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Re: Possession of Prohibited Articles by Alien Enemies

MEMO

A7.03

I am informed that you have expressed an interest in the manner in which we treat alien enemies who are found in possession of articles prohibited by your Proclamations of December 7 and 8, 1941 and by my regulations issued pursuant thereto. For this reason I prepare the following summary of the situation.

Your Proclamations of December 7 and 8 forbade alien enemies to use or operate or have in their possession, custody or control a number of articles including firearms, weapons or implements of war, ammunition, explosives, radio transmitters, short-wave radio receiving sets, cameras, signaling devices and photograph pictures or other representations of military or naval installations or instruments of war, etc.

As of December 30, 1941, in the Western Defense Command and as of January 5, 1942, in the rest of the country alien enemies were required to deposit with local police authorities radio transmitters, short-wave radio receiving sets, hand cameras, firearms and other prohibited articles. | Internment regulations were promulgated by me executing your proclamation and the definitive regulations were published on February 5, 1942. In these I defined what is meant by a short-wave radio receiver and required a deposit of cameras, radio transmitters, radio receivers with short-wave

Between
May 15th
June 1, 1943

Burley's
draft of
Memo
to
Pres.
Roosevelt

Probably
not
sent
to
F.D.R.

band, firearms and other prohibited articles. I did not undertake to define in precise terms the other articles prohibited by your Proclamations inasmuch as it is my understanding that the purpose of forbidding such articles as signaling devices, which might vary from simple flashlights to military heliographs, or as graphic representations of implements of war, which might vary from the pictures in every current newspaper or magazine of warships and tanks to detailed plans of the fortifications of the Panama Canal, was to give the Government ample power to detain anyone who possessed anything which might be called a signaling device or graphic military representation in those particular cases in which it was thought desirable to detain such a person. In order to give us the broadest power the definition necessarily had to be vague.

Beginning in the Western Defense Command immediately after the deposit of prohibited articles and acting on statements of the War Department that it was believed that Japanese were communicating from shore to submarines with short-wave radio transmitters and that enforcement of the prohibited articles regulation would aid in uncovering such activities, a legal theory was devised in this Department to permit searches of all premises, in which an alien enemy was present, without obtaining a search warrant. We were frequently aware that this procedure might well be in violation of the Fourth Amendment to the Constitution and certainly violated the historic right to be free from search except by search warrant. I felt

justified in authorizing this course, however, on the statements of Lieutenant General DeWitt and Mr. Hoover that these procedures would assist in safeguarding the West Coast and would turn up Japanese spies and saboteurs.

I do not regret having made this decision since I feel that every possible step must be taken to protect this country from the Fifth Column, even if necessary at the cost of some of our constitutional rights. I am sorry to say, however, that so far as I am aware searches without warrants conducted on the West Coast were without utility in tracking down Japanese.

No Japanese or saboteurs were uncovered in this manner and no illegal radio transmitter was found at all.

After I had authorized the use of these special procedures to search without the traditional warrant in the Western Defense Command it was urged that I extend the use of these procedures throughout the rest of the United States. In view of the grave constitutional doubt concerning the procedures and because in non-military sections would certainly make the public aware that one of the traditional constitutional limitations was being overridden and also because I had some private doubts as to the usefulness of the procedure from a sectional viewpoint, I declined to authorize the extension of the procedures to the entire United States. I did authorize the extension of the procedures to all states on the Atlantic and Gulf coast and the Mexican border.

Shortly afterward the Federal Bureau of Investigation began a series of mass raids in which they found a very considerable number of people whom they charged with violating the regulations. This raised the problem of what treatment should be given to persons charged with such violation. It soon became apparent that almost none of the persons charged with violations could in any way be thought of as dangerous to our internal security. It further became apparent that a very large percentage of those apprehended had not willfully violated any regulations. In a good many cases there was no doubt that the regulations had been violated but it appeared probable that the alien had not learned of the regulations. The two largest groups of non-willful violators, however, were persons who resided at houses also inhabited by American citizens who owned prohibited articles, and persons who possessed articles which had never been described specifically as being prohibited. An example of the first class is the aged Italian mother who resides with her American citizen son and daughter-in-law who have an ordinary radio with the customary short-wave band. An example of the second group would be an alien enemy who possessed some postal cards showing the Panama Canal which, of course, is a military installation.

Because of these considerations and because it seemed to me that our national morale and particularly the morale of the very large part of our population related to alien enemies would

not be improved by the indiscriminate internment of all alien enemies charged with violating the regulations when so many of them could not be charged with willful violation of the regulations or even with negligence in failing to familiarize themselves therewith, I ^{decided} decided that all alien enemies should not be automatically interned. Since, because of inescapable procedural difficulties at least a month elapses between the apprehension of an alien enemy with the subsequent investigation of his case, hearing before a local board, and review in the Department of Justice and my final signing an order for internment, parole or release, I was likewise unwilling to order every person charged with a violation of the regulations to be automatically apprehended and put through this machinery.

The procedure which I did adopt was to direct the United States Attorney to give an immediate preliminary hearing to every person apprehended by the Federal Bureau of Investigation on a charge of possession of prohibited articles. The United States Attorney was then directed to order the continued detention for a hearing before a hearing board of every person under the United States Attorney's consideration, potentially dangerous and whose detention pending the hearing the United States Attorney thought necessary. The United States Attorney was empowered, however, to release, pending the hearing, any persons whom he did not think dangerous and whom he did not think would be unavailable at the time of the hearing. Furthermore the United States Attorney was

authorized, in cases in which he found that the release of the alien enemy would not endanger the national security or that the violation was due to an excusable ignorance of the regulations, to release the alien enemy without holding him for a hearing board. With respect to special cases there are of course procedural modifications but substantially this is the procedure now employed. It is to be observed that no United States Attorney is directed or authorized to release anyone unless the United States Attorney is satisfied that such release will not be dangerous. It is also to be observed that in any case regardless of violation of a particular regulation, in which the Federal Bureau of Investigation possesses information showing that an alien enemy is dangerous, this alien enemy may be apprehended without a Presidential Warrant pursuant to the procedures provided for in my regulation or a telegram requesting a warrant may be sent to the Department if the case is of lesser urgency.

As a result of the raiding made by the Federal Bureau of Investigation using the search procedures above referred to, more than 4000 persons have been charged by the Federal Bureau of Investigation with possession of prohibited articles. Many of these have been held in detention for hearing boards. Some have been left at liberty pending a hearing and others have been questioned by the United States Attorney and have been released by him upon his finding that these persons were not dangerous.

It is impossible to summarize the experiences of these 4000 cases statistically since the statistics fail to grasp the

essential point which is the national safety. Statistics on the number of guns found, for example, fail to show whether the gun was a high powered rifle or a rust clogged horse pistol. Likewise statistics on objects seized fail to distinguish between objects willfully possessed by alien enemies and objects belong^{ing} to American citizens who left them in trunks in their mothers' homes when they went off to war.

In a memorandum dated May 11, 1942 Mr. Hoover has informed me that he has seized a total of 2,592 guns of various kinds, 199,000 pounds of ammunition, 1,652 sticks of dynamite, considerable powder, 1,458 radio receivers, 2,014 cameras, 37 motion picture cameras and numerous other articles.

We have not, however, uncovered through these searches any dangerous persons that we could not otherwise know about. We have not found among all the sticks of dynamite and gun powder any evidence that any of it was to be used in bombs. We have not found a single machine gun nor have we found any gun in any circumstances indicating that it was to be used in a manner helpful to our enemies. We have not found a camera which we have reason to believe was for use in espionage. We have, however, seized a vast quantity of articles such as a broken .22 rifle, radio with short-band that would not work, flashlights, binoculars, subway maps, pen knives, bows and arrows and Japanese ceremonial swords. We have also seized a vast number of guns, cameras and radios which are unquestionably prohibited to alien enemies but which in fact were owned and used by American citizens.

In an effort to make the statistics as meaningful as possible I have at present a number of my men going through the Department's files, digesting every prohibited article case. I hope then to be able to analyze the digest so as to tell how many prohibited articles were clearly prohibited by the terms of the public announcements and also how many of the prohibited articles seized were willfully possessed in violation of the regulations. If you desire it, I will furnish you with the report on this work as soon as it is done.

So far, as I have said, two major problems have arisen. The first deals with an alien enemy who lives in the same house with an American citizen. Until I get my statistics I can only guess but I am informed that at least one third of all the cases of persons apprehended on charges of possessing prohibited articles were persons who lived in houses in which husbands, wives or children or fellow boarders, etc. were American citizens who possessed firearms, radios or cameras. I have never issued an order stating that an American citizen who lived in such a house must give up his radio or his hunting rifle and it is very questionable whether I have the legal power to do so. On the other hand, I have not felt justified in ordering every alien enemy to leave any house in which a citizen possessed such articles. If we go at it slowly we can advise citizens and aliens alike that it is necessary to keep the prohibited articles locked up or put away in such a manner that the alien enemy would not have access to them. If we proceed by raids in such cases

the results are unfortunate. An actual example in the District of Columbia was a raid upon the residence of an alien woman on a charge of possessing a radio having a short-wave band. It developed that the radio was the property of her husband who had been in the United States Navy for twenty years and is presently a Chief Petty Officer.

The second major problem is concerned with cases relative to articles which were never announced to be prohibited ^{but} by which could verbally be brought under one of the prohibited classes. As I have said, in dealing with such things as signaling devices and representation of military installations, in order to give us maximum power over dangerous men we purposely left the definition vague. Through our raids, however, we have turned up a very large number of people with articles which they had no way of knowing to be prohibited. Possibly the largest group of these concerns binoculars and telescopes which are not mentioned in any proclamation or regulation but which have been seized on the theory that they are implements of war. Another large group of cases concerns the apprehension of possessors of flashlights on the theory that they are signaling devices.

As a result of observation ^{of} this type of case I have issued instructions that only those articles shall be deemed to be prohibited which are expressly prohibited by the public announcements and regulations or which, under the particular circumstances of their possession, appear to be dangerous.

I believe that these two problems can be worked out and it is my opinion that when this is done the procedures which have already been inaugurated will be continued.

