elect to receive either the compensation benefits or the cash payment to which he would be entitled during the sick leave period.

The restriction against receiving "salary, pay or remuneration" while receiving compensation benefits would not render an evacuee receiving such benefits legally ineligible for unemployment compensation as provided by Administrative Instruction No. 27 or public assistance grants as provided by Administrative Instruction No. 35. Unemployment compensation as provided by Administrative Instruction No. 27, in a legal sense, is a grant, and does not come within the terms of the Compensation Act. It is not paid to persons on duty status. It is paid only to persons willing to work and to persons who have worked but whose duty status has been terminated. Therefore, it is not additional compensation for the injury or compensation attributable solely to the fact that an employment relationship has existed between the worker and the Government. Public assistance grants, of course, are paid without regard to the employment status of the recipients.

I believe that this interpretation of the Compensation Act is sound and that it will enable the administrative people to care for individuals and their families during the period of disability prior to receipt of compensation. The administrative instructions do not specifically take care of this situation but the instruction on handling compensation claims will take the matter into account.

The Secretary of the United States Employees' Compensation Commission has informally advised us that the schedule for death and disability compensation established by the Commission under the Act of February 15, 1934, as amended, which appears in part 24 of the Regulations Governing the Administration of the United States Employees' Compensation Act will apply to evacuees claiming disability benefits. A copy of the Regulations is enclosed.

9. Item 9 of your report related to the proposed employment of 16-year-old boys in the police and fire departments at relocation centers in your region.

The Chief of the Children's Bureau of the Department of Labor has not declared the employment of children in police and fire department work to be hazardous. Administrative Instruction No. 27, Supplement No. 1, does not forbid the employment of 16-year-old boys in such work unless police and fire department work has been declared hazardous under the State laws. The Project Director, with the approval of the



Regional Director, is, of course, given much discretion in determining the occupations in which children may be employed.

On October 26, 1942, we sent you a copy of the regulations prescribed by the Chief of the Children's Bureau of the Department of Labor and digests of the Colorado and Wyoming Child Labor laws. I think that this material will be helpful in handling questions that arise under Administrative Instruction No. 27, Supplement No. 1. You may also wish to obtain copies of the regulations prescribed by the State Labor Commissioners.

Sincerely,

Philip M. Glick  
Solicitor

cc - E. E. Ferguson  
R. A. Leflar



Heart Mountain Relocation Center  
Heart Mountain, Wyoming

November 17, 1942

Mr. Philip M. Click  
Solicitor  
War Relocation Authority  
Barr Building  
Washington, D. C.

Dear Philip:

This is my report for the period November 10 to 17. I have been at Heart Mountain since November 12, and plan to stay here until the 25th. During the week I wired you to inquire if we might proceed with divorce actions at Heart Mountain and wrote you about evacuee attorneys at the two projects and the question of providing for an Issei advisory group in the plan of government.

1. Joe Smart called from Denver yesterday indicating that I will be located at the Heart Mountain Project. He said you had written me a letter on the matter which was then in Denver, and said he would send it on. I am glad the thing is decided one way or the other.

2. Saturday afternoon I met with the organization commission of twenty Issei and twenty Nisei recently elected by blocks. I spoke for about a half an hour on the legal basis for evacuee self-government, and then answered questions for about an hour and a half.

One of the important questions raised by the Issei group was whether an Issei advisory body can be provided for in the plan of government. I postponed answer to the question but indicated that the proposal might be considered to be contrary to the main purpose and intent of the pertinent provisions of Administrative Instruction No. 34. Subsequently I reread John Province's memorandum and your note to him, and discussed this matter with Phil Barber. At the next meeting of the organization commission I will advise the members that the proposal is not favored in the Washington office; that if necessary I will try to get a final answer on whether it is definitely prohibited. I hope the latter will not be necessary. However, you may in the meantime wish to consider what the answer will be if the question is presented.

Being "objective" I think there are advantages and disadvantages to either plan. I confess I am leaning a little more toward your views than at first.



3. Saturday evening I was invited to an open forum meeting of the evacuees on the subject of a community enterprise cooperative for Heart Mountain. Only about twenty evacuees attended the meeting but the three talks given by members of the cooperative study group were very good. The predominant question in the discussion period was--Why should a cooperative be organized at all at Heart Mountain? It appears that the great majority of evacuees in this center are suspicious of the whole plan for a cooperative. They apparently prefer that some system be worked out whereby a WRA employee can run the business and give the evacuees the lowest prices possible. They do not understand the principles of the cooperative and have the feeling that either the WRA is trying to force a cooperative on them or that their own group selected to study the problem are proceeding to organize without authority.

At the meeting in response to questions I pointed out some of the advantages and disadvantages of cooperatives compared to other forms of enterprise. However, I had given very little thought to possible other types of legal organization and could not answer their questions very fully.

Referring to your recent suggestion that I request you for help in connection with cooperatives, I think the thing most needed here now is an analysis of the advantages and disadvantages of a cooperative as compared with the trust, private corporation, WRA operated enterprise, and other possible legal organizations that might be set up to handle community enterprises. In this connection the opinion now being drafted in your office on tax liabilities of cooperatives would be especially helpful if we could get a rough comparison of tax liabilities of other possible types of legal organization.

I just got a good start on preparation of an opinion on cooperatives for Heart Mountain and Granada when I left Denver, and have done no research on it since arriving here. A technical difficulty I ran into on the Heart Mountain cooperative under the District of Columbia law is on the matter of the name. The D. C. law requires that a cooperative organized under it have the word "cooperative" in its name. The Cooperative Marketing Association Act of Wyoming provides that no organization in the state shall use the word "cooperative" in its name unless it is organized under said act. I have not been able to find out whether this provision of the Wyoming act has been amended but will check into it when I get back into this problem. If it has not it may be that we can get some kind of an interpretation from the Attorney General to take care of the problem. If that fails I suppose the only alternative is to find some other cooperative act suitable for our purposes which does not require the use of the word "cooperative" in the name of the organization incorporated under it.



I have rather put off going ahead with work on the cooperative until it is determined here whether the evacuees are going to accept this type of organization.

In this connection I am wondering if you are studying the trust that had been set up at Poston to determine whether it can be used as a permanent form of legal organization for the community enterprises at the relocation centers. An analysis of this trust also might be helpful here in helping the residents determine if they are going to have a cooperative.

4. Monday afternoon I met with a committee of nine selected by the committee of delegates consisting of three elected from each block to study plans for organization of a cooperative. The meeting consisted chiefly of a continued discussion of the advantages and disadvantages of the cooperative as compared to other types of business enterprise. I told the group I would look into the possibility of organizing a trust and the comparative advantages and disadvantages of a trust and a cooperative.

This group also raised the question as to whether community enterprises will pay the clothing allowances for dependents of their employees themselves. They are afraid the community enterprise will make a drive to employ only single men if the enterprises have to stand the cost of clothing allowances for dependents of enterprise employees.

5. I have talked with Phil Barber, Mr. Doi and Virgil Payne (Public Welfare Counselor) about holding up action on the divorce cases pending here. I rather think we will be able to defer action on them for a while though apparently one or two cases are pretty urgent. In one case the wife has been rather badly beaten by her husband who is now out with the sugar beet workers and probably will return soon to the center. In another case a property settlement has been arranged by Doi, but the husband apparently now says he is going to withdraw all his money from the bank so his wife won't be able to get any of it in accordance with the settlement. Doi thinks action should be started on this case immediately in order to get a restraining order against withdrawal of funds by the husband. I have not talked with the parties but will do so soon.

I do not want to go ahead with isolated cases pending completion of your negotiations with the Bar Association and Lawyer's Guild if it can be avoided. Miss Payne told me she heard local attorneys in Cody plan to charge \$150 for each divorce, which is entirely too high in a non-contested case. The average charge in this state runs from \$50 to \$75, and I was hopeful we could get a lower schedule for the evacuees. I will therefore do what I can to put off action on any of these cases until I have further word from you (which I hope will be soon).



6. I made arrangements with Chris for construction of partitions across the hall from his office to provide for a Project Attorney's office. The set up will be very similar to that at Granada--one small room for the Project Attorney and his secretary, and an adjoining, fairly large room for the evacuee attorneys and secretaries. The carpenters have not quite completed work on the partitions, and two other men are now occupying the small office. I hope to move into the small office within the next day or two and to establish the Project Attorney's office with assistant evacuee attorneys early next week. I am using Chris' office while he is absent at conferences in Denver and Salt Lake City.

The evacuee attorneys now serving in the legal aid department are filling out the legal examiner forms, and the information on those forms may be of some assistance in choosing the best among them. I haven't yet decided what's best to do about Doi. I rather think Chris would prefer not to have him in the Project Attorney's office and am waiting until Chris' return to see what his present views are on the matter. If we decide not to include him we can do it on the basis that members of the Project Attorney's office can not be permitted to be members of the judicial commission or the community council. This ruling would be in line with the Director's recent wire from Washington to the effect that compensation of council members for their council work is not contemplated. The same thing might well apply to legal aid work and members on the judicial commission. Doi, of course, is chief of the temporary judicial commission and is chairman of the organization commission on evacuee government. He certainly has a knack for getting ahead among the evacuees. Upon establishment of the Project Attorney's office the present legal aid set up will of course be dissolved and all legal work on the project will from that time be handled in the Project Attorney's office.

