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## STAFF MEETING

Law Departments 1 & 2

September 9, 1942 -- Camp 2

The second staff meeting of the Law Department was opened by Mr. Kido at 9:30 a.m. in the office of the Law Department, Poston 2.

### ROLL

Members present were: Messrs. Kido and Maeno of Poston 2 and Messrs. Masuda, Tamura and Yamamoto of Poston 1. Members absent were: Mr. Haas, who was in Phoenix, Arizona, and Mr. Kazato, who was assisting in the repatriation program.

### PRIVATE CONSTRUCTION CONTRACTS

Questions were brought up by Mr. Maeno regarding private contracts in which Japanese labor is being used. The construction work, particularly on roads, of Wallace, Short & McIntyre was cited. Mr. Maeno stated that the Japanese residents working for the company are paid cash advances of \$16. It was suggested that the difference between the \$16 cash advances and the standard wages for such labor be applied by the Project Director toward the improvement of the community. It was resolved that the Law Department should study the legality of the employment of Japanese residents for such construction work in the Project at Project wages.

### REQUEST FOR WRA CIRCULARS

Copies of directives from the war Relocation Authority for the Law Department, Division 2 were requested by Mr. Kido. Mr. Masuda stated that there was going to be a combined compilation of all the orders from the Regional Office. The Federal Reserve regulations were requested by Mr. Maeno and a copy of the directive of August 31 from the War Relocation Authority was requested by Mr. Kido. In respect to getting the directives, a memorandum and a conference with Mr. Head were suggested. It was decided that after taking the matter up with Mr. Haas, a conference will be held with Mr. Head.

### GARNISHING FACTORY

Attention was called to the article in the Press Bulletin of the progress on the garnishing factory. Description of a garnishing factory was given and the voluntary employment of nisei was discussed.

005-1  
Attorney



POSTON 3  
CLINIC

It was announced that the Law Department, Division 2 will handle the cases at Poston 3; that a schedule for Poston 2 lawyers to be in Poston 3 will be made; and that Poston 1 will assist whenever necessary.

MARRIAGE AND  
DIVORCE LAWS

Discussion of Arizona and California marriage and divorce laws then followed. The divorce laws of Arizona were especially discussed. The question of domicile in regard to divorces was clarified by Mr. Masuda. Mr. Kido asked if it was mandatory for the lawyers to file petitions for the parties contemplating divorce. Discussion followed.

LAW DEPARTMENT  
FUND

Establishment of a Law Department fund was suggested, such fund to be used for a law library. Charges for divorce cases, accumulation of notary fees and donations were suggested as possible sources of building up the fund. It was decided that (1) income for the fund should be limited to donations; (2) no charge should be made for divorce, or any other, matters; and (3) litigations in divorce matters should be discouraged and separations instead of divorces should be advised.

SOCIAL WELFARE

Discussion of unfavorable conditions existing for newlyweds then followed. The Law Department decided to consult Miss Findley's department about separate apartments, double beds and honeymoon cottages for newlyweds.

COLLEGES  
(N.S.R.C.)

Mr. Tamura asked if there were very many colleges accepting Japanese students. Mr. Kido stated that there are at present about fifty. Examples of protests from residents of college cities were given by Mr. Tamura and Mr. Masuda.

TRUST  
AGREEMENT

Questions regarding beneficiaries and provisions in the trust agreement of the Community Enterprises were raised. A copy of the trust agreement was requested by Mr. Maeno.

NOTARY PUBLIC

Notary public appointment of Mr. Tamura was announced. It was decided that Mr. Kazato, law clerk, will send in application for notary public to take care of notarizations in Poston 2.

OFFICE SPACE

Progress on the allotment of office space for the Law Department of Poston 1 was reported.



AFFIDAVITS  
FOR RE-  
HEARINGS

At the request of Miss Kirkland, an announcement was made that affidavits for rehearings of internees be taken care of by the Law Department and not be referred to the Family Relations Department. Rehearing procedure was outlined.

J. A. C. L.  
CHAPTER

Mr. Kido inquired about the status of organizations in this Project. In reference to organizing a Japanese-American Citizen's League chapter in this community, Mr. Kido asked if the approval of the Project Director was required. Members thought such approval unnecessary; however, they agreed to check with Mr. Head on the matter.

FURLOUGHS

The circular to be issued by the war Relocation Authority very soon regarding furloughs for residents of Poston was announced. Provisions of the circular were briefly explained: namely, that furloughs will be granted for business or for visits; that furloughs will not be granted to California; that such persons must pay for dependents remaining in Poston; that such persons must pay all expenses for such trips.

ANNOUNCE-  
MENTS

That a revision has been made of the \$20 charge for each dependent of persons not enlisted in the Work Corps and that a five-cent increase per person in the food ration had been made were also announced.

It was decided that the next staff meeting will be held with Mr. Head. The meeting was adjourned at 10:50 a.m.

Respectfully submitted,

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September 16, 1942

STAFF MEETING

Legal

The meeting was called to order by Mr. Evans.

Those present at the meeting were:

Mr. Burge	Mr. Head
Dr. Cary	Mr. Knudsen
Mr. Crawford	Dr. Leighton
Mr. Decker	Mr. McNickle
Capt. Dougherty	Dr. Powell
Mr. Edwards	Dr. Pressman
Mr. Evans	Mr. Shepard, J. W.
Miss Findley	Mr. Shepard, Ward
Mr. Fister	Mr. Short
Capt. Goldenberg	Mr. Taylor
Mr. Haas	Mr. Townsend

The meeting was turned over to Mr. Haas, our Project Attorney.

Mr. Haas: "Why do we need a lawyer for in Poston?" This question has been asked me several times. Miss Maxwell, the expert on credit unions, asked me that question Sunday night, fifteen minutes after I had returned from a 5½-day official trip. Several other members of the administrative staff have wondered why a lawyer should occupy space in this community.

"In the first place, under the WRA organization chart, an attorney is supposed to help the projects. Due to an acute shortage of 'good' lawyers, it may be necessary for two projects to share a lawyer. Furthermore, in each of the three field offices there is a regional attorney and assistants. In Washington, the Chief Counsel or Solicitor with several aides help solve many legal and administrative problems of WRA. The Regional and Washington offices are also a training school for WRA attorneys. I believe that I am the only lawyer working in a relocation project who has not graduated from these schools. I have been here since June 22 on indefinite detail from the Indian Office.



"Why do we need an attorney anyway? In the first place, soon after my arrival, Mr. Wade Head issued the following administrative circular dated June 24, 1942 and entitled, 'Legal Clearance of Papers Issued by This Project':

- '1. Mr. Theodore H. Haas, Attorney, Office of Indian Affairs, Washington, D. C., has been detailed to this project to assist in the solution of legal problems which may arise.

The following classes of papers from this office should be submitted to him for legal review and clearance before they are issued:

- a. Any local regulations prescribed by the Project Director.
  - b. All documents relative to project self-government, and the organization of associations, co-operatives and other enterprises, and any instructions issued by this office to any of these groups.
  - c. Any papers involving the acquisition of property by the War Relocation Authority from evacuees.
  - d. Any speeches prepared for delivery by any of the employees of this project which involve policy statements.
  - e. Press releases, bulletins, circulars, magazine articles and other informational materials other than the Daily Round Up given to the Regional Office.
  - f. All papers involving relations with City, County, State or Federal officials.
2. Any employee should feel free to submit to Mr. Haas for review as to legal validity, any document which might be questioned.

He is also available for consultation on legal problems of evacuees involving civil and criminal litigations.

Wade Head'

"Well, it looks as though there are a few things to do. But was there any real need for a lawyer? Before I came to the project, there were many people working hard. However,



many questions remained unanswered and numerous problems unsolved because administrative officials and the residents lacked a legal adviser. Some officials, I am told, answered certain queries along the following line, "We have no lawyer yet, wait until one arrives". Several lawyers and administrative officials visiting this project heard of this pressing need for legal sources and recommended that a government attorney be sent at once.

"There was a large accumulation of legal work when I came, not with the wind but with the summer. I am a lawyer from the then Washington now Chicago Office of Indian Affairs. I think the WRA wants to transfer me to their rolls because the budget provides that the project attorney shall be employed by the WRA. The project attorney is the legal adviser to the project director and his staff. His work includes a number of the items Mr. Head set forth in his memorandum. These include an interpretation of policies, and drafting of contracts and a mass of material in compliance with laws, judicial decisions and regulations which affect the project. I have, in the last two and half months, drafted contracts involving such subjects as a hog ranch, (and I don't know anything about a hog ranch), employment contracts, trust agreements, sales and loan contracts, etc. I have also had to draft or help in drafting policy statements and to help solve administrative and legal problems beginning with birth and its registration, then marriage and death and burials. My work includes problems arising during all the seven ages of Shakespeare. Let me cite an example. The day on which I arrived (it might have been the second day after my arrival), the head of the Hospital Division, Dr. Schnur, came to me with sadness in his eyes. He had a very hard job of beginning the administration of a hospital which included recording births and deaths and seeing that the state judicial officials received this information. He had received a letter about ten days before I arrived. After he learned of the arrival of an attorney, he decided to dump on the attorney's desk a letter indicating that the Registrar of Vital Statistics for Yuma County in Parker would not appoint a Deputy Registrar of Vital Statistics in Poston. Dr. Schnur was bewildered as to what steps to take. I said I would write a letter. After talking with Mr. Head, I prepared a letter for Dr. Schnur's signature requesting the appointment of a resident to the post of registrar. The State Registrar answered a few days later making the appointment. I soon found out that as many as



15 people engaged in legal or constitutional government work were studying to meet the needs of the community law division and Civic Planning Division. Many of these were on the payroll, including at least two stenographers. One of the men, though not a lawyer, was getting \$19 a month. This was the person whom Dr. Schnur desired appointed Registrar which was done by means of a simple letter.