C O P Y

MEMORANDUM RE SITUATION ON
PACIFIC COAST RESPECTING
TREATMENT OF SO-CALLED
"ALIEN ENEMIES" AND "CITI-
ZEN JAPANESE"

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1. PRELIMINARY OBSERVATIONS

The Alien Enemies Act of April 16, 1918, (50 U.S.C. Sections 21-24) renders resident aliens of enemy nationality liable to apprehension, restraint and removal in the event of declaration of war and authorizes the President to fix the conditions upon which such aliens shall be permitted to remain in the United States. By his several proclamations of December 7 and 8, 1941, the President, acting under the Alien Enemies Act, authorized the Attorney-General to exclude alien enemies, viz., Germans, Italians and Japanese, from designated areas surrounding various named installations essential to national defense (C.C.H. War Law Service, pars. 8021-8036). Pursuant to this authorization, the Attorney-General on February 5, 1942, issued his regulations restricting travel of alien enemies generally, applying a 9 P.M. to 6 A.M. curfew and certain special travel limitations on alien enemies in limited areas designated as "restricted" and requiring removal of alien enemies from certain limited areas designated as "prohibited." (C.C.H. War Law Service, pars. 8052-8067).

Up to the time of transfer of functions to the military as herein-
after related, areas designated by the Attorney-General as "prohibited" consisted primarily of spot zones around military, naval, public utility and related installations essential to national defense. The great mass of Germans, Italians and Japanese living in metropolitan centers were not affected. Further, the regulations even where applicable affected aliens only.

2. TRANSFER OF FUNCTIONS TO THE
MILITARY ON THE PACIFIC COAST

Following considerable newspaper, political and organizational clamor on the Pacific Coast directed particularly at Japanese whether alien or native-

born, coupled with demand for stronger measures, the President, on February 20, 1942, issued Executive Order No. 9066 authorizing the Secretary of War and military commanders designated by him to "prescribe military areas in such places and of such extent as he or the appropriate military commander may determine, from which any or all persons may be excluded" and within which the conduct of any or all persons could be restricted by the military commander. A Department of Justice release of the same day interpreted the Order as authorizing the "War Department to deal effectively with the West Coast situation" by excluding "citizens, as well as aliens from military areas" (C.C.H. War Service, par. 8066). Contemporary newspaper accounts on the Pacific Coast described the Order as directed particularly at Japanese born in the United States and therefore entitled to the rights and privileges of citizenship.

In issuing his Order, the President purported to act by virtue of his powers as President and Commander-in-Chief, for the purpose of preventing espionage and sabotage of "national-defense material, national-defense premises and national-defense utilities" as defined in Section 104 of Title 50, U.S. Code (Act of April 20, 1918, as amended by Act of November 30, 1940, as amended by Act of August 21, 1941). Since the cited statutes punish individuals for intentional destruction, injury or sabotage of "national-defense materials, premises and utilities" broadly defined, whereas the President's Executive Order is broad enough to authorize discrimination based on race, class, or any other consideration deemed applicable by a military commander, it is apparent that the President's Order is not based on Congressional sanction. Perforce, therefore, it rests, if at all, on the President's constitutional authority as Commander-in-Chief in time of war, or in effect, on martial law. This is the conclusion of Walter L. Bowers, Deputy Attorney-General of the State of California (Los Angeles Daily Journal, April 27, 1942, p.4). The President's Executive Order, however,

makes no mention of martial law; contemporary Pacific Coast newspaper, political and other comment likewise have generally made no mention of martial law.

Relying on the President's Executive Order, Lieut. Gen. J. L. DeWitt, chief of the Western Defense Command, on March 3, 1942, proclaimed that the coastal and border portion including the chief metropolitan centers of California, Oregon, Washington and southern Arizona, was a military area from which the army by progressive proclamations proposed to exclude alien enemies, and in addition, American born Japanese. (C.C.H. War Law Service, par. 8066.) Concurrently, Lieut. Gen. DeWitt created a so-called Wartime Civil Control Administration under the general direction of a west coast representative of the Department of Justice designated by the General as his civilian chief of staff. This Administration was charged with responsibility for evacuation, internment, sustenance and property custodianship of the classes of persons affected (Los Angeles Times, March 4, 1942, pp. 1 - 2).

On March 16, 1942, Lieut. Gen. DeWitt added several areas of other western states to a broad western hinterland area already designated within which it was proposed to curtail sharply the liberty of movement, as distinguished from actual evacuation, of the affected classes of persons including American born Japanese. A third military proclamation dated March 24, 1942, imposed "hours of curfew" and severe travel restrictions upon the affected classes within those areas from which they were ultimately to be excluded altogether. Subsequent proclamations to date have ordered, and resulted in, forcible evacuation of most of the Japanese population on the Pacific Coast, alien and citizen alike, under military escort, to reception or internment centers in the nature of camps or barracks erected by the Wartime Civil Control Administration since the President's Executive Order (Los Angeles Times, March 27, 1942, p. 10).

In carrying out the mandate of the President's Executive Order, the military policy generally has been drastic and complete in treatment of the affected classes of persons, little or no regard being shown for gradations either of race, loyalty or individual necessity. Thus:

"A pert Eurasian young woman in her mid-20's said she was half-Japanese and half-White, married to a full-blooded Chinese. What effect, she inquired, would the order have on her and her two children.

"She was informed that the curfew and evacuation orders apply to all persons of Japanese ancestry, no matter what the percentage of Japanese blood in their veins and that both she and her children were under the order.

"A White American, married to a Japanese woman, asked if his wife's citizenship, acquired by their marriage, gave her dispensation from the order . . . the answer was no.

"Hundreds of Germans and Italian aliens with a relative in the United States armed forces (which, it has been announced, will make them immune to evacuation) wanted to know if they were exempt from the curfew order. They were not.

"Pregnant women wanted to know how they could get to a hospital if their time came. There was still no exception to the order, if their confinement required them to be out of their homes after the curfew hour or to travel more than five miles from home.

"A number of doctors and nurses, all aliens, were also told that even their professional status was not recognized by the army order.

"Scores of young Japanese high school students living more than five miles from school, were told that, pending further word from the army, they should not attend classes.

"There was the case of the German college professor, teaching at a local university. He was doing research at the Los Angeles Public Library, more than five miles from his home.

"He was told bluntly that he would have to give up the research work. His son, also an alien, who attended the same university was told that, until some change is made in the army order, he would have to abandon his schooling since the university is more than five miles from his home.

"Scores of salesmen, truckdrivers and others who travel in their business, were told that they would have to give up their job, that under the curfew order interpretation, they were only allowed to travel no more than five miles from their homes to an established point of employment.

"Night workers were also faced with the news that they would have to seek a change of hours or other jobs."

("Curfew Clamped Tightly on Japs, Enemy Aliens," Daily News, Los Angeles, March 27, 1942, p. 3; see also Los Angeles Times, March 27, 1942, p. 10.)

Subsequent army proclamations have provided exemptions from curfew and evacuation orders for certain very narrow categories of the affected classes of persons, viz., for Germans, and Italians, aged 70 or over, or directly related or spouse of a member of the American armed forces, or confined to hospital, or awaiting disposition of a naturalization petition filed prior to December 7, 1941, or Japanese, Germans or Italians who are totally deaf, dumb or blind, or who are minors in an orphanage, etc. (Proclamation of March 29, 1942, reported in Daily News, Los Angeles, March 30, 1942, p. 2).

While broad enough to authorize similar military control in any portion of the United States, or its possessions, the President's Executive Order to date has been applied only to native-born Japanese and alien Japanese, Germans and Italians on the Pacific Coast. Between 200,000 and 300,000 persons are thereby affected to date, including an estimated 70,000 native-born Japanese and 50,000 alien Japanese presently evacuated or in process of evacuation.

3. TOLAN COMMITTEE REPORT

Commencing on or about February 20, 1942, the Select Committee of the House of Representatives Investigating National Defense Migration, popularly known as the Tolan Committee, conducted an investigation of the alien enemy and citizen Japanese problem on the Pacific Coast. Hearings were held at each of the principal metropolitan centers on the Pacific Coast and testimony adduced from all

classes of persons affected including the Army and Navy, Department of Justice, city, county and state executives, and the aliens and citizen Japanese themselves. A wide range of remedial measures were proposed to the Committee by witnesses, as well as evidence concerning previous experience with the same or substantially similar problem in France and England.

On or about March 18, 1942, the Tolan Committee rendered a special report to Congress based on its investigation. Its principal conclusions were:

(1) That a comprehensive system of resettlement, reemployment and rehabilitation, combining the available techniques of the various civilian agencies of the Federal Government was an immediate necessity for handling evacuated aliens and citizen Japanese, and

(2) A system of local hearings boards on the Pacific Coast was necessary to examine Germans, Italians and stateless refugees included in the category of alien enemies, for the purpose of issuing certificates of loyalty to unquestionably loyal persons and thereby confining evacuation and restriction procedures only to the remainder. On March 18, 1942, the President issued his Executive Order, No. 9102, establishing a War Relocation Authority in the Office for Emergency Management with authority encompassing generally the first of the above-mentioned conclusions of the Tolan Committee. (C.C.H. War Law Service, par. 8066.) The War Relocation Authority is as yet occupied principally with formation of future plans. To date, therefore, evacuated Japanese remain in military custody in the internment or reception centers previously provided.

The Tolan Committee suggestion for creation of local hearings boards for Germans, Italians and affected, stateless refugees, as yet has not been implemented by Presidential order or other sanction. Accordingly, the vast class of affected persons remain subject to the rigors of curfew and related restrictions,

and liable to eventual evacuation. Concerning these aliens, the Tolan Committee, reported:

"The tragic hardships and injustices of evacuation are most evident in the present plight of German and Italian anti-Axis refugees on the West Coast. Many of these are in the process of becoming American citizens, which process has been lengthened in the case of enemy aliens since the war. Although anxious to prove their loyalty and to join in the fight against the Axis, these people are being classed in the same status with the enemy they have fled. England has resolved this anomalous situation through special hearing boards created to grant exemptions from the enemy alien status upon individual examination."