From what I have seen of the other evacuees in the present "legal aid department" I think this project is badly in need of able attorneys. None of them are members of the bar, and I doubt if any of them has ever engaged in any law practice. One or two are fairly intelligent and probably will be helpful in handling ordinary business matters.

7. The local county officials apparently are becoming concerned about various services they are performing for the center such as registration of birth and death certificates, coroner's inquests, etc. The County Attorney recently wrote a letter to the Attorney General of Wyoming on this matter. I plan to prepare a reply for Chris and will for the most part recite the numerous financial benefits the county and state are enjoying as a result of the center. Any further suggestions you have on this matter, particularly with reference to the possibility of payments for services in lieu of taxes, will be appreciated. I am steering clear of the question of such payments at this time.



8. The enclosed copy of letter to Maury illustrates to some extent the difficulties arising because of delay in securing approval on indefinite leave applications. Of course a good part of the delay in this case is my own fault but in the ordinary case the ordinary delays probably are at least equal. I hope final action starts coming soon on indefinite leave applications and that we can establish an eligible labor reserve list among the evacuees who are cleared for outside employment when these opportunities arise.

I have not yet seen copy of the administrative instruction pursuant to the leave regulations. Was it held up or is it because the mimeographing and mail services are slow?

9. I enclose rough draft of proposed opinion No. D-7 concerning legislation and issuance of certified copies of certificates of births, deaths and marriages for the centers within this region. The Wyoming statutes are quite confusing on this question, and I have not yet had an opportunity to check the procedure with county and state officials. However, I will do so within the next week or two and if I do not hear from you to the contrary will issue the opinion. I am not sure whether the new organization worked out at the regional directors' meeting does away with regions and ipso facto regional attorneys and their opinions.

10. I prepared the enclosed letter to Captain Howes for Guy Robertson's signature today. It arises out of what may turn out to be a rather difficult problem here. Apparently without saying very much about it the army about a week ago brought an engineer down from Ft. Peck, and immediately contracted for construction of a stock barb wire fence around the center. The fence line runs very close to the barracks, and the evacuees have been very much disturbed by it. At practically every meeting or discussion group since the project started the subject comes up with a rather bitter tone. At the meeting of the organization commission one rather intelligent member questioned me at some length upon the military necessity for detaining the evacuees in the center and particularly for building the fence.

The contractor apparently hired a number of the evacuees to do the work in constructing the fence. Guy Robertson tells me that this is the first construction project undertaken by the army here in which they have used any evacuee labor. Monday all of the evacuee employees working on the fence failed to show up for work. There was some talk that they had been threatened by other evacuee residents of the center and refused to go on with the job. The commanding officer here, Captain Howes, was somewhat disturbed over this and indicated that he would get the fence built whether or not the evacuees worked on it. His letter to which the enclosure is intended to reply (It has not yet been signed by Guy and he may want to change it) was received a day or so ago.



I do not know whether they are getting any work done on the fence now or not, but the army engineer has been in and out of here all day.

The military police and especially the commanding officer here apparently do not realize they are supposed to patrol the boundaries of the area in the day time and the center boundaries only at night. I am told that a few days ago they apprehended thirty-two youngsters who were sleigh riding on a hill within a hundred yards or so of the barracks but outside the proposed fence line. They took them down to the military police guard house and for the time confiscated their homemade and other type sleds. The boys were later released, but I don't know whether they got back all their sleds or not.

I find no provision in the memoranda of understanding between the WRA and the War Department specifying that a barb wire fence be built around the center. Circular letter No. 20 of the Pacific Region, copy of which I am unable to find here, apparently sets out the specifications and standards for construction of relocation centers, and one of the supplements to that letter provides for construction of a fence. These circular letters, of course, do not apply in this region. Can you advise me whether it is necessary that a barb wire fence be built around relocation centers in the Central Region. I hope that before long plans can be worked out whereby the evacuees can be given more freedom in the area though I don't know how Chris feels about this.

11. Copy of the regulations containing the schedule for death and disability compensation established by the United States Employees Compensation Commission under the act of February 15, 1934, as amended, either was not enclosed with your good letter of November 10, or it got lost in transmission from the Denver office. I would appreciate your sending me two copies of these regulations so I can send one to Don. I would also like to have a copy for John Nelson, Administrative Officer, who was very glad to get the rulings contained in your November 10 letter.

I note also your statement in your airmail letter of November 11, to Don Horn, a copy of which you sent me, that you were sending me a copy of his personal note to you. Either this note was not sent or it also was lost in transmission.

Sincerely,

Jerry W. Housel  
Regional Attorney



DH

WAR RELOCATION AUTHORITY  
Office of the Solicitor  
WASHINGTON

November 12, 1942

AIR MAIL

Mr. Jerry Housel  
Regional Attorney  
War Relocation Authority  
Kittredge Building  
Denver, Colorado

Dear Jerry:

This will reply to your telegram dated November 11, 1942, concerning divorce cases pending at Heart Mountain.

I would prefer that you not ask the local Bar Association to set up a panel of attorneys to handle the legal work of the evacuees in the Wyoming courts until our negotiations with the American Bar Association and National Lawyers Guild have been completed. At that time, I will write you further about the mechanics of setting up the panel.

We do not have any tentative schedule of fees for divorces and probate cases. The question of fees will need to be considered at the same time the panel of attorneys is set up.

I suggest that, as an interim procedure, persons who want divorces be interviewed by the welfare supervisor at the project. If the need for a divorce is not urgent, the evacuee concerned should be advised to wait until our arrangements for litigation in the Wyoming courts can be completed. If the need for a divorce is urgent, the only alternative is to advise the evacuee to employ a Wyoming attorney and you should be of whatever assistance you can in furnishing the names of reputable attorneys. I hope that no urgent cases will develop because they might set a precedent which would interfere with negotiations for a panel of attorneys and an agreed schedule of fees.

Sincerely,

Philip M. Glick  
Solicitor



*Legal and*

WAR RELOCATION AUTHORITY  
Office of the Solicitor  
Washington

#69,100

December 5, 1942

*Rym*

AIR MAIL

Mr. Jerry Housel  
Project Attorney  
War Relocation Authority  
Heart Mountain, Wyoming

*mt*

Dear Jerry:

In your weekly report dated November 24, 1942, you indicated that you intend to discuss with the Wyoming Secretary of State the question as to whether the cooperative at Heart Mountain may be incorporated under the District of Columbia law in view of the requirement in the District of Columbia law that the word "cooperative" appear in the name of an association incorporated under it. The Wyoming Cooperative Marketing Act prohibits the use of the word "cooperative" in the name of any association not organized under it.

In your negotiations with the Wyoming State people with reference to this matter, you might suggest that the provision in the Wyoming Cooperative Marketing Act restricting the use of the word "cooperative" in corporate names was not intended to apply to foreign corporations, but was intended to apply only to corporations organized under the Wyoming laws. The purpose of the provision was to restrict the use of the term "cooperative" so that the term would have a special legal connotation or meaning. (See Report of the Attorney General of New York, 1938, page 283, 285). It might be argued that the implication intended from the use of the term in a corporate name was that the corporation had been organized under a law authorizing operation on cooperative principles. Since the Cooperative Marketing Act is the only Wyoming law authorizing the organization of cooperatives, it might be argued that the provision was not intended to apply to cooperatives organized under other State laws which qualify to do business in Wyoming. You will observe that the statutes relating to foreign corporations use the terms "any corporation" and "every corporation" and place no restrictions on the names that may be used by such corporations.

I hope this question does not cause undue delay in incorporating the Heart Mountain cooperative. It may be necessary to incorporate the association under the law of another state which does not require the word "cooperative" to appear in the name. The California law contains a requirement similar to that which appears in the District of Columbia law, but there are, doubtless, other State laws which could be used. If it appears that this will be necessary, let us know as soon as possible. We shall be glad to assist in examining some of the other State laws if the library facilities available to you are inadequate for this purpose.

Sincerely,

Philip M. Glick  
Solicitor

*2864*







F.# 30.100

*Mr. Moore  
Legal aid*

WAR RELOCATION AUTHORITY  
Office of the Solicitor  
WASHINGTON

DEC 21 REC'D

*RJM*

December 14, 1942

*Indef*

AIR MAIL

Mr. Jerry Housel  
Project Attorney  
Heart Mountain Relocation Center  
Heart Mountain, Wyoming

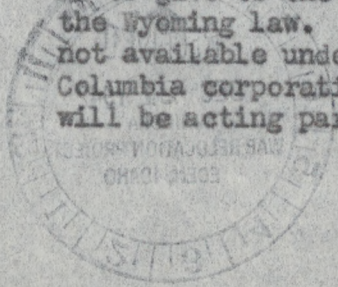
Dear Jerry:

This will reply to your report for the week ending December 2.