"A few days after, a question of burial came in and a memorandum was drafted by me indicating the policy determining the cost of burials. I am sure that any department can agree that the Law Department has been very busy trying to help not only in legal problems, but also in administrative problems. In fact one way to anger a lawyer is to ask him for advice and when he renders advice to which you disagree, you then say, "This is not a legal question", you will find that that lawyer when you ask for advice the next time on a purely administrative problem, he may reply, "This is an administrative problem."

"Mr. Head very graciously introduced me at an orientation meeting in which he delivered a fine speech to residents in one of the quads. He said my job was to help the evacuees in connection with their legal problems, especially in connection with property. I want to say here, the job that is taking up my time chiefly has been legal problems of evacuees but it has not been only property.

"One of the first things your attorney did was, believe<sup>it</sup> or not for this sounds incredible in Boston, to reduce the size of the Law Division. Without firing a single person but by getting them other jobs if necessary, we reduced our department to two resident lawyers and one stenographer. The attorneys were housed in an apartment where the temperature often hovered over 120 degrees. They happened to be

on the hottest side. They had a few handmade benches without backs and rickety typewriters which could not even be repaired and were soon replaced by their own typewriters. At present, the three typewriters of the Law Division are the personal property of the lawyers. The law books were inadequate. They consisted of the California Code which they owned, and a few Indian Service books on Indian law, and an antiquated copy of the Federal Code.

"We are working on all sorts of problems. One of my problems is to find some sort of space for lawyers. A month ago, after some discussion, Russell Fister very kindly gave us the anteroom allotted his division on the condition



that we get out as soon as we get space; and my division is worried that they will receive word to vacate. We have been functioning under difficulty. Up to a month ago, I did not have a single typewriter. That was not the fault of the administrative members; I came late. I still don't have a private office though perhaps there are 80 on the project.

"We did not have any books. 'What's the matter, didn't you go to a law school?' someone might ask. I went 2½ years to the Columbia Law School and have been practicing for over ten years, have worked for other lawyers, and then spent seven to eight years in private practice and have worked for the Government, etc. Why do you need books? Strangely enough, I don't think I know every law passed by the Federal Government, or the state governments of Arizona, California, and Colorado. The laws are varying all the time. We here are unfortunately just across the line. We have people from Arizona, Colorado, Washington, and California, etc. There is a divorce action about to be filed in the State of Washington. I went to Phoenix on a little trip in order to get a vacation. In 28 hours, I managed to see about 20 people and one of the jobs I had was looking up the laws of Arizona, not of California, but to look up laws of a number of other states. My research lasted half an hour. It was a rare luxury. After a few days, we solved part of our problems. A division of the State of Arizona loaned us a 1939 Arizona Code and a week ago the Federal Code of Laws arrived. While I was away, the lawyers at Unit 2 borrowed them. The decision of the western courts awarded two months ago still are not here. We have to guess what the Arizona and California Supreme Courts' decisions, and numerous rules and regulations are.

"The lack of privacy which lawyers and their clients are supposed to have has not been the fault of the Project Director or the staff. It is particularly hard for a lawyer who is under great pressure.

"These problems are going to be solved--I hope. We have to solve problems of many novel questions. Sometimes we have to give guesses on what we thought would occur on all sorts of laws. Legal cases are being started and, incidentally, I am supposed to keep tract of legal cases.



"Furthermore, we are isolated, not only from libraries but also from many of the litigants to actions, and the property which our residents possess. The very fact of evacuation makes it necessary for the residents to have a need for lawyers in connection with their property, which they did not have before because they are away from property now; insurance problems because they cannot pay policy premiums whereas with normal income they would be able to pay it. Yes, even domestic quarrels and crimes are increased by the tension of evacuation and the crowded housing conditions.

"The Caucasian employees, of which there are some 400 regulars and irregulars on this project, have taken tremendous time of your project attorney. They are isolated, too. I have not charged anything for legal work done outside of office hours. I have drawn up wills, drawn up powers of attorney, given legal advice on fifteen odd statutes which vitally affect these people. I can spend an hour giving you a list of legal services to Caucasian employees. I can rarely eat or walk without having quite a number of Caucasian employees ask me questions on a legal or administrative matter.

"Let us turn to a more important job--legal aid service to the evacuees. This will be the last topic. I hope to cover judicial commission tomorrow. Among the evacuees placed out here, some had lawyers, and some did not. Why don't they ask social workers? There are good social workers here. If they have problem about education, couldn't they ask the educators? Why do they need a lawyer? Strangely enough, there is a dearth of legal lawyers, not only now, but in normal times. I delivered radio talks in series in New York over WNYC and I pointed out that like many other services in the depression, the people who needed services did not have money to pay for it. It has been my experience to help wealthy, middle class, and the poor. When a very wealthy person has a legal problem, they usually call on a few lawyers. Many poor people are subject to litigation. Though this community has more legal problems than normally, instead of having one lawyer to every 300 population, we have in a city of 20,000 one lawyer to every 3,000 odd people. However, we have set up legal aid clinics and residents of this community have been informed through the press, through block managers, and



other means that we all serve them. We tried to publicize in this community that we can offer legal services free. Several times I have refused fees from residents and administrators. People come to my desk and say it is so swell to have a lawyer at their disposal. Mr. Noguchi expressed this view two weeks ago. That is one of the types of services we can offer to the residents. We are rendering this service to the best of our ability.

"Now, how about quantity? I have a list of people who have been in to see me and those who have been in to Poston 1, 2 and 3 clinics. These various people come in hoards. In fact, the only time I can do any work without being constantly interrupted is when I wake up early in the morning about four or five o'clock. I have a roommate and I did not want to wake him up and the light would probably bother him so I usually take a walk and think through some problems. The type of cases being handled comprise almost everything imaginable. There are about a dozen divorce actions pending or about to be started in several states. Reading from the July 31st list for Poston 1, there is a conference with many clients, to take care of application to go to Japan, withdrawal of money from bank, law suit and selective service questionnaire, divorce action, will, contract, promisory note, insurance, etc. If you mention any date, I shall be glad to read it. The first day I kept tract of the number of individual cases I handled. Sometimes it was 25; furthermore, there might be five or three people in a case. We have set up in Units 1, 2 and 3, legal aid clinics, although there are no lawyers in Unit 3. Office hours have been arranged whereby the attorney from 2 is going to go to 3 twice a week and I will go to 2 and 3 at regular times, thus we help solve the acute transportation problem.

"I should like to talk about lawyers of this community, not only myself, who had to do all sorts of jobs. We have been attemptors to help in the formation of a government structure in setting up law court, we have been on baggage crew, we have carried typewriters, been messengers, typists, and stenographers, secured public address system, etc., and we have even formulated the first works program for Poston. Just to enumerate our list of functions would consume many hours. If you like to know what we have done in connection with this work or any branch of the Service, I should be



glad to refer you to Division and Branch heads.

"Tomorrow we will discuss community government and community judicial system. Let me say those of you with anything against the Council or legal system, to come here and indicate what the criticisms are and I will attempt to answer them. Are there any questions?"

Mr. Knutson: "These evacuees, are they subject to the Arizona state laws now that they are in this state and are they to a certain extent subject to the state from which they came?"

Mr. Haas: "We would have to study the laws from the state they came. They came as domiciles and are eligible for absentee voting. We published a circular on absentee voting for Arizona and California. We mentioned in the paper about the primary election. Now about the law of Arizona--supposing you come from another state. You come in and commit murder. You would be subject to state laws. Any one committing felonies would be turned over to the state authorities even though they came from another state. The attorneys of the project are affected by most of the important events. If there is a train wreck, the attorney gets calls from new clients. The day after the cooperative work was started, I was called upon by many people. False rumors run around by Caucasians and non-Caucasians. We get more than our share. We get all sorts of rumors. The people know their attorneys and they come to them with legal and non-legal problems. I have to sign for some one individual--to sign for someone who is coming from internment camp. Are there any criticisms?"

Mr. Rupkey: "Compensation for Caucasian injury cases in construction work, is that governed by the federal Workmen's Compensation Act?"

Mr. Haas: "Yes, it is governed by the federal Employee's Compensation Act. As for the non-Caucasians concerned, I have been told that WRA has a circular, I believe in fact the circular has been issued, I am sure I was told about a month ago that such a circular was in process."

Mr. Rupkey: "Of course, we haven't had a serious accident yet."



Mr. Haas: "Several minor injuries have come to my attention."

Mr. Burge: "If in prosecuting against one of the residents of Poston, the suit turned out to be successful and the resident was not able to pay, would he be taken outside of Poston?"

Mr. Haas: "You say successful suit of payment? In New York a man can arrest another but in most cases in certain civil actions, the judgment debtor is not put in jail if unable to collect, but waits around until it can be collected--if ever. A person would not be taken out of camp. You raise a question concerning the contract relationship. There are a lot of people outside of camp who would like for us to serve people here. They want us to be collection agents. Maybe two or three times a week, we hear from people outside asking to get a person out to California to be tried in action. Sometimes they just want us to collect debts. We have instructed people as to their rights and what we will do and what we won't do."

Mr. Ward Shepard: "I have something that puzzles me very much and which possibly puzzles lawyers also. To what extent does the keeping of residents on relocation deprive the evacuees of their rights as citizens? Put in another way, can they only do things under administrative permission--freedom of assembly, private enterprise, etc., how broad is that?"

Mr. Haas: "The question as to what is being done is one question. As far as WRA is concerned, there is to be no private enterprise. Under WRA policy, I believe some people told me there have been some violation of this restriction here. As to your other question, whether that is valid legally, I should like to talk to you privately as I can talk to you a whole hour on that."

Mr. Haas: "Long before this project was established, the lawyers were in the picture. I have here a memorandum of understanding between the Department of Interior and the Relocation Authority. The day on which I left for Poston, I was engaged in conferences for a few hours with lawyers on a memorandum of understanding involving the Gila River Project."

"The Army is having more lawyers than they have had for a long time. I heard of a case where a lawyer was surprised



to find he was semi-skilled. He had graduated from college and Harvard law school. Under the Army classification, he did not have experience with law until he had a law case. There was another case, if my informants were correct, where there was a lawyer in the Army who was from Harvard. The captain heard there was a lawyer in camp. The private was given an office and though his rank was not increased, his work was to advise people in camp.