4. SITUATION OF THE JAPANESE.

It is apparent that the forcible evacuation of some 120,000 alien and citizen Japanese from the Pacific Coast upon short notice under military orders to carry with them naught but their barest personal effects, would result in wholesale destruction of property values, economic and social relationships and impoverishment of many innocent persons. While the Wartime Civil Control Administration created by Lieut. Gen. DeWitt has sought to lend aid to evacuees in disposing of their belongings and has declaimed publicly against profiteering from the evacuee's misfortunes, the total effect has been and continues to be great economic as well as social loss to the classes of persons affected. The Chief of the Division of Immigration and Housing of the State of California, testifying before the Tolan Committee, stated:

"There is ample evidence that social and economic vultures are already preying upon the unfortunate aliens who expect to be evacuated. They are told to dispose of their property and are frequently offered ridiculous sums which in panic and desperation the evacuees are inclined to accept. Stories are also being circulated which indicate that unless great care is exercised, and that immediately, we shall have a repetition here of what transpired in Germany and in other countries as the result of large-scale evacuation. People have been threatened that unless they dispose of their property to those who are eager for it, they will be reported to the F.B.I. and their property will be confiscated." (Testimony of Carey McWilliams, at Los Angeles, March 7, 1942.)

Wholesale destruction of property values of the Japanese, has been accompanied by almost complete disruption of the vital truck-garden vegetable industry on the Pacific Coast, an industry largely controlled and manned by Japanese. Efforts of the various Chambers of Commerce and other groups, public and private, to preserve existing crops and insure new season planting by substituting white farmers for the Japanese to date has had but very limited success to date, due to shortage of available competent farm man power as well as lack of experience of the substituted farmers.

Resettlement of the evacuated Japanese has likewise been fraught with serious difficulties. Thus, following the army's announcement that it intended eventually to remove evacuated Japanese to points in inland western states, governors of nine states mentioned as possible havens expressed strong opposition. Only one state, Montana, expressed assent, its sugar beet growers stating that due to shortage of farm labor in Montana they were:

"Willing to bring Japanese laborers from West Coast areas into the State's beet fields, provided adequate protection is given the aliens that they are not permitted to remain after the war." (Los Angeles Times, March 27, 1942, p. 10.)

In various states Japanese en route from California to new homes in pursuance of the evacuation orders, were denied admission or arrested.

Housing the evacuees, as above indicated, has proceeded to date on the analogy of internment centers or barracks. Thus at the Owens Valley Reception Center at Manzanar, 235 miles northeast of Los Angeles:

"One of the first bulletins, lettered in both languages, warned that when a military sentry calls, 'Halt,' he means just what he says, and you must stop.' Another gave instructions on movements about the center and still another warned that after today the occupants must not approach their parked automobiles."

"Several hundred military police, who were specially trained and armed with special weapons, are guarding the reception center..." (Los Angeles Times, March 27, 1942, p. 10.)

The hurried nature of the evacuation, the apparent lack of previous long-range planning by the government, plus the unwillingness of many counties and states to permit mass concentration of Japanese in their midst, plus the inevitable military problem created by indiscriminate and mass concentration of alien and citizen Japanese, has resulted in choice of some relatively inferior sites for internment centers. Thus, the large Owens Valley Reception Center, already housing nearly 10,000 evacuees is located on the edge of Death Valley in an isolated, arid desert region. Some indication of its geographical and climatological locale is seen from the following:

"Up to late yesterday nearly 190 barracks buildings had been erected, but 60 construction workers packed up their tools and quit the job, complaining about the unpleasantness of the weather.

"An equinoctial wind continued to whoop through the valley, making the erection of prebuilt walls difficult, and felling several commissary tents in the construction camp."

Whipped up anti-Japanese hysteria has tended to check efforts of the Wartime Civil Control Administration to reemploy evacuated Japanese on a reasonable basis in agricultural and other employment in and about the internment centers. Thus, following a statement by the manager of the Owens Valley Reception Center that the evacuees would be paid from \$50 to \$90 a month, less \$15 per person for subsistence, Congressman Lelan M. Ford of California demanded an explanation and veteran groups protested, saying:

"Our men in the military and naval forces of the United States risk their lives, suffer the hardships of combat and possible loss of lives, or return home hopelessly maimed or crippled for life at the rate of \$21 a month reward.

"We . . . feel that . . . all enemy aliens or Americans of Japanese ancestry who are segregated in camps for

the safety of the country shall not be paid any compensation whatever except what would constitute a moderate allowance of food, clothing and lodging.

"We urgently demand that the President of the United States and members of Congress take action immediately to terminate this unjustified generosity." (Los Angeles Times, March 27, 1942, p. 10.)

Later, the reception center manager apologized in effect for his generosity, saying that many Japanese "will owe the government rather than the reverse" (supra).

Accompanying the forcible evacuation and the natural public inference therefrom that the affected classes of persons are disloyal, there has been a tendency of various groups on the Pacific Coast to capitalize on the predicament of the Japanese. Thus, proposal has been made that persons of Japanese ancestry be deemed not born in the United States for legal purposes irrespective of the physical fact to the contrary. ("What classes of persons born in United States are not citizens," Los Angeles Daily Journal, April 18, 1942, p. 1; "Citizenship of American-born Japanese Declared Questionable," Los Angeles Daily Journal, April 14, 1942.) The annual meeting of the Grand Parlor of the Native Sons of the Golden West unanimously adopted a resolution that:

"No reliance be placed upon the possible interpretation of our present laws to bar the Japanese from citizenship, but that an out and out amendment be passed . . . denying to American-born Japanese the right to citizenship in the United States, which amendment shall be retroactive" (Los Angeles Daily Journal, May 2, 1942, p. 1).

5. LEGAL ASPECTS

(A.) Aliens.

In time of peace it is of course axiomatic that the Fifth and Fourteenth Amendments to the United States Constitution are inapplicable to an alien seeking admission into the United States for the reason that "The petitioner, although

physically within our boundaries, is to be regarded as if he had been stopped at the limit of our jurisdiction and kept there while his right to enter was under debate." (Abe v. Fish and Game Commission, 9 C. A. (2nd) 300.) By parity of reasoning, however, once the alien has been lawfully admitted and entered the United States these amendments are applicable so that legislation discriminating in favor of citizens and against aliens as a class, as for example in the distribution of private employment, is generally violative of the equal protection and due process clauses (Truax v. Raich, 239 U. S. 33 (1915); United States v. Ju Toy, 198 US 253, 1905).

In time of war, however, the constitutional power to declare and conduct war necessarily includes the power to confine, restrict or remove persons who are citizens or subjects of enemy powers even though resident in the United States. (Brown v. United States, 8 Cranch. 110, 121, 3 L. Ed. 504 (1814)); (De Lacey v. United States, 249 F 625 (C. C. A 9th, 1918)). Necessarily, the limitations upon exercise of the power in wartime are as vague, if at all existent, as the so-called rules of war governing the treatment by hostile powers of each other's captured or otherwise amenable citizens or subjects. (Supra.) It cannot therefore seriously be argued that the legal rights of Japanese, German or Italian aliens have been infringed by the foregoing events on the Pacific Coast. While the existence of stateless refugees, formerly citizens or subjects of the enemy and themselves the first victims of the enemy, creates an important and novel distinction, it is primarily practical rather than legal, so that it lies within the government's discretion to treat stateless refugees either as friendly or as enemy aliens. For here as elsewhere the exercise of governmental power within a classification reasonably founded with relation to the legitimate object, is proper. Thus, the Government might reasonably contend that inclusion of former citizens and subjects of enemy powers within the classification of alien

enemies affected by exercise of the war power, is either necessary or proper.

(B.) Citizen Japanese.

The essential principle characterizing the government's treatment of citizen Japanese on the Pacific Coast is a discrimination based on race. The object of the treatment is, of course, a legitimate one, to wit, the successful defense of the United States and prosecution of a war. The question, therefore, is whether that object justifies the discrimination under the circumstances existing on the Pacific Coast.

In time of peace it is axiomatic that governmental discrimination based on race, with slight exceptions, is unconstitutional because violative of the equal protection and due process clauses (Slaughter House Cases, 16 Wall 36, 21 L. Ed. 394). Thus, efforts to segregate races on the basis of the color majority in a particular city block or by similar devices have been held to constitute unconstitutional interference with the use and ownership of property (Buchanan v. Worley, 245 U. S. 60; Harmon v. Tyler, 273 U. S. 668; City of Richmond v. Deans, 281 U. S. 704).

Does the advent of war change the situation? That is, does it justify the deprivation of liberty and property without trial, based solely on racial classification? The Supreme Court of the United States has already given the answer:

"The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false; for the government, within the Constitution, has all the powers granted to it, which are necessary to preserve its existence..." [(Ex Parte Milligan, 71 U.S. (4 Wall) 2 at 120 (1866))].

Assuming the treatment of citizen Japanese on the Pacific Coast is to be regarded as an application of martial law, - - notwithstanding, the President

studiously avoided the term in authorizing the treatment -- is martial law justification? The United States Supreme Court has given the answer:

"The proposition is this: that in a time of war the commander of an armed force (if in his opinion the exigencies of the country demand it, and of which he is the judge), has the power, within the lines of his military district, to suspend all civil rights and their remedies, and subject citizens as well as soldiers to the rule of his will, and in the exercise of his lawful authority cannot be restrained, except by his superior officer or the President of the United States.

"If this position is sound to the extent claimed, then when war exists, foreign or domestic, and the country is subdivided into military departments for mere convenience, the commander of one of them can, if he chooses, within his limits, on the plea of necessity, with the approval of the Executive, substitute military force for and to the exclusion of the laws, and punish all persons, as he thinks right and proper, without fixed or certain rules.

"The statement of this proposition shows its importance; for, if true, republican government is a failure, and there is an end of liberty regulated by law. Martial law, established on such a basis, destroys every guarantee of the Constitution, and effectively renders 'the military independent of and superior to the civil power' -- the attempt to do which by the King of Great Britain was deemed by our fathers such an offence, that they assigned it to the world as one of the causes which impelled them to declare their independence. Civil liberty and this kind of martial law cannot endure together; the antagonism is irreconcilable; and, in the conflict, one or the other must perish.