2. Mrs. Brewer has sent Don copies of Ops. S.F. Nos. 1 - 4 and 6 - 33; Solicitor's Opinions 1 - 8; and a copy of our current appropriation act. She has not been able to obtain, as yet, copies of Public Law No. 732. When we do, we shall try to remember to send Don a copy.

3. Ed Ferguson is preparing a Solicitor's Opinion, together with a certificate of incorporation, by-laws, and other instruments necessary for the incorporation of consumer enterprises under the District of Columbia law. The opinion and instruments should be issued in the near future.

I have already written you to suggest that the difficulty of incorporating the Heart Mountain consumer enterprises under the District of Columbia law, caused by the provision in the Wyoming law restricting the use of the word "cooperative" in the name of corporations to corporations organized under the Wyoming cooperative law, might be resolved by getting an interpretation that the provision is not applicable to foreign corporations. There are possible disadvantages in incorporating under both the Wyoming and the District law. The corporation would be subject to two sets of restrictions, and duplicate taxation conceivably might result. In addition, there is a possible technical objection. The purpose of incorporation under the District law is to give to the corporation certain powers which it would not have under the Wyoming law. This would mean that, when it was exercising the powers not available under the Wyoming law, it would be acting as a District of Columbia corporation. It could be contended that, since the corporation will be acting part of the time as a District of Columbia corporation, the



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WAR RELOCATION AUTHORITY

Office of the Director

WASHINGTON

DEC 21 1942





use of the word "cooperative" in the name of the corporation is improper even though the corporation is also organized under the Wyoming law. If you cannot resolve the difficulty in your negotiations with the local people, let us know, and we shall attempt to find an adequate law in another jurisdiction which does not require the use of the word "cooperative" in the name of the corporation.

It will be all right to drop your assignment D-5. The question might well rise again, and so is not unimportant. However, due to the press of work, we shall hold it in abeyance until we have some of our more pressing problems out of the way or the question rises again.

*Unemployment Insurance*  
4. The Social Security Board has promised to take up with the California Unemployment Compensation Commission the question of paying unemployment insurance to California evacuees. I checked to find out about the present status of the matter. They are still working on the problem, and promised to let us know as soon as something definite develops.]

5. There has been no change in policy with respect to Issei representation on the community council. I am glad, however, to have your comments on the reaction of evacuees at Heart Mountain concerning Issei participation in evacuee government. I am passing them on to John Provinse.

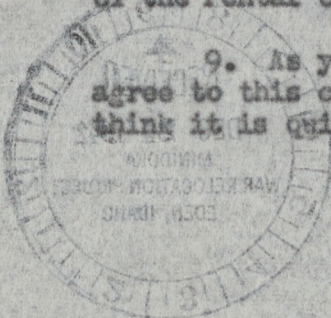
6. Each Project Attorney should arrange with his Project Director for receiving the Congressional Record and the Federal Register. This is done by the issuance of purchase orders for subscriptions to the publications. I shall write to Don to this effect.

You also should secure the Congressional Record through your Project Director. Federal Register says you should have your mailing address with them changed by taking off a wrapper from an issue sent to your present mailing address, indicate what your new address is on the wrapper, and send it to Superintendent of Documents, Government Printing Office, Washington, D. C.

7. In considering the question of distribution of evacuee attorneys among the relocation centers, I shall try to remember that Mr. Igasaki is no longer at Granada. I assume Don will keep me informed about Frank Kito.

8. Supplements I and II to Administrative Instruction No. 26 will be issued shortly. They will provide for the payment of rent for buildings and equipment by consumer enterprises, barring a last-minute revision. Costs of utilities will also be paid by the consumer enterprises as a part of the rental charged them.

9. As you say, it may be difficult to get lessors and vendors to agree to this clause in full. Its use is, of course, desirable. I don't think it is quite clear how the clause reading "if any crops are planted



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on said lands the (vendor) (lessor) shall make diligent efforts to see that they are harvested, and if such crops are harvested, the (vendor) (lessor) shall pay to the (purchaser) (lessee) his proportionate share under this agreement of the value of such crops, such value to be determined as of the time of the (lessee's) (purchaser's) departure from said lands" will operate. What is the share of each party "proportionate" to? You need not write to me about this again. I am merely calling it to your attention so that you may clarify the language if you agree that it is not fully clear. Perhaps it is clarified by another provision of the form of agreement being used.

I am glad to hear that Elaine and you were so fortuitously fortunate in getting suitable living quarters in Powell.

Sincerely,

Philip M. Glick

Philip M. Glick  
Solicitor

cc - All Project Attorneys  
Edgar Bernhard  
Maurice Walk



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COPY

WAR RELOCATION AUTHORITY  
Heart Mountain Relocation Project  
Heart Mountain, Wyoming

December 16, 1942

Mr. Philip M. Glick  
Solicitor, War Relocation Authority  
Barr Building  
Washington, D. C.

*Index*

Dear Phil:

This is my report for December 1 to 16. I was on leave part of this period getting considerable dental work done in Denver. During the period, I have written you about the "police incident" at Heart Mountain, the incident in the Denver Union Station, and a few general matters.

1. I returned to Heart Mountain night before last and am about to get settled here. My file and papers from the Denver office have not yet come, nor has our furniture, but we undoubtedly will be settled soon. Guy Robertson became Project Director today and Chris will probably leave Heart Mountain within a few days. I will complete organization of the Project Attorney's office some time this or next week. Guy, Chris, and Joe Smart apparently feel the Project will be better off with Doi in the Project Attorney's office. This Project will not permit officials in the permanent evacuee government such as council members and members of the Judicial Commission to serve also in purely administrative jobs such as project administrative offices or members of the Project Attorney's office. If Doi elects to resign from the position with this office in order to be a member of the Council or the permanent Judicial Commission, I suppose there is nothing we can do to prevent him from taking that course. We will continue with the present temporary set-up as it is and permit him to serve as Chief of the Temporary Judicial Commission and the Project Attorney's office at the same time. Any suggestions that you may have on this matter would be appreciated.

2. Thanks for your letter of December 5 regarding consideration of the provision of the Wyoming Cooperative Marketing Act prohibiting the use of the



word "cooperative" in the name of any association not organized under it. On the way up to Heart Mountain I stopped and talked with the Governor-Elect and the Deputy Attorney General on this matter. Governor-Elect Hunt paid little attention to the legal problem, but the Deputy Attorney General and I concluded that I should write a letter to the Attorney General on this matter, and he should reply with an Opinion substantially in accordance with that in your letter of December 5. The copy of my letter to the Attorney General is included among the attachments. You will note that I have taken the liberty to use your authority and line of argument in paragraph two of your December 5 letter. As soon as the Attorney General replies, I will go ahead with the organization of the cooperative, as the evacuees here seem to be much more receptive to the cooperative idea than they were when I was here a month ago. The Attorney General's opinion will not, of course, finally decide the matter, and we may be taking some slight risk organizing under the D. C. law. What is your view on this point? If necessary, I think we can get an amendment to the Wyoming law in the coming legislature which meets within the next month or so.

I plan to use the article of incorporation and other documents prepared by Ed Ferguson for organization of a cooperative under the D. C. law. Are you revising and completing these organization instruments in Washington? If so I will wait until the revised drafts are finished.

3. A young evacuee here, Mr. Stanwood Gertz, Block B-29-26, inquires if he can volunteer for enlistment in the Canadian Army or the army of some other allied power. He has tried to enlist in the United States Army without success. He is a native of Hawaii and apparently has some Caucasian blood. He apparently is desirous of getting into one of the armed forces.

4. We have had two or three death cases where the decedent left some personal belongings. I note in one of Tony O'Brien's reports the question of whether the estates of decedent evacuees should be probated in the states in which their relocation centers are located, is still under consideration in Washington. I would appreciate very much your advice on this point as soon as possible as the Community Service Division desires to dispose of the personal belongings of the two decedent evacuees here. One of them, an alien, has no relatives in the United States but does have a brother and sister in Japan. The other was a citizen and has a sister at one of the other Projects.



I don't believe either of these two decedent evacuees left any property except a few personal belongings. The alien left a twenty-five dollar war bond which he asked a friend to give to the WRA for payment of the administration costs. I don't have any of my law books, but I recall some specific procedure that must be followed in connection with gifts of this kind. Can you advise me on this point? I ordered a copy of the Wyoming statutes and supplement to the U. S. Code nearly two months ago through the Denver office, but they have not yet come and I am a little handicapped without them here at the Project. If they don't arrive soon I will order them again through the Project procurement offices.

5. I do not recall your answering my inquiry in report of November 17 as to whether Community Enterprises will have to pay the clothing allowance for dependents of their employees. The instruction indicates that they will, but some of the evacuees interested in the Enterprises here are afraid there will be too much of an effort to employ single men if this ruling is followed.