Mr. Taylor: "In regard to absentee voting, is that good for one year?"

Mr. Haas: "I am disfranchised for the first time in 16 years because to vote absentee in New York requires personal registration. For California and Arizona, if you are a United States citizen and a domicile of the state and away for a good reason and if you send for your ballot before the primary or regular election, you are entitled to vote. (Mr. Haas gave Mr. Taylor a mimeographed page giving the information in regard to absentee voting in the State of California.

"I shall read the tentative formulation of duties of the Law Department to acquaint the project director and members of the Law Department what duties they should try to perform in a general way. It is dated July 24, 1942.

'At this time the duties of the Law Department shall be the following:

1. To aid the members of the community in the solution of their legal problems. (The division has established legal aid clinics in camps #1 and #2, the first in Block 21, 10-A with a staff of two lawyers and one secretary, and one in camp #2 with two lawyers, a law clerk, and one secretary.) The clinics advise the residents of Poston as to the following:

- a. Their legal rights and duties as members of the community.
- b. Personal legal problems.

For example, some of the residents had problems arising out of their property located outside of the relocation center and others desire aid in the preparation of legal documents and business correspondence. These problems have been very varied and involve most



branches of law and the laws of several jurisdictions, especially the states of California, Arizona, and the United States.

The law division studies State and Federal statutes and constitutional provisions affecting citizens and non-citizens and prepares bulletins of general interest to the residents relating to the solution of problems common to them all, such as absentee voting;

2. To assist community organizations and projects in their planning as well as in the solution of their administrative and legal problems. The law department aids in the drafting of constitutions, by-laws, agreements, rules and regulations.

Its lawyers have taken an active part in the meetings of the temporary board of community enterprises and civic planning group.

3. To assist the community council and other officials of the community in the formulation of policies and the drafting of ordinances, rules and regulations. It assisted in the drafting of a constitution for a permanent system of self-government and has been invited to aid the committee on Law and Order. The Law Department will not confine itself to mere questions of law, but whenever called upon, it will aid in the formulation of policies.
4. To be acquainted with and assist in the formulation of important questions of vital concern to the residents which are the basic responsibility of the project attorney.

The relationship between the project attorney and the Law Department.

The work of the project attorney and of the Law Department are closely integrated. Both have frequent conferences and exchange views and discuss problems which



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they both handle. The lawyers of the law department and the project attorney have kept in close touch with each other and have been consultants and aides of each other.

Theodore H. Haas "

The meeting was then adjourned.

Respectfully submitted

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September 17, 1942

STAFF MEETING

Legal

The meeting was called to order by Mr. Haas.

Those present at the meeting were:

Mr. Burge	Mr. Palmer, H. W.
Dr. Cary	Dr. Pressman
Mr. Crawford	Mr. Shepard, J. W.
Mr. Decker	Mr. Shepard, Ward
Mr. Evans	Mr. Short
Mr. Haas	Mr. Taylor
Mr. Landrum	Mr. Temple
Dr. Leighton	Mr. Townsend
Mr. Knutson	Mr. Warnock

Mr. Haas: "Yesterday I discussed some of the functions of the Law Department. The administrative functions of the Law Department would take a longer time. Anyone interested should ask some of the administrative officials what the Law Department does for them in rendering aid in the solution of administrative problems.

"I also spoke of the handicaps under which we operated. It is interesting to note that the attorney of the project has not yet received a private office nor a telephone. I know private offices are few in number but there are at least 20 of them in this project. There may be even more. My lawyers have been using three of their personal typewriters and their books and one became a notary as a public service investing \$17.50 of his own money in the process. A short time ago, Mr. Evans sacrificed his space and moved out sooner than he had planned to give me what little space I now have. When you go to a city of this size, go and visit the law offices, courts, and legislative buildings, and the hospitals. Note the space they occupy and then come to Poston. In Poston, you have a large hospital but the space occupied in the performance of all of legal, judicial and legislative functions can be placed in half of this room. For this and other reasons, I found it necessary to talk about why you need a lawyer in Poston."



"Let us turn to Community Council which I hope is the beginning of a legislative body in Poston. I have had occasion in the course of lectures, perhaps 15 times, to discuss Community Council. I think I have also spoken of twenty or twenty-five other phases of the work. I intend to accept an invitation to discuss the Community Council before the teachers on Tuesday. If any of you are interested in hearing more about the council, I advise you to attend that talk.

"Self-government has been promised in printed pamphlets by WRA but the exact limits of self-government was not defined. Self-government has been promised by the Commissioner of Indian Affairs in several public addresses. Self-government has been promised and the importance of it stressed in addresses by various administrators of this project, including the Project Director and Assistant Project Director. Now, the job is to keep these promises; to think of what sort of government should be here.

"The WRA officials were faced with many novel questions. WRA did not have any precedents. Perhaps there was a fear that the exercise of power might lead to consequences which would not redound to the benefit of the project. However, WRA issued a bulletin of June 5, 1942 which was handed to me a few days after I arrived on the project on June 22. Nothing had been done about it yet.

"The election regulations were issued after consultation with the two other lawyers of the community and some of the other civic leaders. Forms were adopted to meet the new conditions. The regulations and forms almost in toto were placed in the manual about to be issued by WRA for the use at all the projects. There are one or two minor changes. Instead of having election from seven to two, the time is increased from seven to seven. You will find such things as issei-nisei relation and a whole lot of other discussions which I believe were the result of this project's organization.

"I was invited to attend the conferences at San Francisco to help in determining many policies. I declined because I thought my time could be spent more usefully at Poston.



"Representatives for Temporary Community Council have been elected and organized in Units 1, 2 and 3. They have very limited powers. Our problem is complicated because we have three councils. I believe this is the only project that has this complication, except Gila which has two communities. These block representatives who are elected from each block pursuant to a WRA memorandum of June 5, 1942 have not changed the regulation except in one particular. 'Katakana', which is a form of Japanese writing was used in ballots at Units 2 and 3 in order to make it easier for those who don't know English to vote.

"The Temporary Community Council has no power to issue ordinance. It simply has power to make recommendations on health, recreation, education, law and order, and other matters of internal affairs. Law and order was expressly recognized, and the council as one of its first acts, appointed a judicial committee to deal with disturbances of public peace and order. Then came a gap. An interval while WRA was making up its mind how much power it should be given. During that gap the Judicial Commission composed of the Law and Order Committee of the Poston Unit One Community Council has been trying minor offenses. A successful campaign was waged against traffic violations. Administration Instruction No. 34 was issued on August 24 and received here a week later authorizing the Project Director to provide for the selection of an organization commission to prepare a plan of community government. If the Project Director approves the plan, it shall be submitted to the residents for approval. He could put as many as he wants in this organization committee which would draft the plan of community evacuee government for submission to the Project Director. After his approval, the residents will ratify or reject it.

"Let us see the differences in the system which must be followed and the former temporary system. In the first place, the age limit was increased to 18 years. Citizens and non-citizens shall be eligible to vote but only citizens can hold office. We, of course, did not wait for WRA to do that, we did that in our temporary set-up. Our desire was shown in the use of legal devices of appointments on committees, election of advisory boards of issei and appointments of boards for issei and nisei, etc. The important thing seems to me is that the Council



of Poston One early as four or five weeks ago, only a few weeks after they were elected to office, at my suggestion (although they did not know it was my suggestion as I made it to the chairman), took steps to elect representatives from each quad. On Monday upon my return to Poston, I was asked to draft the regulations.

"Let us go into the powers of the government. Powers are disappointing to persons like myself but they are not surprising. There were one to two items that were not in the address. The council has the right to prescribe regulations. Three or more members shall be empowered to carry out the provisions concerning penalties. The Project Director is a sort of a supreme court here."

Mr. Shepard: "You said you were disappointed about the legal powers. What were some of the powers that we recommended that were omitted?"

Mr. Haas: "I was shown a list of proposals. I definitely did not draw up list of powers. You will find many powers which might be given here in Indian constitution. Furthermore, a very unusual provision was inserted prohibiting the regulation."

Mr. Shepard: "The reason I raise that question in connection with the questions I raised yesterday which you preferred to discuss privately is the assumption that some officials can run their business better than theirs."

Mr. Haas: "That is what I should like to ask. Those speeches were made in the highest faith. I want to point out when I appeared before each of these councils to explain that memorandum, I had a very difficult job of explaining to them that they really had something to say. In fact, they were surprised to learn on the temporary government, they did not have any real power."

Dr. Cary: "Our whole society is sensitive to people's opinion. Our people today come to a place where they expect a man on horseback to wave a wand and solve the problems for them. While we have limitations here, they can still write."

Mr. Haas: "Remember they have been promised and they believe they are going to get more. Units 2 and 3 had



not made orientation speeches. They were very disappointed when they heard of the permanent government. I had to make all sorts of apologies. People at the top want to have certain policies affecting self-government. However, some people at the bottom and even some people at the top do not believe too much in the principles. As another thing, neither the people on the top nor the people who are residents are fully familiar of all powers each of them have. It requires a pretty good lawyer to explain. We are educating people at the bottom and we are trying to educate people at the top. The person who is being asked a question which he should not have to answer is annoyed but he is not fully familiar with the background. The result is they are given a brisk reply without taking trouble to explain why the state has certain powers and city certain powers. It is pretty hard to explain. I have taken two trips, one was 3½ days and another 5½-day trip to Phoenix. Each time I came back I was met with two forces. I was met by the people on the top (50 or 60) and the council. Both of them had grievances which were serious some of which were the result of misunderstanding. Sometimes the Council and administration are wrong. At any rate those two forces keep bobbing up. There is another thing the council is up against. The members were elected to office and there have been complaint of food, etc. They call on the council members and say 'what are you doing about it?' They are not getting paid for it; most of them merely get blood and tears, yes, and threats."