"This nation, as experience has proved, cannot always remain at peace, and has no right to expect that it will always have wise and humane rulers, sincerely attached to the principles of the Constitution. Wicked men, ambitious of power, with hatred of liberty and contempt of law, may fill the place once occupied by Washington and Lincoln, and if this right is conceded, and the calamities of war again befall us, the dangers to human liberty are frightful to contemplate. If our fathers had failed to provide for such a contingency they would have been false to the trust reposed in them. They knew, the history of the world told them -- the nation they were founding, be its existence short or long, would be involved in war; how often or how long continued, human foresight could not tell; and that unlimited power, wherever lodged at such a time, was especially hazardous to

freemen. For this, and other equally weighty reasons, they secured the inheritance they had fought to maintain by incorporating in a written constitution the safeguards which time had proved were essential to its preservation. Not one of these safeguards can the President, or Congress, or the Judiciary disturb, except that one concerning the writ of habeas corpus." (Ex Parte Milligan, supra at 124-5.)

The implication of the principles above enunciated as to attempts to accomplish by martial law racial discrimination, which would be unconstitutional if attempted by the Civil authority, has already suggested itself to our courts:

"It is observed . . . that the initial step in segregation of the races in this locality occurred in May 1933 when Hon. William H. Murray, as Governor, issued an executive military order, declaring a state of martial law to exist in certain areas of the city of Oklahoma City, declaring a 'Segregation Zone' for white people and another for black or colored people, and between the two a 'nontrespas zone'; that the object thereby sought was preservation of the peace and prevention of riot and bloodshed; that the incident giving rise to military order was 'that a large number of negroes were moving, or attempting to move, into districts entirely used and occupied by white people, and that such indicated that riot and bloodshed was imminent; that the duration recited by the decree was, until said city, pursuant to request of the Governor, should pass a valid ordinance in lieu of said order.

"Can it be logically argued in any judicial forum of the United States, state or federal, in view of such expositions upon the nature of our government as that contained in the cause of Ex Parte Milligan, 4 Wall. 2, 120, holding that 'the Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times and under all circumstances,' that a military order possesses more efficacy than the Constitution of the United States and the laws adopted or expressly authorized by that instrument? Can it be, in view of the ordinance being invalid ab initio, that the military order endures as by its terms to supplant the inhibited and abortive legislation? To the contrary in purpose to that of the Emancipation Proclamation and unlike it being validated by subsequent law, the military order of Governor Murray is void and unenforceable by due process of law.

"Since, therefore, the military order of the Governor was void and unenforceable, and notwithstanding that by the terms thereof the city was directed and enjoined to enact the ordinance presented, the martial law decree afforded no justification whatever for the enactment of the ordinance, nor did this instrument

impart any validity to the ordinance." (Allen v. Oklahoma City, 175 Okla 421 P 1054, at 1058 (1935)).

It is frequently urged in support of the present discrimination against citizen Japanese that the use of Fifth Columnism has altered basically the methods of warfare, and necessarily therefore, must alter the interpretation of constitutional principles with respect thereto (e.g. Radio address of Mayor Fletcher Bowron of Los Angeles reprinted in Los Angeles Daily Journal, February 28, 1942, at p. 1). Suffice it that neither Fifth Columnism nor the argument based upon it is new:

"The Court, of course, can have no knowledge how extensive was this Order of Sons of Liberty; how extensive was the organization of these American Knights in Indiana. It was a secret Order. Its vast extent was not known generally. But the Executive might have known; and if I might step out of this record, I could say that I am aware that he did know, that this Order professed to have one hundred thousand men enrolled in it in the States of Indiana, Ohio, and Illinois, so that no jury could be found to pass upon any case, and that any court-house wherein it had been attempted to try any of the conspirators, would have been destroyed. The President has judged that in this exigency a military tribunal alone could safely act.

"We do not desire to exalt the martial above the civil law, or to substitute the necessarily despotic rule of the one, for the mild and healthy restraints of the other. Far otherwise. We demand only, that when the law is silent; when justice is overthrown; when the life of the nation is threatened by foreign foes that league, and wait, and watch without, to unite with domestic foes within, who had seized almost half the territory, and more than half the resources of the government, at the beginning; when the capital is imperilled; when the traitor within plots to bring into its peaceful communities the braver rebel who fights without; when the judge is deposed; when the juries are dispersed; when the sheriff, the executive officer of the law is powerless; when the bayonet is called in as the final arbiter; when on its armed forces the government must rely for all it has of power, authority, and dignity; when the citizen has to look to the same source for everything he has of right in the present, or hope in the future, -- then we ask that martial law may prevail, so that the civil law may again live, to the end that this may be a 'government of laws and not of men.' " (Argument of B. F. Butler, special counsel for the United States in Ex Parte Milligan, supra, at pages 102, 106.)

The United States Supreme Court has answered the argument:

"It will be borne in mind that this is not a question of the power to proclaim martial law, when war exists in a community and the courts and civil authorities are overthrown. Nor is it a question what rule a military commander, at the head of his army, can impose on states in rebellion to cripple their resources and quell the insurrection. The jurisdiction claimed is much more extensive. The necessities of the service, during the late Rebellion, required that the loyal states should be placed within the limits of certain military districts and commanders appointed in them; and, it is urged, that this, in a military sense, constituted them the theatre of military operations, and as in this case, Indiana had been and was again threatened with invasion by the enemy, the occasion was furnished to establish martial law. The conclusion does not follow from the premises. If armies were collected in Indiana, they were to be employed in another locality, where the laws were obstructed and the national authority disputed. On her soil there was no hostile foot; if once invaded, that invasion was at an end, and with it all pretext for martial law. Martial law cannot arise from a threatened invasion. The necessity must be actual and present; the invasion real; such as effectually closes the courts and deposes the civil administration.

"It is difficult to see how the safety of the country required martial law in Indiana. If any of her citizens were plotting treason, the power of arrest could secure them until the government was prepared for their trial, when the courts were open and ready to try them. It was as easy to protect witnesses before a civil as a military tribunal; and as there could be no wish to convict, except on sufficient legal evidence, surely an ordained and established court was better able to judge of this than a military tribunal composed of gentlemen not trained in the profession of the law.

"It follows, from what has been said on the subject, that there are occasions when martial law can be properly applied. If, in foreign invasion or civil war, the courts are actually closed, and it is impossible to administer criminal justice according to law, then, in the theatre of active military operations, where war really prevails, there is a necessity to furnish a substitute for the civil authority, thus overthrown, to preserve the safety of the army and society; and as no power is left but the military, it is allowed to govern by martial rule until the laws can have their free course. As necessity

creates the rule, so it limits its duration; for if this government is continued after the courts are reinstated, it is a gross usurpation of power. Martial rule can never exist where the courts are open, and in the proper and unobstructed exercise of their jurisdiction. It is also confined to the locality of actual war. Because, during the late Rebellion it could have been enforced in Virginia, where the national authority was overturned and the courts driven out, it does not follow that it should obtain in Indiana, where that authority was never disputed, and justice was always administered. And so in the case of a foreign invasion, martial law may become a necessity in one state, when, in another, it would be "mere lawless violence."
(Ex Parte Milligan, supra at p. 126.)

It should be noted that the argument of counsel for the government rejected in Ex Parte Milligan, if anything involved circumstances more convincing than the present. For the 100,000 Sons of Liberty were white Americans, physically and linguistically indistinguishable from their neighbors and therefore perfect Fifth Columnists since their disaffection could be reached only by the scalpel that reaches the mind. A potentially disloyal Japanese American, on the other hand, is at once marked by the physical differences of race, and is correspondingly ineffective as a Fifth Columnist.

Ex Parte Milligan, supra, has been consistently followed since its rendition, and unquestionably is as authoritative an interpretation of the Constitution for Americans of today, as it was for our Civil War predecessors (United States v. Cohen Grocery Co., 255 U. S. 81, at 88-9 (1921); Sterling v. Constantin, 287 U. S. 378, at 400-401 (1932)).

It is apparent, therefore, that the indiscriminate restriction, removal and segregation of Japanese born in the United States and therefore entitled to the protection of the Fifth and Fourteenth Amendments cannot be justified, notwithstanding the existence of war. This is not to say that the exigencies of the present war would not support alternative, less drastic discrimination against Japanese Americans. Thus, the exigencies might make it reasonable to impose the

burden of proving loyalty on Japanese Americans before appropriate hearings boards, provided that the individual Japanese American were given an opportunity to avoid impairment of his liberty and property if he met the burden of proof. Or, perhaps the exigencies might even justify evacuation provided the government assured to the evacuees economic opportunity or commensurate compensation reasonably equalizing the situation as between the evacuee and other citizens (Canada v. University of Missouri, 305 U.S. 337 (1938)).

Such alternatives doubtless would still constitute discrimination. But a reasonable discrimination which leaves to the individual an opportunity to be heard and to acquit himself, or which substitutes some appropriate equivalent for the values destroyed, might appeal both to sentiment and constitutional logic, where indiscriminate mass infliction of injury based on race, would not.

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Documents Section

INTERMENT CENTERS: SHARP PARK

Throughout the early stages of the evacuation and relocation program, most of the officials involved took particular pains to wipe their hands of another wartime problem, the control of dangerous aliens.

The two problems, they said, were totally and completely unrelated, concerning two entirely separate groups of people, two separate groups of governmental agencies, two different types of treatment. They considered relocation to be a democratic, rational and essentially friendly but necessary act ("it hurts us as much as it hurts you") to provide mutual aid and protection; but control of dangerous aliens is a policeman's job, beginning with some acute spying by the Federal Bureau of Investigation, featured by a dramatic house-to-house raid, and ending with a concentration camp.

In reality, however, these two were intimately related parts of the same problem. The campaign against suspected dangerous aliens, with all its flamboyant publicity and its appeal as a pulp-magazine thriller come true, was largely responsible for the birth of the relocation program, a major factor in convincing the public that relocation was necessary, and instrumental in determining the extent of relocation.

The first raids against aliens convinced the Nation that some aliens could not be trusted. Continuation of the raids, even after officials had claimed "everything is now under control," brought the feeling that perhaps no aliens could be trusted.

Even as early as December 27, 1941, Attorney General Biddle stated:

"I should like to remind employers that . . . fewer than 3000 have been regarded as dangerous to the peace and safety of the United States. Those have

been taken into custody by Federal authorities."