6. I regret that you are under staffed in Washington and that it will be some time before we can work through the Wyoming divorce laws. However, I think the Opinions issued by Bob Leflar and Ed Ferguson are of some assistance on this matter. I am afraid in one or two of the aggravated cases here the evacuees will want to go ahead and get divorces under the Wyoming Laws even though they may not be held in the states of their former residences. I will try to advise them of the disadvantages of obtaining divorces here, but if they insist on going ahead will let them select whatever local attorneys they wish. I assume nothing further has been done about working out a procedure for obtaining divorces at the former residences of evacuees.

7. I am having a hard time with the extra copies of the Solicitor's Opinions. The copies that were received here were No. 16 and No. 33. Would you, therefore, send me some additional copies of Solicitor's Opinion, No. 32, on the "Legal Basis for Evacuee Government"?

8. Referring to Solicitor's Memorandum No. 14, of December 5, this Project has not yet formulated a proposed plan of government. We are meeting with some of the evacuees this afternoon to try to work out some of the problems. The issues are going to die-hard if no provision is made for them in the charter, but I hope we will be able to get it over all right.



4.

9. I enclose herewith a memorandum containing information on Community Enterprises here in response to Solicitor's Memorandum No. 15.

10. I also talked with Carl Sackett, the United States Attorney, when I was in Cheyenne, and gave him a copy of the Solicitor's Opinion, No. 16. Sackett said he had written to Washington inquiring about the legal status of Heart Mountain Relocation Center and had not yet received a reply. He was rather busy so I didn't get to talk with him much about Opinion No. 16, but I rather think he will read it and accept its conclusions. He was primarily interested in the work group leave problem at this Project since he wants to get a group of evacuees to help run his ranch. I explained to him that Governor Smith refused to extend his assurances beyond December 21 and that there was nothing much that could be done about extending work leaves to evacuees for work in Wyoming. He at once called Governor-Elect Hunt and urged him at some length that he should do what he could to get the evacuees out in agriculture and other jobs in the state. I later called on Hunt again and Hunt assured me he would be of what assistance he could and said he thought if we "sat tight" for the ten-day period between the expiration of Smith's assurances and the date Hunt takes office, it is very unlikely that we will have any trouble.

I also called on the State Director of Vital Statistics who went over the part of Opinion D-7 concerning Wyoming and straightened me out on one or two matters of procedure. I will send this Opinion back to Denver for issuance when I hear from Don Horn on one or two related points. It will be dated December 14.

11. Some of the evacuees have inquired whether Consumer Enterprise will be subject to the Fair Labor Standards Act and if so whether the employees must work and be paid in accordance with the provisions of that Act. I advised them that the Consumer Enterprise doubtless will not be functioning in Interstate Commerce and hence probably will not be subject to the requirements of that Act. Is this wrong?

12. Thank you for your letter of December 2 regarding my hasty attempts on the Geneva Convention. I know you will feel free to do whatever you wish with them including filing them in the waste basket.



13. Are the Community Enterprises in the relocation centers subject to any re-sale price maintenance laws? Evacuees interested in the formation of a cooperative here are wondering if prices of all goods sold by the consumer enterprises must be marketed at retail prices. I believe the consumer enterprises are, at present, selling at about five per cent below retail prices on all items.

14. I have just received your letter of December 14 in reply to my report of December 2. I am glad a Solicitor's Opinion together with appropriate instruments will be issued for incorporation of consumer enterprises under the District of Columbia law, and I will wait for them. I agree entirely with your suggestions regarding the incorporation of our cooperative here under both the D. C. law and the Wyoming act. I hope our difficulty will be sufficiently resolved by the Attorney General's Opinion.

15. I will arrange with the Project Director for subscription to the Congressional Record. Since I will not be able to obtain a copy of the wrapper on the federal register being sent to me from Denver, I am writing the Superintendent of Documents directly on this publication.

16. The provision as to "appropriate share" in the clause to be incorporated in land leases, is for the ordinary sharecropper agreement wherein the lessor and lessee agree to take proportionate percentages of the crop or proceeds therefrom. Under a lease in which the lessee merely pays a fixed price and is entitled to all of the crops received, the lessee's share would be 100%. Perhaps it would be better to re-word the clause for this type of lease. I believe most of the leases being executed are on the share crop basis.

Thanks to you and Mrs. Brewer for sending Don Horn copies of various papers. I assume he will write you for any documents which he should have but has not yet obtained.

With kindest regards,

Sincerely,

Jerry W. Housel  
Project Attorney

P. S. I will send a memorandum report on Community Enterprise later.



WAR RELOCATION AUTHORITY  
Office of the Solicitor  
WASHINGTON

AIR MAIL

JAN 14 1943

Mr. Jerry W. Housel  
Project Attorney  
Heart Mountain Relocation Center  
Heart Mountain, Wyoming

Dear Jerry:

This will reply to your weekly report of December 16, 1942.

1. Your arrangements with respect to Mr. Noh seem to be all right. I have no further suggestions.

2. As you say, the Attorney General's opinion will not decide the matter, and the evacuees may be taking some slight risk in organizing under the District of Columbia law. The risk is one of having the cooperative fined or an injunction secured against it. However, if the Attorney General rules that the restriction against the use of the word "cooperative" is not applicable to foreign corporations, it seems to me that the risk would be small. I therefore think that, when we have received the Attorney General's favorable ruling, the evacuees may, if they wish to, go ahead and organize the cooperative under the District of Columbia law.

3. I assume that Mr. Gerts is of partial Japanese extraction, although his name wouldn't indicate it. The Director is still hopeful of getting the Army to accept citizens of Japanese extraction. However, there is nothing further to report on it at this time.

4. We are still working on the problem of whether the estates of decedent evacuees should be probated in the state in which the relocation center in which they die is located; in the State of domicile; or in the State where their property is located. The problem is not always a simple one, for there will be cases (where the property is located in a State other than the State of domicile) in which the possible jurisdiction of three States will need to be considered. Our research has indicated that many States, either by statute or judicial decision, permit the heirs of a decedent to mutually agree, without formal probate, on the distribution of the assets of the estate, after making certain that creditors had been paid. This procedure is known as "a family settlement." However, we have been unable to find a statute or a case in Wyoming approving the "family settlement" device. This procedure probably should not be used for large estates or for any estate involving real property because of possible title complications. If it can be used in Wyoming, it would probably take care of the estate of the deceased citizen evacuee you wrote about. Possibly



## WAR RELOCATION AUTHORITY

Office of the Solicitor

WASHINGTON

you should discuss the question with the Probate Judge for Park County to find out whether the "family settlement" in use in Wyoming, and whether he thinks it would be a valid procedure in the case of small estates involving only personal property. In the case of the deceased alien evacuee, after the court of probate is determined, it will be necessary to follow the procedure outlined in Tony O'Brien's memorandum to Ed Ferguson, dated November 18, 1942, a copy of which we sent you early in December, together with the forms referred to therein.

Probably the war bond left by the deceased alien should be treated as a part of his estate, even though he purported to give it to the War Relocation Authority. Unless his direction to his friend amounts to a nuncupative will, there has been no effective testamentary disposition of the bond. A nuncupative will can be made only under unusual circumstances, it is usually difficult to establish that such circumstances existed, and I don't think it is worth while to try to do so in this case. As part of the alien's estate, it could probably be applied to the payment of the cost of administration anyhow without the Government taking title to it.

5. Administrative Instruction No. 27 provides that "in addition to the compensation paid in cash, each employed evacuee . . . shall also receive a supplementary allowance for clothing, for himself and each of his dependents." Administrative Instruction No. 26 provides that evacuees employed by community enterprises "will be paid cash advances and clothing allowances by the Association." Whether this language means that consumer enterprises must pay clothing allowances for the worker and his dependents or for the worker only is ambiguous, but it was the administrative intention that the consumer enterprises should be required to pay the clothing allowance of the worker only. This has therefore been the interpretation adopted. A letter to all Project Directors is being prepared by the Community Services Division which will state definitely that community enterprises will not be required to pay the clothing allowances of dependents of workers it employs.

7. Three copies of Solicitor's Opinion No. 32 are enclosed.

10. I shall advise the Employment Division of your talks with Carl Sackett and Governor-Elect Hunt.

11. So long as the consumer enterprises confine themselves to selling goods and rendering services to the evacuees, I do not believe that they are engaged in interstate commerce; and, therefore, they are not subject to the Fair Labor Standards Act.

13. In Solicitor's Opinion No. 21, we concluded that the consumer enterprises at a relocation center were performing a Federal function at the center. The question then became one of determining whether requiring compliance with the resale price maintenance law of a State would substantially interfere with the carrying out of this Federal function by the consumer enterprises. Also, it occurs to me that perhaps resale price maintenance laws are not applicable to consumer cooperatives paying patronage dividends. We will take the question as an assignment.