Dr. Pressman: "I have been trying to follow the idea. As layman, I haven't the least idea of the whole background. As far as I see it, it is the administrative angle and the strictly legal form. We have gone into a discussion which we can't give help at all. To point as an example: We have a suspicious death or murder. We call the county attorney and coroner and he participates in that. We haven't anything to do but to protect the Indians' interests. These particular matters that are of immediate need have not received any attention at all. Why it couldn't work into the framework of the council is something we ought to know; otherwise, I can't follow you."

Mr. Haas: "Dr. Schnur and I had probably seven to eight hours in which I explained the whole legal framework, but he was called to the Army. I will be happy to talk to you



privately. In the first place WRA says that misdemeanors and minor crimes should be settled here, and felonies shall be sent outside. Any man who has the misfortune to be turned over to state officials today will with difficulty get a fair trial in some place. Why do I make such a statement? One of my other jobs is to make contacts outside. I have gone to the County of Yuma and spent 1 1/2 day at Phoenix. We spoke with the sheriff, attorney in charge of the Interior Court and several prominent lawyers and federal officials. The time spent includes the time getting there and back. The County Attorney of Yuma, who is an intelligent man, told me, "We are sympathetic but if I wanted to have any man of Japanese ancestry to be convicted, all I have to do is to charge him with the crime". That is the opinion of an intelligent officer. All of the officials I contacted liked this particular resident of Poston. They liked a few other members of community but they did not express views of most of the people. That is one complication."

Dr. Cary: "I am interested in the judicial commission. Where the commission has just the responsibility of imposing penalty that seems to me to be a very negative sort of condition or negative sort of responsibility. It seems to me that where you are trying to induce cooperation that judicial commission might exert enormous influence in the direction of encouraging a more cooperative attitude and behavior. The commission might bring in a psychiatrist who could give special advise in the matter of punishment and treatment that this particular individual might respond to."

Mr. Haas: "How do you know we aren't doing it right now? We have a Project Director who believes in self-government. There will probably be a jury trial tomorrow. There was a notice of it in today's paper. What has this Judicial Commission done with the help of lawyers? I have before me several documents, all of these have been typed by one of the persons who has been unable to get a chair and typewriter."

Dr. Cary: "Just as soon as we get the school organized, we can do mass work by using the typewriters at nights, on Saturday afternoons and Sundays."



Mr. Haas: "I have asked my girls not to work at nights as there is too much pressure on them during the day.

"Judicial Commission---there has been at Poston unknown to many of you several crimes committed. I was shocked to learn of some of them recently. Naturally, in a community of 20,000 you are bound to have crimes. There was one crime which Mr. Wickersham, head of the warehouse, felt should be brought at once to the Judicial Commission so he came into court with five boys, members of the warehouse staff working in Parker. Two of these boys were in their twenties and the other three about 15, 16 or 17. While I am a member of the Law and Order Committee, I did not attend court until the day these boys were placed on trial. The Judicial Commission, I can assure you, has used the best methods of penology and criminology. Not only were principles used that would give credit to some of the finest courts in this country, but the intelligence by which the principles were applied surprised even me. I will show you some of these papers."

The meeting was then adjourned.

Respectfully submitted,

CW



Mr. Head  
Narrative Reports by — Center  
J1175  
Atty

IMPRESSIONS OF POSTON

A hospital bed offers the patient new perspectives. Amidst the quiet and leisure of convalescence, he seeks escape from present woes by reminiscing. His body tired and wracked with pain, he often becomes more introvert as he appraises and reappraises his deeds revived by revery. As the present fades, the past is recreated in vivid colors and sharp angular forms.

This spring while recovering from my first operation, my mind recalled innumerable memories of my work during the preceding nine months as attorney of the largest Japanese American relocation center — the Colorado River War Relocation Project, Poston, Arizona, which is operated by the Indian Service under policies formulated by the War Relocation Authority, a war agency, established by the President. I jotted down a few of the thoughts which galloped feverishly through my brain.

First, I recall a wild, uninhabited desert in the middle of the Colorado River Indian Reservation being rapidly transformed into the third largest community in the State of Arizona with a peak population of 18,000 inhabitants of Japanese ancestry evacuated from the West Coast beginning March, 1942.

Tasks which usually consume years were crowded into a few months. Save for the barracks constructed by the United States Army according to the "theatre of operations" plan, the major improvements were done by the evacuees. The monetary incentive ranged from \$12 to \$19 monthly plus \$3.50 per month for clothing.

The interior and exterior of barren tar-papered barracks are beautified by handicraft which utilized native wood-like ironwood, desert rocks and scraps of all sort including lumber and paper.

Irrigation ditches and laterals, a sewage disposal plant, roads and adobe brick schools were constructed; land was subjugated; shade trees and crops were planted; stores, churches, legal, dental, and medical clinics and a hospital were organized; police, fire, transportation, mess and sanitary departments were trained; legislative councils were elected and empowered to enact rules including a penal code covering minor offenses, and to appoint judicial commissions to try violators — but a mere description of the work would fill a tome. It would cover the gamut of life from birth and



marriage to death, funerals, and cremation in the community's crematorium.

The pioneering months were replete with drama. The lights go out while an evacuee surgeon is performing an appendectomy. Undaunted, he successfully completes the operation by candlelight. Just as the first Community Council is sworn in by the Project Director in an open air evening ceremony, a terrific sandstorm, followed by a torrential rain, scatters the gathering. Many of the solons take refuge in the nearby fire house and watch roofs ripped off and power and communications disrupted.

The first secretary to the Council is the mother of four small children; her husband is in an internment camp. When nominated with three men by the residents of her block, she desires to decline the nomination but is persuaded by the block manager that this is unnecessary because being a woman she has no chance of election. Her vote almost equals the combined total of all her opponents. Although the woman and children of the block agree to do her housework in order to enable her to serve on the council, she still wishes to decline. When it is pointed out to her that she represents the mothers and women of Poston, she agrees to assume office. She becomes Chairman of the Education Committee and is active in the Parent-Teachers Association.

Carloads of material to be made into camouflage nets for the Army tie up a spur track. Volunteers work day and night and speedily unload the stuff.

Fears, misunderstandings and frustrations cause a general strike in one of the three communities. Its peaceful settlement results in greater evacuee participation in the administration.

The people who maintained that the Japanese Americans were so individualistic that they would never cooperate effectively soon confessed their error. The Community Councils composed of one representative elected from each block -- in some blocks 98% of the eligible electors voted -- helped solve numerous problems. Some of their committee reports showed considerable research and thought. The debates showed a high degree of conscientiousness and devotion to community welfare. Block councils usually composed of heads of families directed the people of their blocks to plant cooperatively over 70 acres of vegetable and ornamental gardens with bridges and lakes to improve their food and beautify their surroundings. Interest in politics was often not very great, especially after the relocation program of the W.R.A. achieved momentum.

Grade and high school classes voluntarily picked cotton to aid the war and earn money for their class. Well dressed



women labored in mud to help speed the construction of adobe brick schools for their children. Some of the profits from an evacuee owned and operated store were used to pay for community movies and recreational equipment. A cooperative store is being organized under the District of Columbia Cooperative Law. Workers in the camouflage net factory who alone received prevailing wages agreed to assign to the community a large part of their earnings. Yet, working on a piece basis, they broke all production estimates.

The three communities comprising Poston which are about 3 miles apart, competed in sponsoring fairs, art exhibits, pageants, and athletic tournaments. Yet a spirit of unity often prevailed. This is exemplified by the Charter of government which, while providing for three local councils for local problems, established one over-all Poston council of 19 members elected by the local councils. Although the residents of Unit 3, the newest community, voted down the charter, they gracefully bowed to the overwhelming "yes" votes of the other units.

One plan never fructified. As about 90% of the residents of Poston came from farms or small communities, mainly in Southern California, the project was originally conceived as a great agricultural development of 40,000 arable acres. The communities were separated in order that the farmers would be near the fields. The difficulties of securing agricultural equipment and the desire of the War Relocation Authority to encourage evacuees to leave the projects were factors causing a marked curtailment of these plans. However, there are hog and chicken farms and several thousand acres of land have been subjugated. *in order to make the community as self supporting as possible.*

\* \* \* \* \*

Some of my memories are very sad. Have sickness and pain affected my emotional stability so markedly? To check my feelings, I review historical parallels thus:

"Don't lose your balance. Compulsory migrations of religious, nations, and racial minorities have been frequent in peace and war -- for example, Huguenots, Armenians, Jews, Arcadians, Mormons, Catholics, and the American Indians.

"The last four years of European history are blackened by heartless deportations by the Nazis of masses of people, young and old, rich and poor, men, women, and children. During the past six years, millions of Chinese have migrated westward after the ruthless destruction of their homes."

I understand these tragedies more fully because I saw some of the hardships of an evacuation executed with humanity



and kindness. Its smoothness was made possible by the cooperation of the evacuees, almost 70% of whom were citizens of the United States. All but 5% of the American born were educated here. Their educational level was higher than the general average; their crime rate, lower.

The vast majority arrived at the projects stoically determined to make the best of things. Most, in my opinion, were loyal to the United States. Amidst physical discomforts including confinement, overcrowding, dust and heat, their plight preyed upon their minds. A community mess hall for each block inhabited usually by about 275 persons and several families living together in one room prevented normal family life.

Many of their leaders were in internment camps, thus separating many families. They were exposed to the taunting of the comparatively few who were disloyal. A few lost their faith in America because of their experience. Let us analyze some of the predominant emotions of many.

Humiliation. Imagine how it feels to be suddenly uprooted from home, school and business and brought to a camp, enclosed by a wire fence and guarded by soldiers, to believe that in the minds of many -- maybe most of your fellow Americans -- you cannot be trusted during a national crisis; to be unable to demonstrate your loyalty to your country by enlisting in the armed forces; to be classified by the Selective Service as "IV-C" (friendly or enemy aliens); to be identified in the minds of many of one's countrymen with the Japanese enemies and to be regarded by the unthinking and ignorant as "prisoners of war."