But all through January and February, the Federal authorities took more and more enemy aliens into custody. By February 26, the Attorney General reported, 5151 enemy aliens had been arrested, and yet the raids went on--productive raids, too, with the seizure of still more dangerous aliens and still more hidden contraband. County jails and immigration stations were jammed with aliens awaiting hearings, additional hearing boards had to be appointed to keep up with the work, internment camps were becoming seriously crowded and store rooms were filled with thousands of contraband weapons, tens of thousands of rounds of ammunition, illegal short-wave radios, signal flags, military uniforms, code books, powerful flood lights, photographic equipment and even dynamite.

More and more innocent-appearing Japanese priests, harmless and impoverished Japanese farmers and faithful Japanese domestic servants all turned out to be colonels in disguise.

And still the raids went on.

Eventually public sentiment turned to the only logical conclusion:
Nobody knows how many dangerous aliens we have. We can't trust any of them.
We must move them all--especially Japanese--from strategic areas. And, for good measure, we'd better move their citizen children along with them.

Whether or not this was justified, it was what the people wanted. It resulted in a clamor for mass evacuation, especially of Japanese, and eventually it resulted in evacuation itself.

Yet the story of the dangerous aliens did not stop there, with evacuation forced on non-dangerous aliens and citizens. For each alien sent to a concentration camp had relatives or friends or neighbors. His wife, his parents,

his children, ashamed or crushed or vengeful, went to relocation centers; their records were clear, but their minds were not. They had a father, or a brother or friend or neighbor, in a concentration camp—he was a criminal in the eyes of the United States Government—and they were supposed to forget about it.

"Don't think about your father up at Missoula," they were told. "That's all over. We're giving you a fresh start."

But it wasn't all over for thousands of families at Santa Anita and Manzanar and Parker. They were starting their new life with strong ties to a man a thousand miles away, branded as an enemy to America. Those ties were destined to have strange but unpredictable effects on the success of the War Relocation Authority.

Internment camps, more commonly known as concentration camps, are nothing new to modern nations. Every country in time of war has had to do something with enemy nationals within its borders; once these victims were of limited importance, for they were quickly slaughtered after the outbreak of hostilities, and that was that, but now—under the rules of civilized warfare—they are placed in concentration camps for the duration.

Every detail of a wartime concentration camp is covered by a universal treaty governing prisoners of war. This pact lists the food and housing that must be given internees, the type and amount of work they can perform, the type and maximum amount of punishment allowable (30 days in solitary confinement, but no corporal punishment) and provisions for investigation by representatives of a mutually satisfactory neutral nation.

Only since the rise of Hitler and the Nazi Gestapo has an uglier set of rules been applied to a concentration camp, and even in Germany, brutality and

torture has been administered not to captured "enemy nationals" but to those German nationals and slave peoples whose own countries could not retaliate with reprisals in kind.

America had internment camps during World War I, and even before this country went to war with the Axis in 1941, three camps were established for internment of alien Japanese, Germans and Italians held here under the rules of war. The first of these was at Fort Stanton in New Mexico, just north of the Mescalero Apache Indian Reservation, established in 1940 by agreement with the German Embassy to hold 409 members of the crew of the scuttled liner Columbus. The next two were placed at Fort Missoula, Montana, and Fort Lincoln near Bismarck, South Dakota, onetime headquarters of General Custer. A few days after Pearl Harbor, a western camp was set up in Tuna Canyon, near Los Angeles, and on March 30, 1942, a second Pacific Coast camp went into action at Sharp Park, near San Francisco.

For weeks before, FBI raiding parties had been scouring all Northern and Central California, rounding up scores of suspected aliens--Germans, Japanese and Italians--in the San Francisco Bay area, the fertile Sacramento and San Joaquin valleys, and the northern lumber towns. These aliens had lived and worked for years as nurserymen, farmers, truck gardeners, grocers, newspaper men, household servants and small business men; but in fact, claimed the FBI agents, they were members of the German-American Bund, the Italian Combatenti, the Japanese Military Virtue Society, the Black Dragon, and the Heimusch Kai.

Every one of these aliens was considered a potential spy, saboteur or enemy agent.

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In each case, the preliminary history had been the same. The FBI men, aided by local police and deputy sheriffs, had closed down without warning on one suspected district, served special presidential warrants, questioned each suspect, searched his house (and usually found some hidden contraband), and booked him at the nearest jail—"en route to immigration authorities."

The immigration authorities then went into action, collecting the seized aliens in trucks and busses, and transferring them to San Francisco's Silver Avenue Immigration Station.

Here, at Silver Avenue, the aliens found no barred cells awaiting them, but instead a huge gymnasium—a left-over from the days when the sprawling buildings once served as a training school for the Salvation Army. That gymnasium had been transformed into a dormitory by the simple trick of covering virtually the entire floor with row after row of double-deck beds. It was jammed with the beds, the hundreds of "detainees" and their luggage; only enough space was left for a dozen card tables (stacked suitcases) for the interminable card games.

Those games were conducted under utmost difficulties. Aisle space was too narrow for efficient navigation, and the tables and players were constantly bumped by every passerby. The air was thick with tobacco smoke and a dozen other fumes and odors. Early in the afternoon, it became still more difficult to concentrate on pinochle; guards began issuing directions—

"Number eight-four-five!"

"Here."

"Pack your stuff and get ready to move!"

"Where we going?"

"You'll find out . . . number eight-four-six!"

Sharp Park-6

Traffic up and down the aisles became too much for the card-players, and the games finally halted. Nearly two hundred men bent over their suitcases, folding in the last pieces of clothing, the last shirt, the extra sweater, the warm pair of socks. Were they going to icy North Dakota, to sun-baked New Mexico? Neither one, the inside story had it, but to a new camp near San Francisco—down at Sharp Park.

The inside story was always there—and usually it was correct. Not even the newspapers knew about Sharp Park, but the aliens did.

By 2:30 five big passenger busses had pulled inside the fenced courtyard and the first of the detainees climbed the narrow stairs out of the gymnasium and stepped out in the bright hot sunlight. These first were Italians. They came out blinking in the light, unshaven, uncertain, then grinning at the bus drivers and the waiting guards.

The guards, less than a dozen of them, were from the Border Patrol—tall, rangy men brought up from the Mexican border. They carried heavy automatics on their belts, and the guns stayed in their holsters. There was no obvious demonstration of weapons, no machine gun display in the background, no bayonets—just those automatics kept in their holsters, ready but not ostentatious.

The Italians came filing out of the gymnasium. Most of them seemed glad to get out in the sunlight, to get a lung full of the clean air sweeping in from the Pacific. Maybe they were deadly Fascisti; they looked like good paisanos—farmers, storekeepers, wine growers. Neckties and clean shirts were rare. Their luggage was all of two types—either old, broken luggage that had never been very good in its prime, or shiny new suitcases that looked like the \$2.98 special. It wasn't traveling man's luggage. A few men carried paper bags stuffed with shirts and underwear. Most had a few clothes hangers under

their arm. Concentration camps, it appeared, don't provide standard hotel facilities.

And still the Italians came filing out, usually starting off in the wrong direction, then called over to the checker to give his name and number, and finally ushered into a bus. The bus drivers did all the work, carrying the baggage and loading it in place.

Once or twice a German appeared in line, but each time he was told to wait until the Italians were all finished. The Italians thought this was particularly amusing.

It took two buses to carry all the Italians, and then the Germans came. There was no mistaking the change: these men were strikingly blond, shaved, clean, well dressed (with neckties). Many of them were surprisingly young, in their late teens or early twenties. Where the Italians were puffing on pipes, the Germans went in for cigarettes. And the German luggage was different--- it was all the same, good, solid stuff---perhaps dirty and scuffed, daubed with hotel and airline stickers, but unquestionably expensive.

The Germans, too, joked in the bright sunlight, but it wasn't good-humored joking. There were sullen jibes mixed with the loud laughs.

"And now we have the Border Patrol with us," one blond muttered in German. "Nothing but damned Mexican-chasers!" And then loudly, in English, with a broad smile, he added, "Hello, fellows. Glad to see you're going to protect us." He laughed uproariously.

The guards failed to appreciate the joke. Leaning against the walls and the bus fenders, they wriggled into slightly more comfortable positions.

"Wish I was back in Calexico," one of them said. "My wife's gonna have a baby in two weeks."

Sharp Park-8

The German-American conversations petered away.

Meanwhile, with the Italians and Germans moving carelessly into their busses, the Japanese were getting themselves organized. It was super-organization. They had lined themselves, three abreast, in a geometrically straight line, with each man standing nearly at full attention, his baggage by his side. If someone had said "Forward March!" they would undoubtedly have stepped out in perfect order. The guards had nothing to do with this organization; a little, well-dressed, black-mustached man, Mr. Inouye, took care of it. He gave his orders, and his orders were obeyed.

When the bus drivers were ready to load the Japanese, Mr. Inouye stepped in as middle man. He took the orders from the bus drivers, relayed them on to the Japanese, and the results were marvelous. Not one Japanese made a single mistake.

The Japanese, too, had their own tastes in baggage. Where the Italians went in for the \$2.98 specials and the Germans for good, solid, expensive luggage, the Japanese were showily modern, super-modern. The Nipponese luggage was super-aircraft luggage, with the most up-to-date color combinations, the biggest stripes, the biggest identification labels, the most streamlined handles.

It took more than an hour to check and load the men and their baggage. At the end of the driveway, out of sight, dozens of women and children and a few men waited patiently to wave goodby. When the busses finally roared up the driveway, the farewell ceremony collapsed; a few Japanese girls waved with complete abandon, one Italian woman broke out with a stream of unmistakable curses, and four children--two German and two Italian--cried miserably. Everybody else merely looked.

Sharp Park-9

A few passersby, obviously aware of the identity of the passengers, watched without smiling, without jibing, without any comment at all. They calmly followed the proceedings as they would the movements of handcuffed murderers.

Once on their way, the busses made excellent time; without any sirens or motorcycle escort, with only one guard in each bus of forty-odd men, the drivers handled their assignment as if it were the usual 5:15 commuter's special to Palo Alto.