Sincerely,

Philip M. Glick

Philip M. Glick



HM ES  
December 18, 1942

AIRMAIL

CONFIDENTIAL

Mr. Jerry W. Housel  
Project Attorney  
Heart Mountain Relocation Center  
Heart Mountain, Wyoming

Dear Jerry:

I have just initialed a proposed supplement to Administrative Instruction No. 26 which would set up a procedure for payment to WRA by the community enterprises of rental, at certain rates, for buildings and equipment furnished by WRA since the beginning of operations by the enterprises. In addition to payment of back rental, the supplement contemplates reimbursement to WRA for any wages paid to enterprise employees by WRA. Loan accounts will be set up, and the community enterprises, where not in a position to make these payments, will enter into loan agreements and execute promissory notes secured by chattel mortgages. The supplement contemplates that this will be done as of February 1, 1943.

In order to protect the interests of the Government as well as to protect the managers of the enterprises against personal liability in executing the loan papers, the supplement provides that if a cooperative has not yet been formed the organization of the enterprises must be evidenced by a trust agreement, to be executed by all evacuees operating the enterprises. No Government employee may be named as trustee.

We have already sent you a copy of the trust agreement prepared by Bob Iefflar for use in Arkansas. With appropriate adaptations because of differences in local situations, this form should be adequate for use under the proposed supplement if a cooperative has not been organized by the time the loan agreements are to be executed. If you cannot locate Bob Iefflar's form, we shall be glad to send you another copy.

Since the proposed supplement has not yet been issued, we

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- 2 -

not believe it would be appropriate to discuss this letter with the project people at this time. I wanted you to have this advance notice, however, so that you will be prepared to render assistance as soon as the supplement issues.

All of us here in Washington extend to you our best wishes for a very Merry Christmas and an enjoyable holiday season.

Sincerely yours,

Philip M. Glick  
Solicitor

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COPY

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DEC 30 1942

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Heart Mountain Relocation Center  
Heart Mountain, Wyoming

December 23, 1942

Mr. Philip M. Glick  
Solicitor  
War Relocation Authority  
Barr Building  
Washington, D. C.

*Indy*

Dear Philip:

This is my report for the period December 16 to 23. During the week I wrote you about the consumer enterprise here at the Project in response to your memorandum request.

1. I enclose herewith copy of legal examiners application blank filled out by John M. Yahiro, who graduated from the University of Southern California Law School and has had considerable experience with real estate law. He was a member of the Legal Aid staff in the beginning, but when he saw what the relationships of the members of that staff were likely to be, he resigned. I learned through the chief of police only a few days ago that he was at the Center and had had legal training. I talked with Mr. Yahiro and explained to him the proposed set-up of the Project Attorney's office. He was interested in the possibility of serving on the staff, and I think I will ask him to become a member when the office is established. He is not a member of any bar, but his experience with business and real estate matters will be valuable here, I believe. He is forty-four years of age and seems to be intelligent and to have good judgment.

2. Yesterday after talking with Guy Robertson, the new project director, I went over to the Legal Aid staff and explained to them the arrangements for establishment of the Project Attorney's office and for discontinuance of the present Legal Aid organization. I had previously talked to Doi about the matter, and in the meantime he talked with block administrative officers and temporary block chairmen, apparently in an effort to forestall the proposed plans, which involved the establishment of the Project Attorney's office here with two members of the Legal Aid staff and two of their stenographers; discontinuance of the Legal Aid office in the Courthouse and dropping of other members and stenographers of the Legal Aid group from the payroll on the first of the month. I suggested that if the volume of work demanded or if one of the evacuee members



chosen for the staff subsequently resigned or decided not to come over, other members of the Legal Aid group might be given an opportunity at that time to serve in the Project Attorney's office. On the way out after the meeting, Doi hinted that the block chairmen and block administrative officers did not favor moving the Legal Aid services from the Courthouse to the Administration Building. I told him I had heard nothing about it, which of course was true.

Shortly after I returned to the Administration Building, Guy Robertson asked me to come in his office and talk with him, the chairman of the block administrative officers, and the temporary council chairman. These two evacuees pointed out that they were having a difficult and delicate time trying to get acceptance of the proposed government charter; that any disruptive move by the administration now would make that objective even more difficult to attain; that the evacuees were accustomed to the Legal Aid services in the Courthouse; and that unless they were properly informed of the proposed move, they might feel the administration was being high-handed about the matter, and that in turn might jeopardize chances for approval of the proposed plan of government.

Guy and I, of course, agreed with their position and agreed that the proposed move scheduled for today would be postponed until the residents had been entirely informed of the plans. I submitted an article to the paper today for this purpose. As soon as we find out how the residents feel about the proposed plan as it will be announced in the paper, we will then decide what to do next. I am, of course, anxious to get the office set up as soon as possible because there are a great many problems coming up on which I need a lot of assistance. I am hopeful that the newspaper article will be sufficient to put the thing over and that we can proceed with our plans within the next week or two.

3. I noted in one of your replies to Tony O'Brien that he might employ a Caucasian stenographer. Guy Robertson has felt from the beginning that I should have a Caucasian secretary, and, of course, I am not averse to this suggestion, particularly since most of the good evacuee stenographers have been assigned to other divisions. In the absence of objection from you, therefore I will proceed to try to find a Caucasian stenographer for appointment as my secretary at the grade 3 provided on the present chart. Guy, John Nelson (Administrative Officer) and I are somewhat doubtful about the possibilities of getting competent help at that grade, and John said that he thought there would be no difficulty about getting the grade raised through OEM in Denver. However, I do not want to have the grade raised unless it becomes necessary. Do you have any comments on this matter?



4. Can WRA pay damage claims made against evacuee drivers of Government vehicles? I vaguely recollect we have authority to allow damage claims up to \$1,000. in such cases where the government employee is at fault. Has any procedure been worked out for submission and allowance of such claims?

A short time ago our Caucasian expressman here picked up four boxes and two tubs of personal property being delivered to an evacuee here at the Center. The express bill was signed and the property was delivered to the warehouse and was accounted as received by the warehouse storekeeper. However, when delivery was attempted one tub containing pans, knives and some groceries valued at \$8.33 was missing. The chief of the transportation and supply division inquired whether or not there is any procedure under which the evacuee can be reimbursed for loss of this property, and if so what steps should he take to submit the claim in proper form. I will hold such papers as I have on the matter here until I hear from you.

Last Saturday one of the barracks used as a dormitory for administrative personnel caught on fire about 8:00 o'clock A.M. The fire was a rather bad one, but fortunately there was no wind at the time and the evacuee fire fighters did a very good job of keeping it under control. Much of the inside of the barrack was burned out and considerable personal property belonging to Caucasian employees was entirely destroyed here by the fire or by smoke and water. Is there any way in which, other than by private bill, the personal property losses suffered by these Caucasian employees can be paid for by WRA, and if there is should such payments be made as a matter of policy? I think most people here recognize it is considerably more risky because of fire and possible other damage to live on the project than in town. On the other hand, living conditions here are less expensive than those in Powell or Cody, and perhaps this difference in cost somewhat compensates for the additional risk. None of the employees have asked whether or not their personal property losses can be reimbursed, but in anticipation of such inquiries and also because it may be advisable to reimburse these losses as a matter of policy, I am raising these questions.

5. Do you know if evacuees who have had medical training can enlist in the medical corps of the army? Such an evacuee was in the office yesterday, and I advised him to write to his local draft board explaining that he wanted to be inducted for medical work. I thought perhaps there might be some information on this point in Washington since many of the various army divisions have been taking specially qualified Japanese for intelligence work and for teaching Japanese.



6. The Administrative officers a few days ago inquired whether under the revised Administrative Instruction No. 10, paragraph IV-F, a total period of 30 days must elapse in case of illness before an evacuee is eligible for unemployment compensation, also whether paragraph VII-A-2(c) of Administrative Instruction No. 27, Supplement No. 2, precludes an evacuee from becoming eligible for unemployment compensation because of sickness or physical incapacity. I advised them that in my opinion the above mentioned provision of Administrative Instruction No. 27 operated only as a limitation on the provision of paragraph VII-A-2, making evacuees eligible for unemployment compensation under certain conditions and that such limitations did not extend to the provision of Revised Instruction No. 10, making employees eligible for unemployment compensation under other conditions; also that an evacuee who had been on sick leave for fifteen days would be entitled to unemployment compensation on the 15th day and that an additional 15-day period was not required.

I intended to embody these views in a Project Attorney's Opinion, but have had neither time nor stenographic assistance to get that job done. The administrative officers are proceeding on the basis of my verbal suggestion though I told them I wished to refer the question to you for final approval. I will appreciate very much your advising me if I have misinterpreted the above mentioned provisions of these instructions, and if so your further advising the correct interpretation.

