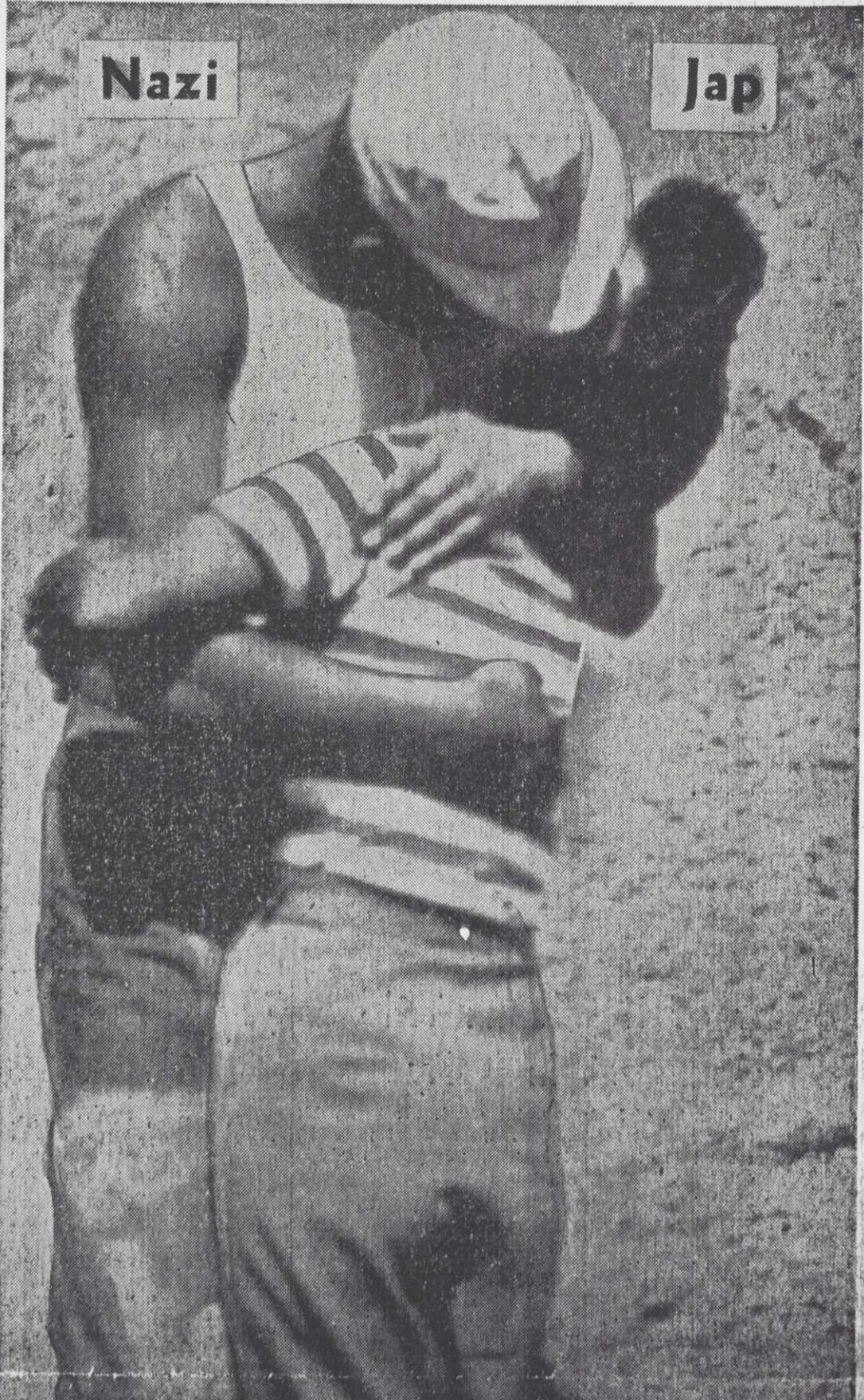


Axis Collaboration in Colorado

LOVE SCENES CAUSE PROBE



Nazi

Jap



These snapshots, showing romantic interludes involving German prisoners of war and Japanese girls, were taken from one of the Germans when he was

recaptured after escaping. Five Japanese women are being questioned. They have been working together on farms near Trinidad, Col. (AP Wirephoto.)