A forty minutes drive south of San Francisco, the Sharp Park camp is girded on three sides by the Coast Range, on the fourth by the Pacific Ocean. Between the ocean shore and the green-roofed, yellow barracks buildings is part of the rolling fairways of the Sharp Park golf course. As a concentration camp for dangerous aliens, it offers a superb view that would delight any chamber of commerce, but the view is filtered through a ten-foot fence topped by barbed-wire.

Three weeks before the first busloads of aliens reached there, Sharp Park was acquired by the Government, and its buildings—once used by the State Relief Administration and more recently by the State Guard—were put into proper condition. Fences were strung all around the camp, and high towers erected on the corners for armed guards.

Late in the afternoon of March 30, the first 191 men were taken forty at a time into the wired enclosure, marched to the barracks and assigned to their beds. Border Patrolmen from the Immigration Service, assisted by State Guardsmen, quickly led the men to the quarters; again, there was no prodding with bayonets or even with guns, for not a single weapon was allowed within the enclosure. As each guard marched through the fence opening, he surrendered his gun to the guard remaining outside. They took no chance that a prisoner

Sharp Park-10

might grab a gun even inside the fence.

With ten barracks and a top capacity of 1200, the first 191 aliens had ample room, and only a few guards were necessary.

"It's funny finding the Japs coming in like this," one State Guard captain said. "We figgered they might be coming here, but we expected to see 'em arrive on battleships from the West, and now they arrive by Greyhound bus from San Francisco. Well, we're ready for 'em anyhow."

Dinner was served within an hour--meat, potatoes, fresh vegetables, fruit for dessert, plenty of coffee. N. D. "Nick" Collaer, down from Fort Missoula to watch the proceedings, claimed food can make or break a concentration camp.

"Ninety per cent of the trouble in any prison or any camp," he declared, "is due to food--badly cooked, or not enough of it. Here, the aliens can get seconds and thirds and fourths, if they want it, and we're letting them prepare their own food. I brought down two Japs, two Italians, and two Germans from Silver Avenue, ahead of time. They know how their own people like to have their food flavored."

"Our only instruction," Collaer tells interned aliens, "is to see you don't leave here illegally. We have no orders to make you unhappy or uncomfortable, and all our inclinations are in the other direction."

Collaer, an old-timer with the Border Patrol, inspector at Del Paso from 1937 to 1940, was given the job of establishing the first internment camp at Fort Stanton, New Mexico. Later he started the camps at Missoula and Bismarck.

From 60 to 80 per cent of the attempted escapes, he claimed, would be avoided if people wouldn't leave unlocked cars around the camps.

"We keep guards--unarmed, of course--inside the camp all night. They

Sharp Park-11

help to keep up morale, and find out what's going on. Also, they look for fresh dirt--the signs that somebody is doing a little tunneling work."

Everybody in camp must work--probably only a few hours a day--and preferably at something he understands.

"Farmers and gardeners," Collaer said, "will find some flower beds already around the buildings. We're going to have more, maybe put in some lawns. We're going to have some vegetable gardens, too. If we have artists or painters here, we can use their skills; after all, we need plenty of decorations around the place.

"They're going to have recreation and amusement--maybe radio and movie programs, soccer, baseball, maybe football.

"They're going to have their own government, and their own jury system to get care of men who won't cooperate. We won't have to do much enforcing--they'll take care of that themselves.

"We'll have a canteen--after all, they always seem to have money to spend, or they can get it--but we'll divide the authority for running it between all three groups. If we didn't do it that way, the Japs would get control of it in three days."

Five minutes after dinner, the first sign of Japanese initiative appeared. Mr. Inouye, the little man who "organized" his countryman back at the Silver Avenue Station, came to Collaer.

"I am nurseryman," he said. "Maybe you let me stay here. Plenty work to do. You get me plants, some seeds? Maybe we put in lawn here, petunias over there, climbing roses over roof? I can do. But need help."

"Help?" Collaer chuckled. "We've got 190 men here who can help."

Some officials, he indicated, hesitated to trust interned aliens with

Sharp Park-12

shovels or saws or even sharper cutting tools. At Silver Avenue, for example, a sign on the bulletin board proclaimed: "Germans shave at 8:30 a.m. Japs shave at 3:00 p.m. Guard must be present."

At Sharp Park camp, the aliens can keep their own razors and shave when and whom they like.

The men brought here, it must be emphasized, still do not know their fate for the duration of the war. They are being held until they can be given hearings before civilian boards and the testimony sent to the Justice Department for decision.

Some of the "detainees"--not yet "internees"--will probably be released, others will be let out on probation, perhaps only half will be sentenced to permanent internment until the end of the war. About half of the 191 brought to Sharp Park on March 30, then, are unquestionably enemies of the United States, men who have engaged in espionage or who were ready to commit sabotage. They were the fifth-columnists, working under orders from Berlin, Tokyo or Rome.

They were arch-enemies of a democratic nation.

That nation, which they were trying to destroy, had this treatment in store for them--

Outside, a barbed-wire fence, machine guns, searchlights, guards who carried guns and knew how to use them.

Inside, moderate work to be done, plenty of food, sports, movies, radios, and a good share of self-government.

"Our only instruction," they are informed, "is to see you don't leave here illegally."

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INFORMATION CONCERNING THE UNITED STATES
IMMIGRATION AND NATURALIZATION SERVICE
INTERMENT CAMP AT CRYSTAL CITY, TEXAS

1. LOCATION

Approximately one hundred and twenty miles southwest of San Antonio, Texas.

2. CLIMATE

Mild; heat somewhat excessive during summer months.

3. WATER

Approved city water from deep wells.

4. HOUSING

Individual family units in duplex, triplex or quadruplex types of buildings; frame construction with wood or gypsum board siding and with gypsum board partitions; concrete floors and electric lights. Floor space from 40 to 70 square feet per individual, depending upon composition of families and ages of children.

5. HOUSEKEEPING FACILITIES

Each housing unit has a kitchen sink with cold running water, an oil stove with oven for cooking and heating, essential cooking utensils and dishes. Each duplex and triplex building has one toilet and lavatory. Persons occupying units in the quadruplex buildings use central toilet facilities. Essential items of furniture and furnishings are supplied, some of which are made on the project by internees.

6. SCHOOLS

It is intended to provide standard grammar and high school courses. These schools will not be in operation before the beginning of the fall term. To the fullest extent possible teachers will be selected from internees, but the Government will furnish such teachers as are needed.

7. LIBRARY

Provision is made for a library, but at the present time very few books have been received. Effort will be made to secure additional books.

8. VISITING

Visits of limited duration are permitted, but must be approved in advance by the Officer in Charge.

9. DEPARTURE

As a general policy, a person accepting voluntary internment will not be permitted to leave the camp while the interned member of his family remains in that status. However, in exceptional cases, application to depart from the camp will be accepted, approval to be based on the merits of each individual application

10. PETS

No pets are permitted at the camp.

11. PERSONAL PROPERTY WHICH MAY BE BROUGHT TO THE INTERNMENT CAMP

The quarters occupied by individual family groups are small and the space in which personal property may be stored is limited. Persons may bring with them or have shipped to them at Government expense personal clothing, toilet articles, hot water bottles, small items of household equipment, such as portable sewing machines, scatter rugs, curtains, couch covers, small long-wave radio receivers, small tools for craft and garden work, garden hose, small electrical appliances, such as irons, sports equipment, such as racquets, balls, bats, a limited number of books, and small table games. Other articles may be brought only after securing in advance specific approval from the Officer in Charge. The application for permission to present such articles should explain the need and intended use thereof and its approximate size and weight.

12. CANTEEN

A canteen, operated by internees, is available where internees may purchase with their own funds articles desired.

13. LAUNDRY

A central power operated laundry has been established for the laundering of sheets, pillow cases, work clothes, et cetera. A central hand laundry with stationary tubs is available for the laundering of personal apparel.

14. SANITARY FACILITIES

Adequate community bath houses and toilet facilities are available. These facilities are separate for the different racial groups.

15. HOSPITAL FACILITIES

Adequate hospital and dental facilities are available either in the town or Crystal City or at the internment camp.

16. OPPORTUNITY FOR PAY WORK

Internees engaged in performance of work not connected with the management, administration or maintenance of the facility will be paid at the rate of \$.80 per day. Certain projects to provide useful employment have already been organized, such, for example, as a farm and the manufacture of clothing and household furniture and furnishings. The opportunity for paid work, however, is limited.

17. RECREATION

Adequate space and equipment for outdoor recreation will be provided and the internees will be afforded an opportunity to organize their own sports. Motion pictures for amusement and educational purposes are shown twice weekly.

18. INTERNEE ORGANIZATION

The internees are represented by an elected spokesman and council. The Japanese and Germans have separate organizations.

19. CITIZENSHIP

Citizenship will not be affected by voluntary internment.

20. FINANCIAL MATTERS

All money or checks sent to interned individuals must be deposited with the official financial officer and thereafter the funds handled through said officer.

21. CENSORSHIP

All mail and parcels entering or leaving the camp are subject to examination and censoring by camp authorities. International mail is censored in New York. The number of letters and postcards an individual is permitted to send must be limited. However at least two letters and postcards per week will be permitted.

22. ELIGIBILITY FOR TRANSFER TO CAMP

Transfers from a War Relocation Center to the internment camp will only be approved after careful investigation has shown that transfer of a family will be in the best interests of all members thereof and of the Government.

23. NATIONALITIES

Internees of both Japanese and German nationalities and their wives and children will occupy this facility. A small number

of persons of other nationalities may also be detained here. Insofar as it is practicable, each group will be permitted to have its own facilities but it will be necessary for them to share certain of the major facilities, such as the hospital, store, auditorium, outdoor recreational facilities, and main laundry.

24. PROPERTY MANAGEMENT

The appropriate War Relocation Authority Property Management officials will continue to care for any property left by the families either in the relocation center or at their former residence. Internees may communicate directly with the Property Officer of the War Relocation Authority regarding the handling of their property.

HEADQUARTERS
CAMP LIVINGSTON INTERNMENT CAMP
Camp Livingston, Louisiana

A 7.03

INTERNMENT CAMP REGULATIONS

I. Introduction.

1. The word "internees" as used herein unless otherwise specified includes interned civilian enemy aliens and prisoners of war. The term "enemy aliens" as used herein refers to civilian enemy aliens as distinguished from prisoners of war.