7. I have had several meetings with the evacuees studying the proposed cooperative and will meet again with a small committee of them at 1:30. They are working out a proposed outline plan to be submitted to the residents for their information and guidance. There apparently still is quite a lot of sentiment here against the cooperative form of enterprise, and I am not entirely sure the residents will vote to proceed with organization of a cooperative. I am inclined to think that a trust arrangement on a permanent basis giving the residents the benefit of as low costs as possible would probably be more satisfactory to them than a cooperative. Many of them are not especially interested in cooperatives nor in participating as members in controlling the organization. Also they are concerned as to what benefit they will derive from a cooperative when so many of them will be leaving the Center. The temporary nature of their residence here apparently tends to make them less interested in future patronage returns and a successful cooperative enterprise than in immediate benefits through low costs and freedom from the trouble and time involved in organizing and operating a cooperative.

However, I think the cooperative group is doing very good work and that we will be prepared to go ahead with legal organization of the cooperative as soon as the necessary forms are completed in your office. I am very hopeful that it will not be necessary to set up here a trust for an interim period. Once a trust arrangement is set up here it will take



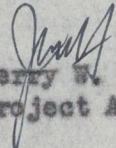
a lot of explanation and time to substitute it with a cooperative. There are so many uncertainties for the evacuees in this whole program that it is difficult for them to keep up with changes of this nature. Once a trust is established a great many of them will assume that that is the permanent form for their consumer enterprise and it will be very hard to get them interested in changing it for another type of organization within a very short period. It is very difficult even now to convince them that any change should be made in the present set-up of the consumer enterprise, even though the present enterprise has no legal form or organization.

Hence if the Washington office still favors organization of a cooperative at Heart Mountain in preference to a trust as a permanent form of enterprise, I hope and believe that we will be able to get it organized before February 1.

Can a clause be put in the operating agreement between WRA and the cooperative after it is organized providing that WRA will for the duration furnish food and housing to employees of the cooperative. The clothing of employees of course, must be furnished by the cooperative and the question of clothing for such employees' dependents is not yet settled. Evacuees feel WRA is progressively increasing the burden for the cooperatives to carry and they would like to be assured that food and housing of the employees will be furnished by WRA.

Holiday greetings from Elaine and me to Rose D. and yourself, and the staff.

Sincerely,

  
Jerry W. Housel  
Project Attorney





Mr. Moore  
Legal Aid





WAR RELOCATION AUTHORITY

Office of the Solicitor

WASHINGTON

JAN 20 1943

AIR MAIL

Mr. Jerry W. Housel  
Project Attorney  
Heart Mountain Relocation Center  
Heart Mountain, Wyoming

JAN 16 1943

Dear Jerry:

This will reply to your report of December 23, 1942.

1. I shall keep the Board of Legal Examiners form filled out by Mr. Yahiro in my files. If you think that he will be valuable to you, don't hesitate to ask him to join your staff.

2. Delaying the discontinuance of the Legal Aid Office for a short time under the circumstances seems to me to have been wise. Keep me informed as you work the thing out.

3. I agree that it is desirable for you to have a Caucasian secretary. Anything that you work out with the Project Director on this, including the grade of classification, will be all right. If you should want my help in making arrangements which are satisfactory to you, let me know.

4. A procedure for the settlement of claims on account of damages to or loss of privately owned property, to the extent of \$1,000, is provided for by 31 U. S. C. 215, which reads as follows:

"The head of each department and establishment acting on behalf of the Government of the United States may consider, ascertain, adjust, and determine any claim accruing after April 6, 1917, on account of damages to or loss of privately owned property where the amount of the claim does not exceed \$1,000, caused by the negligence of any officer or employee of the Government acting within the scope of his employment. Such amount as may be found to be due to any claimant shall be certified to Congress as a legal claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of each claim, the amount claimed, and the amount allowed: Provided, That no claim shall be considered by a department or other independent establishment unless presented to it within one year from the date of the accrual of said claim."



# WAR RELOCATION AUTHORITY

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You will note that the statute provides for the certification of amounts found due to Congress rather than payment out of appropriations of the War Relocation Authority. I feel certain that evacuees employed at the centers would be regarded as "employees" of the Government within the meaning of this statute and that this procedure therefore can be used to pay damages to privately owned property which are attributable to the negligence of evacuee drivers of Government vehicles, provided the damage is caused by them when they are acting within the scope of their employment.

It has always been the policy of the War Relocation Authority not to assume financial responsibility for personal or household belongings of evacuees. If we did assume such responsibility, it is likely that there would soon be a deluge of such claims. As a matter of administrative policy, therefore, the claim of the evacuee who lost property valued at \$4.33 while it was being moved to the center cannot be paid by the War Relocation Authority.

Similarly as a matter of administrative policy, the War Relocation Authority will not assume any risk of loss of the center to property owned by the administrative personnel at the center.

In both of the instances of loss which you relate, the only possibility of payment as a matter of law that occurs to me is again under the Small Claims Act referred to above. Since there are objections to paying the claims on administrative grounds, there is no need to consider whether either or both of them could be paid pursuant to the Small Claims Act.

5. The Director is still working on the problem of getting the Army to accept citizens of Japanese extraction. The fact that some of them have had medical training may have special significance. I shall call this phase of the problem to the Director's attention.

6. I am referring the problem raised by your item 6 to the Community Services Division and the Employment Division for further consideration.



## WAR RELOCATION AUTHORITY

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7. A trust is a desirable device under which to operate the Community Enterprises pending such time as it is possible to organize a cooperative. People dealing with it know that they are dealing with a definite legal entity; the trust set-up makes it clear that the enterprise is not a Government establishment and that its profits are not Government funds; and by making those who operate the enterprise trustees for the cooperative to be formed in the future, it relieves them of personal liability.

However, there are very definite disadvantages to operating the Community Enterprises permanently under a trust arrangement. When the Community Enterprises are run as a cooperative with patronage dividend refunds which are distributed before the expiration of the tax year, no income tax needs to be paid on the cooperative's income. Possibly if the income of the trust were distributed before the expiration of the tax year, the same would be true, but it is my impression that the rule is well established with respect to cooperatives and it may not be well established with respect to trusts. The pattern for the operation and management of a cooperative is rather definitely outlined in the statute pursuant to which it is established. This, of course, is not true in the case of a trust, since there will be no statute. This would probably mean that there will be a greater number of problems to vex the management of the trust than in the case of a cooperative, especially problems relating to their authority. In a cooperative, there is a greater degree of control in the members themselves than it is usually possible to give to the beneficiaries of a trust, which means that a cooperative is likely to be more responsive than a trust to the needs of the evacuees. It is also likely that evacuees, because they will be more conscious of their interest and participation, will pick up more in the way of business training and experience from being a member of a cooperative than from being beneficiaries of a trust. Also, a cooperative is a type of organization which is generally pretty well understood by other parties, while this is not likely to be true of a trust. This means that it will be easier for the cooperative to deal with other parties - for example, if it should desire to get a loan from a bank - than would be true in the case of a trust. There are probably other advantages to a cooperative.

I understand that there has been an initial reluctance to establishing cooperatives at a number of the other centers. However, once the cooperative was explained to and understood by the evacuees, this reluctance usually disappeared. You are probably experiencing the same reactions on the part of the evacuees at Heart Mountain.

A Solicitor's Opinion discussing the organization of cooperatives under the District of Columbia law which has attached thereto the necessary organization forms has been issued. Probably you have already received it.

As you know, the War Relocation Authority is furnishing food and housing to employees of the cooperatives at the present time. There is no



WAR RELOCATION AUTHORITY

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WASHINGTON

present intention of changing this policy and it is probable that it will continue for the duration. This can be explained to the evacuees. I am afraid, however, that there would be administrative objections to committing ourselves to a policy for the duration on this at this time by a clause in the operating agreement between the Authority and the cooperative, even though there is no present intention whatsoever of changing the policy. It is certainly not the intention of the War Relocation Authority to increase progressively the burden which the cooperatives will be expected to carry.

Sincerely,

Philip M. Glick  
Philip M. Glick  
Solicitor

cc - All Project Attorneys  
Edgar Bernhard  
Maurice Balk



Heart Mountain Relocation Center  
Heart Mountain, Wyoming

HM:PA:JWH

December 31, 1942

Mr. Philip M. Glick  
Solicitor  
War Relocation Authority  
Barr Building  
Washington, D. C.

Dear Philip:

This is my report for the period December 24, to 31.

1. I published the enclosed article on organization of the Project Attorney's office in last week's Sentinel and have submitted another one, also enclosed, for this week's paper. This is all part of the campaign to build up public sentiment for establishment of the legal office over here in the administration building and dissolution of the legal aid department. I talked with Doi and Miyasato yesterday about this matter. Miyasato is willing to come into the office under most any circumstances, but Doi still appears to be somewhat undecided. At a joint meeting of the judicial commissioners, block chairmen and block administrative officers on Monday the question was raised whether Doi after being elected judicial commissioner had a moral obligation to the people which would prevent his joining the project attorney's staff. I told him again, of course, that he could continue on the temporary commission while serving on the staff, but he still refused to make any definite commitment except that he wants to come over, and will come over if the block chairmen and representatives decided it is proper for him to do so. Doi, of course, is very anxious to keep his office over in the Courthouse and to some extent has, I think, been stalling for time. However, there apparently is legitimate need for the people to understand completely the arrangements for establishment of the project attorney's office, and I think the newspaper campaign will pretty well get this across.