Novelists and poets, jurists and criminologists have frequently written of men convicted of crimes they did not commit. Many loyal Japanese-Americans must have experienced the poignant emotions of those convicted erroneously -- at least at the beginning before the opportunity for relocation was offered.

Bitterness. They pined for the fields of California and the broad expanse of the Pacific or beautiful Los Angeles. They contrasted their barren surroundings with the beauties of their native states. They were angered by the false stories believed by many on the outside that they were being pampered and living in luxury, not even subject to rationing. Many had suffered heavy property losses because of hurried or forced sales of property or businesses. A few were tricked into disposing of personal property at a low price. In some instances supposed "friends" misused property entrusted to them while some of the property stored in churches or



vacant stores was injured, destroyed or stolen within a year. Furniture and machinery, which escaped floods, fire, vandalism, and thievery were sometimes "borrowed" and used without permission. In some places community sentiment and the police condoned this conduct. Their project income was insufficient to give them and their children a modicum of comfort. Many had to drop life insurance policies or change the type of coverage.

What had they done to deserve this? Why were they herded into camps and Germans and Italians left untouched? In their despair, some thought of the discrimination against them during peace. They felt bitter toward many Caucasians, false friends who turned against them in their hour of need; bitter toward many of their fellow evacuees whom they blamed for evacuation. They sought scapegoats. Out of this feeling arose some of the law and order problems like beatings.

Gratitude. They were grateful for the liberal friends and religious groups who remained faithful to them and tried to alleviate their sufferings. Many were appreciative for the untiring work of certain government officials. How glad they were to see Caucasian friends who visited them! How overjoyed to learn that amidst the war hysteria, some trusted them!

Fear. They experienced hundreds of fears, fears about the present and the future, -- some real, some groundless, many based on false rumors which were rife. They felt very insecure. The future looked black for them and their children. The prospect of spending several years in the relocation centers was disheartening. Yet the papers they read, mainly the Los Angeles and Phoenix papers, and radio programs they heard, reeked with the strong feeling against them on the coast and in the far west. They were told that one of the reasons for evacuation was the fear of violence against them. Would not this hostility increase as the war casualty lists increased? Would not the hymn of hate against them become louder and more intolerant?

Would they be able to return to California, before the end of the war? or even after peace came? Would they be deported to Japan? Would they lose their citizenship? Were they men without a country -- distrusted alike by the land of their birth and the country of their parents? Were they children of a lost generation -- without hope, to be hated, feared and scorned by their fellow Americans? Which of the much publicized proposals affecting their rights proposed to state legislatures and Congress would be enacted?

Frequent rumors of all sorts of evil spread rapidly through the projects. People who are afraid or insecure are



more apt to believe the worst. The officials were constantly reassuring them of the groundlessness of all sorts of fears caused by rumors. Although it is natural in times of crisis for false tidings to be rampant, some believed that rumor factories sometimes spread malicious lies to create confusion and dissension. This is a well known fascist technique.

Many of their fears related to the immediate situation. Stoves did not come until the temperature had reached a low depth. They feared the effect of the wintry blasts on the health of the children.

Lethargy and Loss of Ambition. Some of the older people had through industry and ability build up prosperous farms and businesses. They had overcome many handicaps. The Federal Government in the brief filed in the case of Yasui vs. United States before the Circuit Court of Appeals for the Ninth Circuit stated, "We here concede that the vast majority of the Japanese population is thrifty, industrious, and law abiding. We also concede that the majority is loyal to the United States. (p. 50)" They exaggerated the feelings against them on the outside, ignorant at first of the differences in the sentiment of the coast and the Northeast and North Central states. They felt that nothing further remained for them. They became accustomed to the camps and were satisfied under the circumstances to stay there, where they were at least assured of safety, food, shelter, and medical care.

The hopelessness of the future also dampened the ambition of many of the young and middle aged. All the young men at a symposium maintained that it was unwise to get married at Poston because of the insecurity of the future. Discouragement caused them to assume an apparent indifference. They became dissatisfied with themselves and their life, but did not know how to remedy their condition. It was difficult for many who were formerly interested in improving their mind to read or study. The shock of their adversity stultified them; naturalism reduced their initiative. A few saw no life but going to Japan and they dreamed of their new life in the Orient. The young women on the other hand were more cheerful. In many cases they had opportunities in their work more satisfying than housework. The improved status of women in the United States appealed to them. When the leave program gathered momentum, many young women felt unhappy because their parents forbade them to leave, because of a fear that they might get into trouble without parental guidance and because Japanese tradition of parental duty required the daughter to remain with her family until marriage.

Confusion. The conflicts in culture between the younger and older people, characteristic of immigrant groups were accentuated, and added to the confusion of youth. The few



who were disloyal argued, "We're all Japanese. They distrust all of us. They treat us worse here than the internees. All right, let's be Japanese then. Let's not cooperate. They'll send us back to Japan after the war anyway. Let's improve our knowledge of the Japanese language and culture. Let's teach it to our children and friends." The clash between Nisei, Kibei, and Issei ideologies and culture -- the Japanese and American way of life -- became acute at times. American plays and movies versus Japanese drama, Shibui, American ideals vs. Japanese. Baseball, judo, golf, boxing, and sumo competed. There was a diffusion of cultures. Many country girls learned how to jitterbug. Many youths improved their Japanese.

Diminutive gardens with fish ponds and pagodas, strange shaped artistry, great courtesy and modesty, rotation in office, resignation from office because of loss of faith or face, the frequent use of intermediaries, charcoal braziers, great deference for the opinion of their fathers are examples of the survival of old cultural traits. On the other hand, interest on the part of the old in learning English and the rise in the influence of women and the election of several to legislative offices showed the growth of American ideals.

Renewed Hope. In the fall of 1942, a large part of the sugar beet crop was threatened with destruction because of a lack of manpower to harvest it. About 9,000 Japanese, almost 1,000 from Poston, were enlisted to save this vital food; they picked 260,000,000 pounds. Although there were some instances of prejudice and intolerance like the refusal of certain restaurants to serve them, they generally were treated decently, especially by the small farmers. Some secured other positions at the end of the season. Group of farm operators and local Chambers of Commerce expressed their appreciation in formal letter and resolutions sent to the relocation centers. Evacuees qualified to attend colleges or universities were granted permission to leave the centers in order to pursue their education.

The War Relocation Authority announced in the fall of 1942 a program of releasing on indefinite leave residents of the centers who secured positions in communities where local sentiment was found to be receptive to their coming. Special emphasis was placed on relocation in the Midwest. Private industry and agriculture are increasingly employing evacuees. Although most of the early requests were for domestic or farm labor, gradually there was an increased demand for workers in trades and offices and professional workers, and a variety of other occupations, including chick sexers and nursery assistants. Several religious groups have aided in this work. The War Relocation Authority



investigated all applicants for indefinite leave before their release. The Federal Bureau of Investigation and the Army and Navy Intelligence checked their records. The adventurous residents who applied at the outset and left their friends and families with premonition wrote back favorable accounts of their new freedom and their treatment the same as other human beings. This has greatly improved the morale in the centers and added impetus to the leave program. The action of the U. S. Army in January, 1943, in soliciting enlistment in an all Japanese Combat Unit also gave new hope. While right after Pearl Harbor, many articles denouncing the Japanese-Americans appeared, subsequently, several more sympathetic studies were printed. New reels portrayed the relocation centers and the Nisei soldiers. A few hardy ministers and officials publicly defended their loyalty and demanded that the nation judge them fairly.

Maybe there was still hope for the future. It seems strange that we must count as an achievement during a war, caused in part by the Nazi's false doctrine of racial superiority, that a few thousand Japanese-Americans are relocated comfortably amidst a minimum of discrimination.

The world is shrinking by the growing speed and ease of communications and transportation. All nations and races are becoming neighbors. If we cannot live amicably with 120,000 Japanese scattered throughout our land, it presages ill for our ability to live peacefully in a world of several hundred million Mongolians. If we perfect our democracy by ending racial and religious discrimination, it will serve as an example for the people of the world to imitate. This will be more beneficial than imitating imperialism. In France, discrimination against negroes is practically unknown. In Hawaii, the Soviet Union and parts of Central and South America, peoples of many colors and races live and work together without appreciable discrimination. Our hypocrisy relating to minorities must end. The strikes because of negroes working in defense plants are disgraceful.

\* \* \* \* \*

Some of my recollections centers on the administrative staff. Besides doing technical work, we were to be teachers, guides, examples. We should illustrate the best in democracy and Americanism to many evacuees who had lived in "Little Tokyos" on the coast and had not been assimilated to our culture.

The rub was that the staff constituted in many respects a cross section of American life. Though we all thought that we were ideal citizens, some showed by word and deed a lack of understanding of basic American and democratic principles.



Symptomatic were a few remarks of some high project officials. One former official questioned whether there was a single loyal Japanese on the project and thought a reputable Japanese lawyer should not be appointed a Notary Public because he was a "Jap." A few at first objected to evacuees being guests at the administrative mess. The diverse views of staff members included the following:

1. Because of his philosophy and ancestry no "Jap" can be trusted, and all should be treated as "prisoners of war" like they treat our boys who have been captured. You can't distinguish the loyal from the disloyal and hence detain all, but treat them decently especially since many are citizens.
2. These centers are temporary relocation centers. As soon as feasible, those found loyal should be able to return to normal life. Some felt they should go anywhere in the United States, others would exclude the military area.
3. The whole evacuation was a mistake, a dangerous precedent in the treatment of minorities.

Some of the employees of the relocation projects who believed in View No. 1 and who were subsequently discharged for their inefficiency spread stories of the pampering of the Japanese and scare stories concerning saboteurs and spies. This has stirred some of the investigating committees. In some cases these employees had been dismissed.

The evacuees quickly evaluated the ability and views of the appointed personnel. Statements by officials displaying hostility or ill feeling towards them were rapidly disseminated, not only within the project but often to other projects. Officials who were helpful and sympathetic had faithful workers and their good deeds were broadcast.