2. Only those in charge of internees or who have written permission from competent authority are permitted to talk with internees or enter an internment camp or enclosure.

3. Internees are permitted to retain clothing, insignia, identification tags or cards, decorations, and helmets and gas masks when necessary. Money will be taken from them only upon the authority of an officer who will give a receipt and arrange for crediting the amount to the internee's account.

(see Chapter IV C).

II. Treatment of Internees and Care of Their Money and Personal Effects.

A. Personal Effects.

1. It is the duty of anyone who has custody of internees to secure the protection of the money and personal effects on the person or in the immediate possession of each internee. This duty is imposed upon the officer in direct custodial charge at all times. Property found in possession of internees may be in one of three classes; personal effects which he may always be allowed to retain, personal effects which it may be necessary to take away from him momentarily but returned as soon as practicable, and goods which internees are not permitted to retain at any time and which will be confiscated.

2. Each internee will be individually searched as he is delivered to the War Department. All implements of war, ammunition, bombs, explosives or material used in the manufacture of explosives will be confiscated. Signal devices including flashlights, codes or ciphers, cameras, field glasses binoculars, radio transmitters and short wave redeiving sets will also be confiscated. Internees are not permitted to have in their possession papers or books containing any invisible writing, picture , map or sketch of any military or naval installation equipment or implement of war. If such are found in their possession, the same will be confiscated. The camp commander may deny them the possession, of other articles, deemed by him to be dangerous. Goods that have been confiscated will be delivered to the internment camp commander and have pending disposition ordered by the War Department. In theatres of operation, implements of war will be left with the unit under whose direction the search is made.

3. All valuables, clothing and personal effects not confiscated but received or taken away from the internees for safe keeping will be inventoried, marked, identified and when necessary, securely bound or packaged. A receipt will be made out in triplicate and signed by the owner and the officer in charge. The duplicate will be given to the owner and will be surrendered when the goods are returned to him. The original and triplicate receipt will be retained by the officer in charge if the goods are not returned to the owner but are delivered to the internment camp or other receiving officer. In the event that all the goods are not returned to the owner upon arrival at internment camp, the internment commander will retain the triplicate receipt and forward the original to the Enemy Alien or Prisoner of War Information Bureau. In the majority of instances the Basic Personnel Records WD PMG Form No. 2 will constitute this receipt. In the event that there is insufficient space on this record or the internee has not been and is not yet processed, Basic Personnel Records WD PMG Form No. 3 should be used.

b. At the place of destination, the personal effects not returned to the owner will be delivered to the internment camp commander or other receiving officer and receipted for by him. Before giving his receipt, the receiving officer will assure himself that the personal effects are in accord with the inventory and receipt in the possession of the owner.

c. Money

All money in the possession of an internee will be delivered to the officer in custodial charge upon assumption of his duties. The money will be counted in the presence of the owner. A receipt will be made out in triplicate, signed by the owner and officer. The duplicate will be delivered to the receiving officer. The internment camp commander will retain the triplicate for his files and forward the original to the Enemy Alien or prisoner of War Information Bureau. It is the responsibility of the officer in custodial charge to see that money is kept in a safe place and that every precaution is taken to avoid loss or theft (see Chapter VIII).

III. Organization of Internees.

A. General.

1. Each internee company will be commanded by a commissioned officer of the United States Army. There will also be assigned to each internee company one duty sergeant, one mess sergeant, one supply sergeant, one corporal company clerk, one Private first class, and one cook.

2. Internees will select from their number, leaders for their respective squads, platoons, companies, battalions and camps. Leaders in prisoners of war camps will be designated according to the relative rank of prisoners. Leaders in enemy alien camps will be selected by the internees. Camp or company commanders may appoint internees to act as leaders of their respective units until permanent leaders are designated or elected. Leaders selected or appointed for their respective units in enemy alien internment

camp or prisoner of war barracks will be responsible for the maintenance and cleanliness of the quarters of their units. They also may be used to relay orders, or for such other duties as may be assigned to them by the camp or company commanders. For purposes involving cooperation between military personnel and internees, these civilian internees leaders and the prisoners of war senior in rank may be considered the representatives of the internees.

In apportioning work among the members of the company, each company commander will select from among the internees or permit them to elect men who are qualified to perform respectively the functions of:

1	First Sergeant
4	Cooks
4	Cooks' Helpers
3	Hospital Orderlies
4	Interpretors
1	Tailor
1	Shoemaker
1	Barber
1	Carpenter
1	Mechanic
1	Plumber
<u>22</u>	
4	Platoon Sergeants
16	Squad Leaders
<u>16</u>	Assistant Squad Leaders
<u>36</u>	

This contemplates a squad of 14 men including the squad Leader and Assistant Squad Leader.

IV. Clothing and Food.

a. Clothing.

1. Internees will be provided with necessary clothing by the Quartermaster Corps, upon requisition by their company commander, approved by the camp commander. Each internee will be furnished one uniform complete. Except as circumstances warrant or climate requires, no uniform or suit will be issued to an internee until the one in which he was captured or apprehended has become unfit for use. The uniforms of internees will be renovated and used when practicable.

Prisoners of war will be permitted to wear insignia of rank and decorations.

2. The Quartermaster Corps will issue such renovated clothing and uniforms of obsolete pattern as may be on hand. When clothing of this description is not available, new clothing may be issued. Uniforms when practicable will be dyed green. All coats, shirt or jackets of internees will be marked in white with the internment serial number across the back, on the outside, with letters at least two inches high midway between the shoulders. All other clothing will also bear the internees serial number, unless too small, in which case it may otherwise be marked as prescribed by the camp commander. When clothing is reissued to an internee, the old serial number will first be obliterated. Each company will be furnished a set of stencils by the Quartermaster Corps for stamping serial numbers.

3. Internees will not be allowed to wear articles of the United States Army uniform unless altered in such a manner that it no longer is an Army uniform and in such manner that internees will not be mistaken for troops of the United States.

4. In lieu of complete articles of clothing, the Quartermaster Corps may provide cloth to be made into uniforms by internee tailors.

5. Two suits of fatigue clothing will be issued for use of each cook.

6. Shoes which have been worn but are capable of being repaired by internee cobblers may be issued.

7. Sewing material, cobblers tools, material for shoe repairs, barbers tools, and two sets of tailors tools consisting of scissors, sheers, measuring tape, needles and thimbles will be furnished by the Quartermaster Corps to each company. Tools may remain in possession of internees only during working hours.

8. Clothing brushes will be provided at the rate of one to every ten internees. Each company will be furnished with two pairs of hair clippers and five pairs of handcuffs.

9. Each internee may be issued the following equipment by the Quartermaster Corps which will be kept in his possession.

- 1. belt, waist
- 1. coat
- 1. trousers (or breeches)
- 1. cap or hat
- 2. shirts, O.D.
- 2. pair socks
- 1. extra pair of heavy socks (when necessary)
- 2. suits underwear.
- 1. raincoat (or slicker)
- 1. suit, denim
- 1. pair shoes
- 1. pair rubber boots (when necessary)
- 1. pair canvass mittens with leather palms or equivalent covering (when necessary).
- 2. blankets (an extra blanket may be issued when necessary).
- 1. bed sack or mattress
- 1. cot - matal or canvas
- 1. pillow
- 2. towells
- 2. handkerchiefs
- 1. bag (barracks)
- 1. tooth brush
- 1. safety razor and blade
- 1. canteen, when necessary.

In instances where mess halls do not provide serving dishes, each internee will be supplied:

- 1. can, meat
- 1. cup
- 1. knife
- 1. spoon

B. Food.

1. Internee will be allowed the ration prescribed for United States Troops. The Rations may be altered to suit the needs of the various racial groups but in no case will the money value of the ration exceed that prescribed for soldiers.

2. The possession or use of fortified or heavy wines or spiritous liquors is forbidden. Beer or light wine may be permitted at internees own expense, but no internee will be allowed more than one pint of either, or both, in twenty-four hours.

V. Medical Attention and Sanitation.

1. Internees will be given physical examination upon their first arrival at an internment camp or enclosure, Proper precautions will be taken to prevent the spread of disease.

2. Medical attendance will be provided in the manner prescribed for military personnel, the necessary guard remaining the responsibility of the escort guard company. When medical attendance is no longer required, internee will be returned to the company enclosure or camp from which received.

3. A physical inspection of internees and a sanitary inspection of internment camps and enclosures will be made at least once a month.

4. Internees will be bound to take all sanitary measures necessary to assure the cleanliness and healthfulness of camps and to prevent epidemics, the requirements of which measures will be taught or be made known to the internees.

5. Unsanitary habits, or any sort, will not be tolerated in camp.

6. Internees will have at their disposal, day and night, installations conforming to sanitary rules of the United States Army and constantly maintained in a state of cleanliness.

7. Internees will be furnished with a sufficient quantity of water for the care of their own bodily cleanliness.

8. Internees who have had appropriate training, including prisoners of war who are noncommissioned officers and privates of the sanitary service, when available, will be used as far as possible in sanitary and medical work necessary for the well-being of other internees.

9. Death and Burial of Internees.

a. All persons who die while interned will be honorably buried. If the next of kin of the decedent is a resident of the United States, he or she will be notified of the death by the camp commander and will, if possible, be consulted as to place of burial.

b. Except as otherwise provided herein, internees will be buried in the nearest available cemetery. Location, plot, and grave number or description together with full particulars of death will be forwarded to the Enemy Alien or Prisoner of War Information Bureau.

c. In the absence of different arrangements by the next of kin, the cost of burial will be taken care of in like manner as in the case of death of enlisted men of the Army of the United States.

VI. Pay and Finance.

A. Pay and Allowances.

1. Enemy Aliens and Enlisted Prisoners of War.

c. Money Allowances.

Enemy Aliens, whether or not employed for pay, will receive a money allowance of ten cents per day in canteen coupons to be issued by the camp commander in the manner prescribed by him. In no case will the value of the canteen coupons issued exceed the money value of the allowance due. This allowance may be suspended by the camp commander as a disciplinary action.

B. Money.

All money, stocks, bonds, or other bills or mediums of exchange found in the possession of an internee or sent to him during his internment will be taken over, receipted for and turned over to the internment camp commander, who will transmit same to the Provost Marshall General. No cash will be paid to nor allowed in the possession of internee.