CHARGES OF TREASON BROUGHT BY JURORS SITTING IN DENVER

Action Climaxes Investigation Begun After Publication in POST of Nazis And California Nips in Embrace

Three California-born Japanese sisters were indicted in Denver Tuesday by a federal grand jury on charges of "treason and conspiracy to commit treason" in the escape of two German prisoners of war from a camp near Trinidad last October.

The indictments climaxed an investigation which began last October after publication in **THE DENVER POST** of seized snapshots showing the prisoners and the women in warm embrace.

The women named by the grand jury are Tsuruko (Toots)

Wallace, 34; Florence (Flo) Shivze Otani, 33, and Shitara (Billie) Tanigoshi, 31. All had been residents of the Amache, Colo., relocation center at Granada, east of Trinidad. Before being sent to the relocation camp, they resided at Inglewood, a suburb of Los Angeles, Calif.

They were charged with aiding the escape of Corps. Heinrich Haider, 31, and Herman August Loesch, 31, former Afrika Korps members, last Oct. 17. The grand jury said the prisoners and the three women were employed at the Winger farm near Trinidad, and in the vicinity of the Trinidad prisoner of war camp where the Germans were interned.

Denver Post
May 9, 1944

WOMEN TAKEN INTO CUSTODY AT AMACHE.

United States District Attorney Morrissey said the women were being taken into custody Tuesday at the Amache center and probably would be arraigned in Denver May 12.

The indictment contained two counts. The first, charging treason, carries a maximum penalty of death and a minimum penalty of a \$10,000 fine, or five years imprisonment.

The second, charging conspiracy to commit treason, carries a maximum penalty of \$10,000 fine and two years imprisonment.

ACCUSED OF PROVIDING PRISONERS WITH MAPS.

The indictment asserted the women had provided the prisoners with road maps, railroad time tables, clothing, a flashlight and money and had driven them in an automobile as far as Wagon Mound, N. M., eighty miles south of Trinidad, on an overnight trip.

The prisoners were captured Oct. 19 at Watrous, N. M., and officers found snapshots on Haider showing himself and his companion in a fond embrace with Japanese women, identified by District Attorney

(Turn to Page 3—Col. 4.)

Billie, Toots and Flo, three California-born Japanese sisters, who are pictured here, were charged with treason Tuesday in an indictment returned by a federal grand jury in Denver. As a result, they face a maximum penalty of death. The indictments charge the three women aided the escape of two German prisoners of war from the camp at Trinidad, Colo., last October. The prisoners were captured in New Mexico and on one of them pictures of themselves in fond embrace with Japanese girls were found. These pictures, first published in **THE DENVER POST**, caused a nationwide sensation and started the investigation that ended in the indictments Tuesday.



Shitara (Billie) Tanigoshi

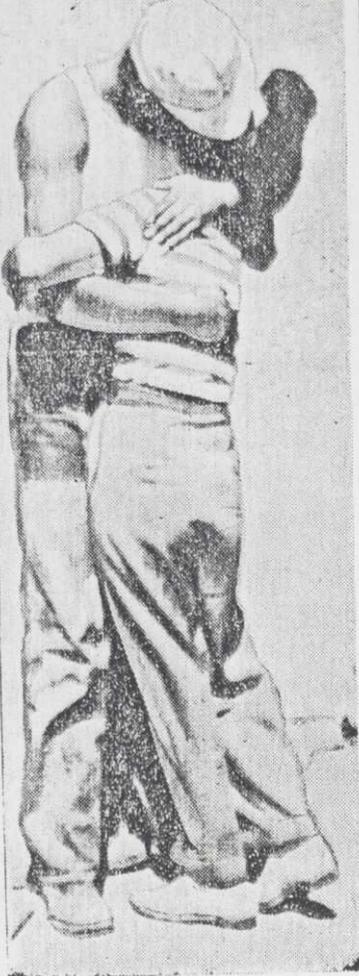
Tsuruko (Toots) Wallace

Florence (Flo) Otani

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Norman
1942 COTTON CONTENT

Chicago Tribune 10-28-43



[Associated Press Wirephoto.]