While most of the appointed personnel felt sympathetic to the evacuees, some unconsciously showed an attitude of superiority and paternalism. They found reasons such as the inexperience of the evacuees in government for delaying any real grant of power to them. This attitude was soon felt and resented by the residents. Conspicuous differences in the living conditions of the staff and evacuees stimulated a caste feeling.

Out of our work -- yea, out of the frequent disagreements of the staff -- have come some observations which are applicable to the temporary government of one race by another pending



the establishment of its own government. They represent merely my opinion for use in places where we hope to export or encourage a democracy.

1. The staff should understand and believe in democracy. Publicists and educators shock us periodically with illustrations of the ignorance concerning democratic ideals and history of many high school and college graduates.

2. Fascist propagandists have thrown the spotlight on certain undemocratic practices in the United States including our treatment of the negroes. The battle for democracy is constantly being fought not only on the field of battle in foreign climes but also on the home front. Skirmishes on various aspects of Americanism and democracy frequently are fought in government departments and private companies, in clubs and associations, in city, farm, and village. It is difficult to export democracy if the exporters neither practice nor understand it. Speed the day when Vincent Benet's prayer for the United States will be fulfilled: "Yet most of all grant us brotherhood.....a brotherhood, not of words but of.....deed."

Administrators who harbor illusions about racial superiority and the white man's burden should stay at home. Let none be in the class, described by H. G. Wells in his Outline of History. ".....They do not realize that in Asia the average brain is not one which is inferior in quality to the average European brain, that history shows Asiatics to be as bold, as vigorous, as self-sacrificing and as capable of strong collective action as Europeans and that there are and must continue to be many more Asiatics than Europeans in the world ....."

3. The staff should study and work together before beginning their foreign assignment. Working hard in a foreign clime and facing constantly novel and difficult problems tests man's mettle and temperament and fundamental differences in views. Personality clashes might show the desirability of shifts in administrative teams.

General agreement on the technique and plans should be achieved before the group is sent abroad.

4. Each member of the staff should also possess the following qualities:

- a. Necessary technical knowledge, supplemented by a study of and interest in the people and country of their assignment.
- b. A spirit of idealism and self-sacrifice, which will make personal comfort secondary.



J. 75

LAW DEPARTMENT

Colorado River Relocation Project  
Block 218, Administration B  
Poston, Arizona

October 25, 1943

This brief report on claims by Japanese evacuees for unemployment compensation against California Department of Employment is purported to furnish an information available at present so that you may take a proper procedure accordingly.

About seventy Japanese evacuees in Unit II have applied for unemployment benefit against California Department of Employment immediately after the announcement by the United States government to the effect that Colorado River Relocation Project area became outside the military zone.

California Department of Employment refused to grant said compensation on the ground that Japanese evacuees who are under the authority of the United States government have been moved to a war relocation center under the jurisdiction of the War Relocation Authority. The Japanese evacuees have been disqualified as unavailable for work for an indefinite period under Section 57 (c) of the California Employment Insurance Act.

According to their contention, a Japanese claimant, under the regulations of War Relocation Authority, is privileged to accept employment in any area where his presence is not prohibited by military order. To obtain an indefinite leave clearance, an evacuee must file an application with his Project Director. The Project Director investigates the record of the evacuee and transmits the application to the Director of W.R.A. with his recommendation. Mr. Meyer, the Director, secures from the Department of Justice such information as may be available, examines any letter received from the applicant's reference and takes such steps as may be necessary to satisfy himself concerning the probable effect upon the war program and upon the peace and security before issuing indefinite leave clearance to the applicant. The Director, thereupon instructs the Project Director whether the applicant is eligible for indefinite leave. If the Director approves the applications on indefinite leave clearance, it may be issued to the evacuee. The Bureau further expresses their opinions that "to be available for work presupposes that a claimant is presently capable of accepting employment at the time it is offered to him, conditions which attached to his capacity to accept employment likewise attached to his availability."

To that decision of the Commission, a new appeal letter again was initiated to California Department of Employment on the ground that Japanese evacuees are not unavailable for work and are not presently incapable of accepting employment at the time it is offered to him. The circumstances which have lead to wholesale evacuation of Japanese from the west coast has been presented. The evacuation necessitated the temporary conditions limiting Japanese evacuees' liberty of movement, but this was the order of the United States Government. To our disappointment, the final decisions rendered by California Employment Commission was that previous determination has been reaffirmed and Japanese denied to receive the compensation.



Subsequently, appeal letters were sent to Honorable Earl Warren, Governor of California, and Mr. Dillon S. Meyer, Director of War Relocation Authority in Washington D. C. Mr. Meyer wrote a letter to Mr. Wade Head, Project Director, stating that in February of this year he sent a letter to California Department of Employment and explained in considerable detail the employment policy of W.R.A. and argued that unemployed evacuees within the center should be considered available for work. He also stated in that letter, a case in which a claimant already has leave clearance, or eligible for indefinite leave, has stronger chances in his claim for unemployment compensation.

In September, there was a conference in Unit II of seven evacuees who sent appeal letters to Mr. Dillon S. Meyer, and Mr. Edward Nossoff who represented project employment of this center, was present. After considerable discussion and thought, conferees agreed not to take any court actions against California Department of Employment at this time but to make a new appeal to the commission in the case of Joe Kamitani, who has leave clearance and who has applied for many jobs but not one of which has materialized. The Law Department, Division II has already written an appeal letter for him and final determinations of this case will be expected from California Department of Employment within reasonable time.

If there is any question you may have regarding this report, please do not hesitate to call on us.

LAW DEPARTMENT - DIVISION II

I. Motoki



LEGAL SERVICES TO EVACUEES: OCTOBER, 1942 - September, 1943

OCTOBER

Property, Commercial	53
Property, farm	17
Claims	43
Miscellaneous	32
Bank	8
Insurance	4
Tax	2
Divorce	7
Guardianship	1
Internees	24

## Notaries:

Selective Service	40	
Absentee Ballots	9	
Miscellaneous	100	340

NOVEMBER

Property, Commercial	46
Property, farm	9
Claims	30
Miscellaneous	19
Bank	7
Insurance	2
Tax	1
Divorce	1
Guardianship	1

## Notaries:

Selective Service	114	
Absentee Ballots	183	
Miscellaneous	109	522

DECEMBER

Property, commercial	28
Property, farm	29
Claims	40
Miscellaneous	59
Bank	19
Insurance	6
Tax	4
Divorce	5
Guardianship	2

## Notaries:

Selective Service	89	
Miscellaneous	151	412

Dup. Economy.



## LEGAL SERVICES TO EVACUEES: OCTOBER, 1942 - SEPTEMBER, 1943

JANUARY

Property, commercial	24
Property, farm	24
Claims	23
Miscellaneous	79
Bank	13
Insurance	15
Tax	34
Divorce	9
Guardianship	2
Adoption	1

## Notaries:

Selective Service	65	
Absentee Ballots	1	
Miscellaneous	91	
Tax	5	
Internees	2	388

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FEBRUARY

Property, commercial	16
Property, farm	19
Claims	23
Miscellaneous	67
Bank	16
Insurance	10
Tax	1188
Divorce	2
Guardianship	1
Adoption	1

## Notaries:

Selective Service	19	
Miscellaneous	93	
	16	401

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MARCH

Property, commercial	26
Property, farm	30
Claims	36
Miscellaneous	61
Bank	12
Insurance	6
Tax	188
Divorce	3
Guardianship	3

## Notaries:

Selective Service	49	
Miscellaneous	142	
Tax	133	679



## LEGAL SERVICES TO EVACUEES: OCTOBER, 1942 - SEPTEMBER, 1943

APRIL

Property, commercial	17
Property, farm	22
Claims	28
Miscellaneous	65
Bank	20
Insurance	9
Tax	30
Divorce	7
Guardianship	1

## Notaries:

Selective Service	27	
Miscellaneous	193	
Tax	118	537

MAY

Property, commercial	12	
Property, farm	9	
Claims	19	
Miscellaneous	71	
Bank	20	
Insurance	30	
Tax	17	
Divorce	7	
		185

JUNE

Property, commercial	14
Property, farm	9
Claims	19
Miscellaneous	45
Bank	15
Insurance	13
Tax	22
Divorce	6
Guardianship	1

## Notaries:

Selective Service	2	
Miscellaneous	34	180



## LEGAL SERVICES TO EVACUEES: OCTOBER, 1942 - SEPTEMBER, 1943

JULY

Property, commercial	15
Property, farm	20
Claims	20
Miscellaneous	92
Bank	12
Insurance	9
Tax	21
Divorce	5

## Notaries:

Selective Service	19	
Miscellaneous	180	
Tax	6	399

AUGUST

Property, commercial	26
Property, farm	11
Claims	24
Miscellaneous	66
Bank	23
Insurance	10
Tax	13
Divorce	7
Guardianship	3

## Notaries:

Selective Service	49	
Miscellaneous	193	
Tax	2	447

SEPTEMBER

Property, commercial	24
Property, farm	6
Claims	29
Miscellaneous	69
Bank	30
Insurance	5
Tax	89
Divorce	7

## Notaries:

Selective Service	37	
Miscellaneous	200	
Tax	7	503



## LEGAL DEPARTMENT, DIVISION I, POSTON, ARIZONA

LEGAL SERVICES TO EVACUEES: OCTOBER, 1942 - SEPTEMBER, 1943

TOTAL

Property, commercial	301	
Property, farm	205	
Claims	334	
Miscellaneous	735	
Bank	195	
Insurance	119	
Tax	539	
Divorce	565	
Guardianship	105	
Adoption	2	
Interness	24	2535

Notaries:

Selective Service	510	
Tax	267	
Absentee Ballots	193	
Internees	2	
Miscellaneous	1466	2458

Total 4993

LEGAL DEPARTMENT, DIVISION II

None  
Compiled

LEGAL DEPARTMENT, DIVISION III Total 1777

Total 6770



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AFFIDAVIT BY RALPH M. GELVIN

Ralph M. Gelvin deposes and says that he is and has been for a period of over one year the Associate Project Director of the Colorado River War Relocation Project, Poston, Arizona.