One of the objections to moving the legal services to the administration building apparently is because the legal aid office in the Courthouse has been doing a large volume of purely clerical work for the residents, and the residents do not want to lose this service. This type of work, while it probably should be provided, does not seem to me to be a proper function for the legal office. I am hopeful that block administrative officers may be able to take over this clerical work soon, and that will largely eliminate objection to centralizing legal services in the project attorney's office.

*Hi Don - for your letter  
Thanks for 12-7, I was  
on Op. 10 7:00 in the  
wish you a  
New Year Sincerely  
Jenny*



In the meantime I think adequate legal assistance probably is being supplied to the community. Doi and his staff are kept fairly busy in the Courthouse, and I have not had to look for work here. I think things are going to work out very well and that we will be established within the next week or two.

2. I have just received some information on registration and issuance of certified copies of birth, death and marriage certificates in Colorado, which Don Horn checked into for me. I am having Opinion D-7 typed and will send it on to Joe in Denver, dated December 14. This is the last of my Regional Attorney Opinions, and I regret its final typing has been delayed so long.

3. Most of the construction contracts and bonds in connection with them for work at the Heart Mountain and Granada Centers are signed by company officials other than the presidents and secretaries. Attorneys-in-fact usually sign for the surety companies.

Do you think it advisable to require from these companies a statement signed by the president and secretary of the companies, under the company seal, showing that the parties who signed the contracts had authority to do so? Ordinarily only the presidents' and secretaries' signatures are completely binding on surety instruments, and if we should ever get into trouble it probably would make a court case easier if we had such a statement.

I wrote letters for Joe's signature to the companies concerned on the contract for construction of the school projects at Granada and Heart Mountain, but I think the project directors went ahead and signed the contracts before the statements were received. I expect Guy will go ahead and sign the contract on the ceramics plant with the Farro Enamel Corporation without requiring the authority of the other signatures to be shown.

This morning I prepared a wire for Guy's signature to the Director inquiring whether the wage rates set forth in the contract with the Farro Enamel Corporation were based upon prevailing wage determinations of the Secretary of Labor. The wage rates set forth in the contract for this Project are in accordance with the Secretary's determinations made for the school contract about 45 days ago, and a new determination probably wouldn't be required for those rates. However, there is nothing to indicate that the rates for labor at Solway, New York where the plant is to be disassembled are based on labor determinations. I think there are ninety-nine chances to one that this matter has been taken care of in Washington, but I hesitated to advise Guy to sign the contract until this question were cleared.



4. Thanks for your wire on the ruling by the Commissioner of Internal Revenue that patronage refunds of cooperatives are deductible when based on actual records for part of the test period and estimates of patronage for the remaining period. I rather think the cooperative here will adopt a fiscal year coordinate with the Government's and by that time we will have patronage records over six of the ten and one-half months of operation for the fiscal year 1942-43. I assume the period for which actual records will be had constitutes a sufficiently substantial "part of the entire period."

If the government fiscal year is adopted by the cooperative here, I am wondering if a tax return must be made March 15. I am hoping that a statement to the effect that the cooperative has adopted a fiscal year ending June 30, and that a tax return will be filed later will be sufficient, though I have a feeling that such a statement will not be enough.

If a return must be filed on March 15, and the tax paid at that time, we will be able to show only two and one-half months of actual patronage records as against about four and one-half months during which no records were kept. I assume from your wire that the Commissioner in such case would not be willing to accept our estimates of patronage for August 12 to the end of the year since the period for which records are kept, January 1 to March 15, will not be a substantial part of the entire period. I hope to be able to study this problem soon, but if you have any offhand suggestions they will of course, be appreciated.

5. I suppose you are studying the effect of the recent decision of the U. S. Supreme Court holding that Nevada divorces are valid in South Carolina and must be recognized by the courts of that state. It seems to me this will make considerably easier our whole divorce problem. If the Supreme Court says that a divorce obtained in Wyoming in accordance with Wyoming law is valid in all other states, I see no objection to permitting the evacuees who want divorces to proceed to obtain them. The question of whether they have acquired sufficient residence here is, of course, still open, but since we have not acquired exclusive jurisdiction of these lands, I should think it might well be resolved in their favor. At least this would seem to be one of the implications of Maury's opinion on exclusive jurisdiction.

One or two cases here at the Center have just about arrived at the point where we will have to let them go ahead and obtain divorces anyway. I plan to get a list of all attorneys in Cody and Powell, with their descriptions, from Martindale-Hubbell and will make these lists available to any parties interested in divorce proceedings so that they may select their own attorneys. Doi surprisingly urged yesterday that outside attorneys be permitted to come into the Center rather than making him accompany the clients into town. I think this is a good idea.



Miss Virgil Payne, our public welfare specialist, is working closely with us in all domestic problems. She is very capable and has been extremely helpful on divorce and adoption cases. I have known her for several years and she has had excellent training and experience in this field.

6. John Nelson gladly turned over all evacuee property problems to me a week or so ago. At that time he prepared a wire for Guy's signature to the Director inquiring whether we might follow the procedure established in Russell Robinson's evacuee property office in California for shipment and storage of evacuee private property. A memorandum to all project directors from Dillon was received yesterday stating that all questions concerning evacuee owned property should be referred to Robinson.

I assume from this that no Washington instruction is to be issued on this matter and that we are to follow the bulletins and instructions of the San Francisco office. We are proceeding to do so using Form WRA-83 in these cases.

7. A form book would be of much value here at the Project where evacuees constantly come in with requests to draft for them all sorts of legal forms. I have considered purchasing with my own money and for my own library "Modern Legal Forms" published by the Vernon Lawbook Company in Kansas City, Missouri. It is a three-volume edition, and with 1942 pocket parts costs \$30 delivered. Have you considered authorizing the purchase of a form book for all project attorneys?

8. The executive committee of the temporary committee of delegates working on the cooperative met with me last week and we worked out an outline plan for the proposed cooperative to be submitted to Guy Robertson with a letter of cover for his approval. His letter of approval, their letter, the plan, and a statement of proposed steps in organization of the cooperative will then be mimeographed and circulated and publicized widely among the residents of the Center. Two copies of the outline plan and proposed steps in organization of the cooperative are enclosed, and your comments or suggestions on them will be appreciated.

Scott Taggart, who is now handling community enterprises, and I tried vainly to get the temporary committee to provide for a small board of directors of not more than seven to nine members. The committee insists on having one director from each block, and they believe the residents will also insist on this sort of representation. Since the directors can provide for their own executive committee, I suppose it will not make any material difference.

I think we will be ready to proceed with legal incorporation about the time the instruments for incorporation under the D. C. law arrive here. I have not yet had a reply to my letter to the Attorney General of Wyoming.



on the name question, and if I don't hear from him soon, I will send a follow-up. Maybe he is stalling until the new Attorney General takes over. If so, I may have to make another trip to Cheyenne to straighten out the matter, though I hope to be able to do it by mail.

9. A couple of weeks ago at the request of Glen Hartman (War Works Chief) a letter was sent to the Director recommending certain revisions in the boundaries of the Heart Mountain Relocation Area. Two copies of this letter were, of course, sent to you with last week's report. I hope that these revisions may be made at an early date, or at least that we may be notified that the revisions will be made as soon as possible. Hartman's sign posting crew has completed most of the boundary except certain stretches for which revision was requested and he hesitates to go ahead on those parts with the possibility that he may have to change the posts later on. Most of the Area is marked and parts not yet marked are in more remote places where there is little if any occasion for trespassing.

One of the lessees from the Bureau of Reclamation inquired recently what was going to happen to his permit to run sheep on the Area. Since our memorandum of understanding with the Bureau of Reclamation is not yet finally executed there isn't very much that we can tell him now. I assume the leases may be terminated at the end of the present lease year by the Bureau and that they will be honored by us until that time.

Technically I suppose lessees or their employees who come on the Area are required to have a permit for that purpose, and if the need arises we probably will issue them permits.

Glen Hartman has drawn up a rough redraft of the Tule Lake memorandum for application at this Center, and I have just gone over it. I will talk with him about it within the next few days. Can you tell me what the status of the negotiations is for this memorandum back there. I am not sure whether Chris and Joe Smart previously sent on their recommendations with reference to this memorandum, but I am rather inclined to believe they have not. It may be that Chris's ideas are embodied in the redraft made by Hartman.

10. Will you please send me copies of the Supreme Court decision on the Nevada divorce matter and the recent act providing compensation for overtime of government employees if you have not already done so.

Over two months ago I requisitioned for a copy of the Wyoming statutes and supplement and the supplement to the U.S. code, through the Denver office. The U.S.C. supplement arrived a few days ago, but I have had no word of the Wyoming statutes and supplement. If it does not come soon, I will requisition it through the office here. I have a hunch the Denver OEM office is still trying to get the Wyoming statutes from the Government Printing Office in Washington.