VII. Canteens.

A. Establishment.

1. Canteens will be established in each camp where internees may purchase tobacco, toilet articles, clothing and such other supplies as may be approved by the camp commander. No purchase may be made through any medium other than the Camp Canteen.

2. The Camp Canteen funds will be audited monthly.

B. Prices and Profits.

Prices of merchandise sold at Camp Canteens will be regulated by the camp commander. Dividends from the camp canteen will be expended by the camp commander for the benefit of the internees in order to improve their health and comfort.

VIII. Employment and Compensation.

A. Employment of Internees.

1. General.

a. Labor of internees falls into two classes. The first class includes the labor required for the upkeep and maintenance of the internment camp. This labor will not be paid for except as authorized by the camp commander, in instances where a few internees will devote so much time to this type of work that it will prevent them, as distinguished from the majority of internees in the company or camp, from engaging

in class two work. The second class includes all types of labor which do not fall into class one. Among these will be projects carried on by the United States, one of the states or subdivisions thereof, or by private employers. This type of labor will be paid for as hereafter provided.

b. Physical Ability.

Internees will be classified by the attending medical officer as to their ability to work without injury to their health in the following classes:

- (1) Heavy work.
- (2) Light work.
- (3) Sick no work.

Lists of internees showing the individual labor status of each will be posted from time to time at each internee company headquarters. Except as hereafter provided, all employable internees will perform such labor as may be directed by the camp commander provided such labor is commensurate with their ages, sexes and physical conditions.

2. Class One Labor.

Labor in class one includes:

a. That which is necessary for the maintenance or repair of the internment camp including barracks, roads, walks, sewers, sanitary facilities, water piping or fencing.

b. Labor incident to improving or providing for the comfort or health of internees, including work connected with the kitchens, canteens, fuel, garbage disposal, hospitals, or camp dispensaries.

c. Work within the respective internee companies as cooks, cooks' helpers, tailors, cobblers, barbers, clerks or other duties connected with the interior economy of their companies.

In apportioning such work consideration will be given by the company commander to the education, occupation, or profession of the internees.

3. Class Two Labor.

a. Internees may be employed by the War Department upon any work not directly connected with military operations, provided the Provost Marshal General or his authorized representative approve the request and the work is in the vicinity of the internment camp.

B. Compensation.

1. Money earned by the internees will be credited to their respective accounts by the internment camp commander. Accurate records will be maintained of all moneys credited to and all expenditures or deductions charged against each individual internee's account. except as authorized by these regulations, no deductions may be made from this account and no obligations may be incurred by an internee against it without the authority of the internment camp commander or the Provost Marshall General.

C. Care Of Sick and Injured.

1. An internee who suffers an accidental physical injury will be given a certificate signed by the medical officer and the internment camp commander setting forth the circumstances and the consequent effect upon the internee.

2. Care will be taken that the internees who are sick or who are accidentally injured be given the required shelter, food, clothing, and medical attention, and if necessary, hospitalization as long as they remain interned.

D. Rest.

Internees shall be allowed a period of rest of twenty-four consecutive hours every week, preferably on Sunday.

When emergency requires work on Sunday, the day of rest shall be accorded as practical there-after and in no event shall the interval between successive rest days be longer than nine (9) days.

IX Moral and Intellectual Needs.

A. Internee Associations.

1. Internees may be permitted to organize into associations to select company and camp leaders, to administer self-government as far as practicable, and to act as liaison between internees and company and camp commanders.

2. Requests and complaints of internees will be presented to their duly elected representatives for presentation to the company or camp commanders.

3. To the extent that internee instructors are available, internees may organize classes for instruction in languages, history, mathematics or other subjects which may be approved by The Provost Marshal General.

4. Sports and athletic contests may be sponsored by internee associations.

5. The details of operating internee associations and the power of self-government which may be delegated to them are left to the discretion of the camp commander. Where internees are responsive to opportunity for cooperation, camp commanders should permit internees to establish and conduct self-government, including self-discipline for infraction of rules and regulations and breaches of good order and discipline. For this purpose internee company or battalion courts or councils, presided over by the company or battalion leader, may be organized.

B. Rights of Access and Visitation of Organizations.

1. Protecting Powers and Red Cross.

a. Duly accredited representatives of the Protecting Powers, of the American Red Cross, of the International Red Cross, and of International Young Men's Christains Association may be accorded the right of access and visitation to and inspection of internee camps, at any time.

b. The camp commander, or one designated by him, will accompany such representatives and permit interviews with any internee.

c. An interpreter will be in attendance at all such interviews or visits, to assist as needed.

d. Such representatives may not deliver any paper document, letter or article to any internee unless permitted and censored by proper authorities.

2. No other organizations will be permitted except on presentation of permission from the Provost Marshal General to the camp Commander.

C. Visitors.

1. Upon written permission by the camp commander, internees may be permitted to receive visitors twice each month. On requestingsuch permission the internee will submit to the camp commander the names and addresses of the persons from whom he expects visits. Visitors who are approved by the camp commander will be received at the time and place designated by him and all visits will be held under the supervision of designated military peraonnel. All visitors must submit to a search before entry to camp is permitted. Any article the possession of which is denied internees, will be deposited with an officer who will give a receipt therefor. Articles so deposited will be returned and the receipt taken up as the visitor leaves camp.

2. In extreme emergencies internees may make arrangements with the camp commander subject to the approval of the Provost Marshal General for short visits outside of camp. On such occasions an internee must be accompanied by a guard or guards designated by the camp commander and all travel and other expenses involved, including those of the guard, will be charged against his account unless paid for by some private individual on his behalf. The return of the internee to the camp will be the responsibility of the camp commander.

D. Physical Training.

1. Internees will be given the privilege of participating in organized calisthenics and athletic contests which will be conducted daily, except Sundays, supervised by officers designated by the camp commander. Participation in this activity will be purely optional on the part of individual internees.

E. 1. Internees will enjoy complete freedom in the exercise of their respective religions, including attendance at services of their faith which may be held within the camp.

2. Internee Clergymen may minister freely to members of the same religion and to members of other religions who voluntarily request their ministrations.

3. Clergymen from outside may enter a camp and conduct religious services by permission of the camp commander upon the recommendation of the Chaplain.

4. In ministering to the spiritual welfare of the internees, the following regulations will be observed by those who are recommended of the Chaplain.

a. Ministers, priests, rabbis or chaplains will only discuss such matters as pertain to their religious duties.

b. Unless accompanied by camp officials, they will only enter offices, and the recreational buildings within the camp in which services may be held.

c. They will not transmit or convey letters, messages, documents or parcels to or from internees.

d. All conversation with individual internees will take place in the presence of a camp official.

X. Discipline of Internees.

A. In General.

1. Internees will not be exposed to inhuman treatment. They will not suffer corporal punishment, be confined in dark, cold, or damp places, or be deprived of regular rations of food, clothing, and water. No collective punishment will be imposed for the misconduct of an individual.

2. Orders, rules, regulations, notices and instructions affecting the conduct and activities of internees will be conspicuously posted in sufficient places, and in language understandable to internees. When possible, such regulatory matters will be posted in the native language of the respective internees.

B. Escape.

1. If an internee attempts to escape or pass a defined limit, the sentinel or any member of the guard who sees him will call: HALT. If the internee fails to halt immediately and if there is no other means of preventing his escape, the sentinel or guard will fire at him. An internee attempting to escape will, upon recapture, be placed under such additional restrictions as may be deemed necessary to prevent repetition of the attempt. An organized attempt to escape will be put down by force of arms if necessary.

XI. Complaints and Requests.

A. General

Enemy aliens have the right to inform the military authorities in whose power they are, of their complaints and requests regarding the conditions of their captivity.

B. Procedure.

1. Any internee having a complaint or request may make it known to the company leader or representative. The latter will in turn transmit the complaint or request to the company commander who will hear the case and attempt to settle it. If the internee still deems himself aggrieved, he will be required to submit a statement in writing of his complaint or request. This statement will be signed by the internee, and together with signed statement of witness, if any, will be endorsed by the company leader or representative and transmitted to the camp company commander.

2. The latter will submit the written complaint or request, together with any additional information he deems necessary, to the camp commander immediately.

3. In the event of receipt of such complaint or request, the camp commander is authorized to appoint Boards of Inquiry to hear and examine such complaints and requests with a view toward satisfactory solutions. At such hearings as may be held, the internee, the company leader, the camp leader and witness will have the right to be present and be heard.

XII. Correspondence.

Correspondence of internees will be in accordance with appropriate regulations which will be published and amended as required.

XIII. Reports.

A. Specific Requirements.

In the event of an internees death, each unit or organization that is responsible for the internee will prepare an inventory of his effects similar to that prepared for deceased individuals of the United States forces. The effects properly packaged and identified and a copy of the inventory will be forwarded to the Enemy Alien or Prisoner of War Information Bureau.

HEADQUARTERS
CAMP LIVINGSTON INTERNMENT CAMP
Office of the Commanding Officer
Camp Livingston, Louisiana

A 7.03

30 June 1942

REGULATIONS GOVERNING VISITORS

1. Permission must be obtained from the Camp Commander or an officer designated by the Camp Commander before an internee may be permitted to receive visitors.
2. Visitors who are approved will be received at the time and place designated by the Camp Commander.
3. All visitors must submit to a search before entry to camp is permitted.
4. Visitors will be required to give information asked for by the officer or guard in charge to be placed on record.
5. Any article which is denied internee will be deposited with an officer who will give a receipt therefore. On completion of the visit the article will be returned and the receipt taken up.
6. No letters, books or packages of any description will be given to the internee unless opened and inspected by the officer in charge.
7. The length of the visit will be determined by the officer in charge.
8. All conversation will be in English, unless permission is received from the Camp Commander to converse in Japanese or Spanish² and this only when an interpreter is present.

By Order of Lieutenant Colonel DUNN:

GROVER C. MCGOWN,
Major, Inf.
Executive.

OFFICIAL:

Edward J. Coyne
EDWARD J. COYNE,
Captain, Inf.
Adjutant.

WAR RELOCATION AUTHORITY

NOV 19 1942

GILA RIVER PROJECT
ADMINISTRATIVE DIVISION