That since August, 1942, Mr. Thomas Shinao Masuda has been an attorney in the Project Attorney's office. That during this period he has had frequent opportunities to observe the character and learn the opinions of Mr. Masuda. That he has also on numerous occasions worked very closely with Mrs. Masuda who was in charge of student relocation for the Project.

That he has found Mr. Masuda extremely cooperative, conscientious, intelligent, and industrious. That he has found Mr. Masuda to be of great help to the residents of Poston and to the Project in the solution of legal problems. That during a period of over two months Mr. Masuda was Acting Project Attorney while the Project Attorney was away from the Project because of sickness. That Project officials found that during this time Mr. Masuda faithfully, diligently, and ably performed the duties of Project Attorney conducting his work in a manner which was creditable to himself and to the Project.

That Mr. Masuda has strongly expressed his loyalty to the United States both by action and by words. That Mr. Masuda has volunteered his services to the United States armed forces and has expressed a desire to aid in the war effort in every way possible. That in my opinion Mr. Masuda is a loyal citizen of the United States and should be granted leave clearance.



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DEPARTMENT OF JUSTICE

Alien Enemy Control Unit

WASHINGTON

TO INTERNEES AND MEMBERS OF THEIR FAMILIES

I wish to advise internees and members of their families that this Department is desirous of uniting family groups in all worthy cases.

In situations where the husband and wife are both aliens of enemy nationalities and have both been interned, this Department can arrange for their joint transfer to a camp under the jurisdiction of the Immigration and Naturalization Service. It is proposed to establish additional accommodations at this camp for the care of family groups of present internees. Wives or husbands and minor children can file applications directly with this office for permission to join the internee in a family camp when these accommodations are available. This procedure is open to all persons irrespective of whether they are aliens or American citizens.

At centers under the War Relocation Authority no provision has been made for the custody of persons interned under a final order of the Attorney General. Consequently internees may not be admitted to relocation centers, even in cases where their close relatives are there. However, the wives and children of Japanese internees who are now at relocation centers may likewise apply to this office for admission to our family camps.

A special appropriation has been provided for the relief of needy wives, children and other dependents of internees, whose straitened financial condition or loss of support results from the internment. Application for this relief may be made to the United States Attorney in the district where the dependents reside. On request this office will furnish the name and address of this United States Attorney.

EDWARD J. ENNIS

Director



Edward J. Ennis  
Director

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DEPARTMENT OF JUSTICE  
Alien Enemy Control Unit  
WASHINGTON

TO INTERNEES AND MEMBERS OF THEIR FAMILIES

In cases where it is believed that an internee's background indicating his loyalty to this country was not fully presented at his hearing or new and substantial evidence is now available for consideration by the Alien Enemy Hearing Board, it is possible under a recent regulation for either the internee, a member of his family, or an interested person to make application for a rehearing directly to the United States Attorney in charge of his case. The application need not follow any set form, but should present clearly and in sufficient detail the bases for a rehearing.

In addition, there should be submitted to the United States Attorney in charge of the case substantial factual information in the form of letters or affidavits from persons well acquainted with the internee relating to his character, past activities, and loyalty to this country. These testimonials should establish the reliability of persons writing on behalf of the internee as well as describe their opportunities to observe his conduct. Where there is doubt of the place for filing the application, this office will furnish to a proper party the name and address of the United States Attorney in charge of the case.

Upon examination of this material the United States Attorney in his discretion may grant a rehearing before the Alien Enemy Hearing Board. In general the case of an internee cannot be reopened unless the application and supporting papers clearly disclose either new evidence or point out important aspects of the case which were not considered at the first hearing. The applicant may notify this office of the filing of his application with the United States Attorney. The United States Attorney will advise the applicant and this office of his decision in each instance.

EDWARD J. ENNIS

Director



To Families Which Have Applied to Enter the Family  
Internment Camp

The camp is located at Crystal City, Texas. We have not yet received word as to which families will be given permission to move to the camp, or when the first group will go from Poston. As soon as such information comes, will notify the family concerned.

We have just received some information in regard to the camp from the WRA in response to questions which you have been asking.

1. Citizenship: "Citizens of the United States will, of course, remain citizens, and so far as we have any information they will not suffer any abridgement of their legal rights other than to such an extent as may temporarily result from remaining in the camp for the duration."
2. Leaves for School or work: "The furlough leave policy applicable to Relocation Centers will not apply in the family internment camp, and no one should go there with the expectation of shortly leaving for school, to get married, or for any other purpose. Any person contemplating accepting employment, or going to school or becoming relocated outside of a Center should not under any circumstances ask to be admitted to the internment camp."
3. Business: "Mail will be censored, money in the hands of any person at any one time will be limited, possibly to \$10.00." Excess funds will be deposited with the camp fiscal officer and withdrawals made according to rules, probably the same as those governing aliens in the camp.
4. Deportation: "We have no reason to believe that persons going to such a camp will be arbitrarily or forcibly repatriated or expatriated."
5. Rehearings: "In such cases as these, families would do well to await the outcome before seeking to be transferred to an internment camp." Also WRA will check with the Dept. of Justice before moving a family to see if the internee is to be released or not.
6. Employment in camp: "There is a possibility that certain types of employment for wages may be available in the camp. If so, the wages would be determined on the basis of international agreement at the rate of three Swiss gold francs per day. Wages would not, however, be paid for work in connection with the direct operation and maintenance of the camp."
7. Age limit for children: "A positive answer on this point is not yet available." Very serious consideration is requested as to the probable effect upon older children of living in such a camp.
8. Visits to the Camp by Children not entering: "Yes, subject to general visiting conditions."



9. Baggage: "It is safe assumption that families will be allowed to take any of their belongings which they are daily using in their present relocation center accommodations. Large quantities of property stored is a matter yet to be determined."

10. Living Conditions: The Immigration and Naturalization Service has found it necessary to modify some of the first plans. It was planned that all families could do their own cooking. It now appears that there will be central dining halls for small families and dormitories for older boys and girls. There may also be triplex as well as duplex houses. Larger families, it is still planned, will do their own cooking.

11. Hospital and Schools: The hospital cannot be completed at once. Arrangements will be made to take care of emergency cases but people in a critical condition will not be transferred at first.

No mention is made of schools but it is feared that they will not be ready when the camp is first opened.

Further consultation: Any family who wished to consult further in regard to this matter should see:

Miss Cheney in Unit I - Family Welfare Office  
Miss Hayashi in Unit II - Family Welfare Office  
Miss Starkey in Unit III



INFORMATION FOR PAROLEES AND FOR ALL ALIENS

I. All Aliens

- A. Aliens in the center should report any change of address to the Immigration and Naturalization Service by mail. Cards may be obtained at the Post Office.
- B. Aliens leaving the center either for indefinite or seasonal leave will have stamped on the back of their travel permit:

My alien registration number is \_\_\_\_\_, and I understand that I am required by Department of Justice regulations to obtain a travel permit from the United States Attorney before leaving the destination shown on this card and to notify the Immigration and Naturalization Service and the FBI of any change of address or employment.

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They should not fail to keep in touch with the Immigration Officer nearest them.

- C. When going on short term leave aliens must have WRA short term permits from the Leave Office, as does everyone, to first destination. If they go to subsequent destinations they must have travel permits from the U. S. Attorney in the first destination district.
- D. An alien who has lost his Alien Registration Receipt Card or Certificate of Identification should go to the Family Welfare Office to make application for a duplicate. See attached letter from Immigration Service giving instructions for completing application forms.

II. Parolees

- A. On arrival parolees should:
  - 1. Report by card or letter to the District Director, Immigration and Naturalization Service, U. S. Department of Justice, 458 South Spring Street, Los Angeles, 3, California, the date and hour of arrival and project address. This should be done within twenty-four hours of arrival.
  - 2. Call at once at the Unit Welfare Office to leave Travel Authority and any unused Meal Purchase Orders.
  - 3. Sign and date Parolee's Agreements which the project will send to the Immigration office in Los Angeles.

No other reports need be made while living in the center, except whenever a change is made in residence within the project.



C. On going on short term leave:

1. Through the Project Leave Office get a travel permit from the nearest District Attorney and submit a schedule of the trip.
2. Report as instructed to the Immigration Officer in the city or district to which he goes.
3. Return his travel permit when he comes back to the Leave Office, which sends it to the U. S. Attorney for cancellation.

D. When relocating:

1. Make arrangements through the Relocation Office for approval of the Immigration Authorities and appointment of a sponsor in the new location.
2. Report to the Immigration Officer in the district in which relocating at once, and report thereafter at stated intervals.
3. Make periodic reports to the sponsor as instructed.
4. Make the reports as to change of address required of all aliens.
5. If he wishes to move or travel inquire from the U. S. Attorney and follow instructions.



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U. S. DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE  
LOS ANGELES, 13, CALIFORNIA  
December 18, 1943

10242/985

United States Department of Interior  
Office of Indian Affairs  
Colorado River Relocation  
Poston, Arizona

Gentlemen:

Attention: Mr. W. Wade Head, Project Director

Reference is made to your letter of November 25, 1943. We are enclosing herewith the following three forms:

- (1) AR-AE-23 "Certificate of Identification" partially executed.
- (2) AR-AE-28 "Application for copy of Certificate of Identification in Lieu of one Lost, Mutilated or Destroyed" executed by the applicant on July 22, 1943.
- (3) AR-AE-30 "Report of Issuance of Duplicate Certificate of Identification" also partially executed.