11. Rosie Matsui, Evacuee Chief of Police, has a few theft problems among the evacuees which will require some attention soon. He apparently just about has enough evidence on one or two cases to take action, and he feels that some drastic action is necessary. He and some of the other evacuees have suggested that I prosecute some of these cases before the evacuee court. However, I don't wish to go up before that court as long as Doi is Chief Judicial Commissioner. I rather think, however, that I will coach some intelligent evacuee and assist him in presenting a case before the court if these cases are to be handled in that way.

I have been trying to encourage evacuees on the organization commission to provide for a lay court without representation by lawyers before the court. However, Doi has them pretty well sold on a legal set-up, and I think the charter will provide for a public prosecutor and a public defender. The difficulty with formalizing the court procedure is that there aren't enough evacuees who know enough about it to make it practicable. I hesitate to implicate the project attorney's office either in prosecution or defense before the court because the man who I think will prove to be my best assistant, Mr. Yahiro, is coming into the office only on condition it has nothing to do with the court system. This matter will be worked out to some extent at least as soon as the charter is formulated.

12. Phil Barber has asked me to give a series of talks to the police force here on a few of the simple procedures that ought to be followed in connection with criminal work. The idea would be to familiarize them with the facts in any event which are of legal significance as well as the simpler process of observing the material happenings.

I wonder if you could refer me to some written or published material along this line. I should like whatever I tell them to be in accordance with what those who are working in the field have developed. I know of one or two textbooks on criminal detection and will try to locate them. If you have any material readily available on this subject I would appreciate your having it forwarded.

Also, several of the block administrative officers talked to me yesterday about giving a course or two in law, particularly commercial law. However, they are interested in getting credit for the work, and I doubt if this can be worked out. I may later on give a law course if there is sufficient interest.

13. Mary Elaine and I are happily settled in Powell and enjoying the life and work here very much.

Sincerely,

Jerry W. Housel  
Project Attorney



WAR RELOCATION AUTHORITY

Office of the Solicitor

WASHINGTON

AIR MAIL

JAN 22 1943

Mr. Jerry W. Housel  
Project Attorney  
Heart Mountain Relocation Center  
Heart Mountain, Wyoming

Dear Jerry:

This will reply to your report dated December 31, 1942.

1. Thank you for keeping me informed of the progress you have been making in setting up your office. Let me know about further developments.

3. Your point is well taken. However, the Standard Form of Performance and Payment Bonds contains the following instruction:

"The official character and authority of the person or persons executing the bond for the principal, if a corporation, shall be certified by the secretary or assistant secretary, according to the form attached thereto. In lieu of such certificate there may be attached to the bond copies of so much of the records of the corporation as will show the official character and authority of the officer signing, duly certified by the secretary or assistant secretary, under the corporate seal, to be true copies."

Both in the Performance and Payment Bonds, the following "Certificate as to Corporate Principal" appears:

"I, \_\_\_\_\_, certify that I am the secretary of the corporation named as principal in the within bond; that \_\_\_\_\_, who signed the said bond on behalf of the principal, was then \_\_\_\_\_ of said corporation; that I knew his signature, and his signature thereto is genuine; and that said bond was duly signed, sealed, and attested for and in behalf of said corporation by authority of its governing body.

\_\_\_\_\_  
[Corporate Seal]

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If this certificate is filled out, or if the other alternative set forth in the instruction is followed, nothing more should be necessary.

The rate set forth in the contract with the Ferro Shamel Corporation, including the rates for labor at Solway, New York, are based upon prevailing wage determinations by the Secretary of Labor, which we secured before the contract was submitted to the Corporation for execution. The Industrial Division here is rather anxious that this contract be executed as soon as possible.

4. Patronage records for six of a total of 10½ months of operation will, I am quite sure, constitute a sufficiently substantial part of the entire period. If a fiscal year ending June 30 is adopted by the cooperative at Heart Mountain, it will not be necessary to file a return until September 15. Provision for this is made in section 53 of title 26 of the United States Code, which provides that "returns made on the basis of a fiscal year shall be made on or before the 15th day of the third month following the close of the fiscal year." Section 19.53-1 of Internal Revenue Regulations 103 is to the same effect. In this connection, also see page 105 of Lasser's "Your Income Tax."

5. I am afraid that the recent decision of the Supreme Court in Williams and Hendrix v. North Carolina, which involved Nevada divorces, has not quite solved our divorce problem. That case overruled Haddock v. Haddock, 201 U. S. 562, which decided that, if the spouse at fault leaves the marriage domicile and establishes a domicile in another jurisdiction and there secures a divorce, the divorce is not entitled to full faith and credit by other jurisdictions. The effect of the decision therefore is that Nevada divorces must be given full faith and credit if the party securing the divorce has in fact acquired a domicile in Nevada; and it is immaterial which spouse is the wrongdoer. For the purposes of the decision, the Court assumed that domicile had been acquired in Nevada. Whether full faith and credit need be given a Nevada divorce where no bona fide domicile has been acquired in Nevada was expressly left open as appears from the following quotation:

" . . . in this case we must assume that petitioners had a bona fide domicile in Nevada, not <sup>the</sup> that Nevada domicile was a sham. We thus have no question on the present record whether a divorce decree granted by the courts of one state to a resident as distinguished from a domiciliary is entitled to full faith and credit in another state. For do we reach here the question as to the power of North Carolina to refuse full faith and credit to Nevada divorce decrees because, contrary to the findings of the Nevada Court, North Carolina finds that no bona fide domicile was acquired in Nevada."



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The case therefore does not hold that full faith and credit must be given a divorce decree in a case where the plaintiff is not a domiciliary. It is at least doubtful that the evacuees have acquired a domicile in the States to which they have been evacuated. See Op. Sol. No. 20. Whether there are other factors present which would give to the courts of a State where a relocation center is located jurisdiction to <sup>so as</sup> entitle divorce decrees granted to evacuees to full faith and credit, I don't know. This whole problem is on our agenda, but the press of other work has delayed the issuance of an opinion on the subject. In any event, our full faith and credit problem is still with us.

6. An Administrative Instruction for the handling of the property work is being prepared, and we hope it will be issued shortly. Until that time, you should follow the bulletins and instructions of the San Francisco office.

7. I plan shortly to issue a supplement to Solicitor's Memorandum No. 16 authorizing each District Attorney to purchase a Form Book not to cost in excess of approximately \$15.00. I don't think that we are justified in spending as much as \$30.00 for a Form Book. The following are suggested:

Cowdrey's Forms, Bancroft Whitney (1933) - \$15.00  
(adapted for use particularly in the Western States)

Cutler's Tiffany Form Book, Vernon (1927) - \$15.00

Jones' Legal Forms, Bobbs-Merrill (1930) - \$15.00

8. I noticed in your report of January 9, 1943, to which I shall dictate a reply in a day or so, that the State Attorney General's Office has ruled that the prohibition against the use of the word "cooperative" in the name of any corporation not organized under the Wyoming cooperative law applies to foreign corporations. The "Outline Plan of Proposed Consumer Cooperative" submitted by the temporary delegates' committee seems to have been drafted with a view to meeting the requirements of the District of Columbia law. This means that, if the cooperative is incorporated under the laws of another jurisdiction, it will be necessary to check carefully the cooperative law of the other jurisdiction to make certain that its requirements have been met.

9. The letter for the revision of the Heart Mountain boundaries has been referred to us. We shall endeavor to make the revisions as soon as possible. However, I have not yet checked with the Agricultural Division to see if there are any objections to the revisions requested.

The proposed memorandum of understanding was sent in by Joe Smart. It has been compared with a proposed draft submitted by Commissioner Page of the Bureau of Reclamation. The Agricultural Division has been holding this until Mr. Stan Laffin, who is in charge of irrigation engineering, came



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to Washington from San Francisco where he had been stationed. He is now here, and I anticipate that he will talk to the Bureau of Reclamation people about the memorandum of understanding within the next few days.

10. A copy of the recent act providing compensation for over-time of Government employees is enclosed. If you have not received a copy of the Paying statute and supplements by this time, I think that you should requisition them through the Project Office and notify the Denver Office of this. We have not been able to get you a copy of Williams and Hendrix v. North Carolina, and the opinion is too lengthy to have copied in view of our limited stenographic help.

11. Your proposal to coach some intelligent evacuee and assist him in presenting a case before the evacuee court is a good one. I do not believe that you should prosecute these cases yourself, at least until such time as a policy which will permit Project attorneys to do this is decided upon.

I am sending the second paragraph of your item 11 to John Provinsse.

12. I have no suggestion on material dealing with criminal detection work. I very much approve your plan to give a series of talks to the police force; and your proposal to give one or two legal courses is a swell idea.

13. I am glad to know that you are settled and enjoying your work and life in general. My best wishes to Mary Elaine and yourself.

Sincerely,

Lewis A. Sigler

*Ackery*

Solicitor

Enclosure

cc - All Project Attorneys  
Edgar Bernhard  
Maurice Walk