In connection with the attached Form AR-AE-28, please make inquiry into the circumstances surrounding the applicant's loss of the original Certificate of Identification for the purpose of obtaining information and evidence which will permit a determination of the question of whether such loss has in fact occurred. If it should be found that such certificate has been mutilated and not lost it must be surrendered to you and returned to this office before a new certificate can be issued. We also request that you obtain any information or evidence which tends to establish that the applicant is the individual who received the original Certificate of Identification and to this end make any further inquiry justified by the facts in this case. We should appreciate a report in writing of your findings as to whether the Certificate of Identification has actually been mutilated, lost or destroyed and your recommendation as to whether or not the certificate should be issued. We will make up the "Report of Reviewing Officer" on the reverse of Form AR-AE-28, using your report as a basis therefore. Photographs submitted with Mr. Tanimoto's application were in duplicate only. Since three are required and the pictures were taken more than thirty days ago, a new photograph, in triplicate, should be secured.

It is necessary also that the attached Form AR-AE-23, "Certificate of Identification", be completed. It will be necessary to affix one of the photographs of the applicant in the place designated for that purpose on the inside of the heavy yellow page of Form AR-AE-23. On this same page, in the place designated, please affix a print of the applicant's right index finger. If it is impossible to secure an impression of this finger please use any other finger and change the designation to show which finger and hand the print is taken from. Form AR-AE-23 should be signed on the same page that the photograph and fingerprint appears at the place marked "X" in red.

Form AR-AE-30, in duplicate, entitled "Report of Issuance of



December 18, 1943

Duplicate Certificate of Identification" is also enclosed. The duplicate forms appear from the same side of the singular sheet of paper. Please affix one of the photographs of the applicant in each of the squares appearing in the center of these forms and secure his signature in the places marked "X" in red. Your signature is not necessary on this form nor on Form AR-AE-28.

When these forms have been completed please forward all of them together with your report and recommendation direct to this office so that they may be promptly submitted to our Central Office in Philadelphia.

Your cooperation in attending to this matter which has presented a problem not only to the applicant but also to this Service is greatly appreciated.

Very truly yours,

HOWARD L. FIELD  
Acting District Director  
Los Angeles District

By /s/ Bruce G. Barber  
Acting Adjudications Officer



PROCEDURE REGARDING INVESTIGATIONS OF APPLICATIONS FOR DUPLICATE ALIEN REGISTRATION  
RECEIPT CARDS

The following is a brief resume of the procedure necessary in accepting applications from aliens whose Alien Registration Receipt Cards have become lost, destroyed, mutilated or stolen:

1. The Form AR-16, Application For Copy of Alien Registration Receipt Card in Lieu of One Lost, Destroyed, or Mutilated, copy of which is attached, should be completed in duplicate. All of the items on the face of this application form must be filled in and the person making the application must sign both forms. The application form on the reverse should be sworn to before a notary public and the oath or jurat should be completed by him as per the sample attached. Then the officer or person investigating the application is required to complete the Investigation Officer's Report on the reverse of the application. The Reviewing Officer's Report is to be left blank.
2. The person who investigates the application should also submit a signed memorandum report as to the facts surrounding the loss, mutilation or destruction of the original registration receipt card, and should satisfy himself or herself that such card has been lost, mutilated or destroyed as claimed. In case of a card becoming mutilated, it must be surrendered by the applicant and submitted with the application form.
3. The investigating officer will then complete Form AR-3A, Alien Registration Receipt Card, as per the sample attached. The applicant's name should be written on the front of this card exactly as it appears in item 1 on Form AR-16, whether such name has been changed since the date of original registration or not. Then the present address should be filled in. On the reverse of this form the applicant should sign his name as signed on the face of Form AR-16 or make his mark, which should be witnessed by a person other than the investigating officer. Then a print of the applicant's right index finger should be placed in the space provided. If the right index finger print cannot be obtained then another fingerprint may be used but should be designated.
4. The applicant must submit a 50¢ postal money order with this type of application, and the money order should be made out exactly as shown by the attached sample of Application for Domestic Money order.\* The receipt issued by the post office with the application should be retained by the applicant, who will receive an additional receipt for that money order from the Immigration and Naturalization Service.
5. In the case of an applicant who is under 14 years of age, the parent or guardian who registered for him may make the application, signing, and swearing to the application and receipt card Form AR-3a.
6. The Forms AR-16, AR-3a, the postal money order, and the investigating officer's memorandum should be forwarded to the Immigration and Naturalization Service, Rowan Building, 458 South Spring Street, Los Angeles, 13, California.

\* Amount                      0       Dollars       .50       Cents

To be paid to: Commissioner of Immigration and Naturalization Service  
Washington, D. C.



ARIZONA CODE ANNOTATED - 1939

Article 3 - Arbitration

persons may submit any dispute, controversy, or right of action to arbitration, upon signing an agreement in writing to arbitrate the matter in dispute, naming the parties as plaintiff and defendant. In the agreement each party shall name for himself one (1) arbitrator who shall not be related to either party by consanguinity or affinity, possessing the qualifications of a juror, and who is not interested in the result of the matter to be submitted for his decision.

If the amount in dispute is two hundred dollars (\$200), or less, such agreement shall be filed with a justice of the peace of the county in which the defendant resides or in which the controversy arose; if it exceeds two hundred dollars (\$200) such agreement shall be filed with the clerk of the superior court of the county in which the controversy arose. When the agreement is filed the justice of the peace or the clerk of the superior court shall docket the matter in dispute under the names stated in the agreement, and forthwith designate a day for the trial of the cause not less than two (2) nor more than ten (10) days thereafter, and shall issue process for such witnesses as either party may desire, returnable on the day fixed for trial.

The arbitrators shall assemble on the day fixed for the trial before such justice or clerk, who shall administer to each an oath or affirmation, that he will fairly and impartially decide the matter in dispute between the parties according to the evidence and the law. The arbitrators may thereupon proceed to trial, or, for good cause shown continue the trial to some other day, and during its progress may, for like good cause, adjourn to some other time, or place within the precinct or county where the agreement was filed.

The justice or clerk, or any person competent to administer an oath, shall administer the oath to the witnesses, and the trial shall proceed as trials of civil actions in the court without a jury. After hearing the evidence and arguments the arbitrators shall make their award in writing, specifying plainly their decision, file the same with the justice or clerk, and within ten (10) days thereafter such award shall be entered and recorded as the judgment of the court, with like effect as other judgments of said court. They may award the costs to either party, but if silent as to costs, same shall be taxed equally against both parties.



If the arbitrators can not agree, they shall select an umpire, with like qualifications as themselves. If they disagree in the choice of an umpire, the justice or clerk shall select such umpire. He shall be sworn and the cause shall be tried anew, at such time as the board of arbitrators thus constituted may designate, in like manner as before.

If a right of appeal is not expressly reserved in the agreement the decision of the arbitrators shall be final, but if reserved, and either party desires to appeal, he shall file his written notice to that effect, with the justice or clerk of the superior court, within ten (10) days after the award is filed, and the filing of such notice shall stay further proceedings. The notice shall be noted on the docket of the court and the opposite party shall be served with a summons as in actions by complaint, and upon the return of service the cause shall stand for trial de novâ, as in ordinary actions.

After an agreement to arbitrate is filed the parties thereto shall be bound to that mode of trial, under the following penalties: The agreement may be pleaded in bar to an action or defense thereafter brought or interposed for the same matter named in the agreement, against the party who refused to proceed thereunder, where such action or defense existed at the time or such filing.

Executors, administrators and guardians may consent to an arbitration of any controversy or matter of dispute relating to, or affecting their respective trusts, with the consent of the court in which such administration or guardianship is pending.

A provision in any written contract to settle by arbitration a controversy thereafter arising out of such contract or out of the refusal to perform the whole or any part thereof, shall be valid, irrevocable and enforceable, save upon such grounds as exist at law or in equity for the revocation of any contract; provided, however, that the provisions of this act shall not apply to collective contracts between employers and employees or between employers and association of employers, in respect to terms or conditions of employment.

If any suit or proceeding be brought upon any issue referable to arbitration under an agreement in writing for such arbitration, the court in which such suit is pending, upon being satisfied that the issue involved in such suit or proceeding is referable to arbitration under such an agreement, shall on application of one of the parties stay the trial of the action until such arbitration has been made in accordance with the terms of the agreement providing the



applicant for the stay is not in default in proceeding with such arbitration.

The provisions of article 1, chapter 93, Revised Code of 1928 (SS 27-301 - 27-308), relating to arbitration of existing controversies are hereby extended to agreements for the arbitration of future disputes.



## CALIFORNIA ADOPTION PROCEEDINGS

Mr. Hart has asked whether evacuees in the Colorado River War Relocation Center will be required under California law to appear personally in a California court to complete adoption proceedings commenced prior to their evacuation.

Section 227 of the California Civil Code provides that prior to the award of custody to the adopting parents "The persons or persons desiring to adopt a child, and the child proposed to be adopted, must appear before the court" for examination. This section, therefore, requires personal appearance of all the parties. The California Supreme Court has nevertheless held that the failure of any of the parties to appear personally for examination is merely a procedural error which will not affect the validity of the adoption. Estate of McKeag, 141 Cal. 406, 74 Pac. 1039 (1903). In that case, none of the parties personally appeared at the hearing for examination, but the adoption decree was held to be valid and the adopted daughter was held to be entitled to letters of administration on the death of the adopting mother.

If, therefore, the court in the present case is willing to waive the requirement of personal appearance of any or all of the parties, the adoption decree will nevertheless be valid. We suggest that the facts be called to the attention of the court before the time of hearing; in view of the special circumstances there is a good chance that the court will waive only the appearance of the adopting mother, who, we understand, is not of Japanese ancestry and can return to California without escort. The project attorney will be glad to assist in presenting the facts to the court if the parties do not make other arrangements.

Under the California Civil Code, the probation officer in the county in which the adoption proceeding is pending must make a favorable recommendation before an order of adoption may be issued by the court, and the State Department of Social Welfare has a prominent part in investigating the case and reporting to the court. California Civil Code, as 226, 227a. In the event it is necessary for all of the parties to appear personally before the court in this proceeding, hence necessitating short-term leave, military clearance, and the furnishing of escorts, it would be advisable to ascertain that all steps that must be taken prior to hearing have in fact been taken before leave is granted, in order to guard against a possible fruitless journey.

Edwin E. Ferguson  
Regional Attorney