One of the snapshots taken from recaptured German prisoner in Colorado.

Trinidad, Colo., Oct. 27 (AP).—Five Japanese women, one carrying a baby, were in custody today for investigation arising from the discovery of pictures which showed Japanese women in the embrace of German war prisoners, six of whom escaped from a nearby internment camp last week.

The women were taken into custody for questioning by a federal bureau of investigation agent at a farm where Japanese-Americans from the Amache relocation centers were employed on seasonal leave.

In Denver, Gordon Nicholson, agent in charge of the district FBI office, confirmed that the women were being held and questioned.

The six German prisoners who escaped last week were recaptured, two at a time, across the line in northern New Mexico. Police Chief Nolan Utz of Las Vegas, in searching Corp. Heinrich Haider, formerly of the Afrika Korps, discovered three snapshots which the soldier showed Haider and two other unidentified men in the arms of Japanese women.

3 U. S.-Jap Sisters Accused of Treason

By the Associated Press.

Attorney General Biddle said today an indictment charging three American-born sisters of Japanese ancestry with treason in aiding two German soldiers to escape from a prisoner of war camp at Trinidad, Colo., last October 16, was returned by a Federal grand jury at Denver.

Named as defendants, Mr. Biddle reported, are Tsuruko Wallace, Florence Shivze Otani and Billie Shitara Tanigoshi, former residents of California who were sent after Pearl Harbor to a relocation camp at Granada, Colo.

Mr. Biddle said the indictment, containing two counts, charged that the three women aided Heinrich Haider and Herman August Loeschner to escape by furnishing them with food, clothing, money and highway maps and by transporting them to Wagon Mound, N. Mex.

Investigation of the women followed publication of pictures showing men prisoners embracing Japanese women.

The prisoners later were recaptured in New Mexico.

The Justice Department reported that the women met Haider on a farm near Trinidad, where they were permitted to work, in April, 1943.

FBI PROBES JAP GIRLS' VISIT WITH NAZI PRISONERS

Tribune 10/29/43

5 Trapped by Photos of Kissing.

Denver, Colo., Oct. 28 [Special].—Details of amorous meetings between German war prisoners from a camp near Trinidad, Colo., and Japanese women employed on nearby farms were sought by agents of the federal bureau of investigation today from five Japanese women held in Trinidad.

The women were detained after photographs found on a recaptured Nazi prisoner showed prisoners embracing Japanese women. The women were not identified.

"One Kiss" Led to Another.

One report current today was that the spooning episodes now under investigation resulted from a decision of Nazi prisoners to "steal one kiss each from a Jap girl." But the one kiss, reports said, led to spooning, hugging, and additional kissing.

The Japanese girls involved are from the Amache concentration center. They were sent into the Trinidad district last spring to farm there on a share basis. About a month ago, detachments of Nazi prisoners from the Trinidad camp were sent into the field to assist in harvesting vegetables.

The Germans became acquainted with some of the Japanese girls and amorous interludes followed.

Camera and Rifle Found.

In an FBI search of the house where the five Japanese women lived, a camera and a .22 caliber rifle were found. It is believed the cam-

plement such needs.

era is the one with which the snapshots were taken.

Lt. Col. William S. Hannah, commanding officer of the Trinidad camp for German prisoners, is reported to have visited the Jap farm and to have instructed guards there to permit no further meetings between the German prisoners and the Japanese girls.

3 U. S.-Jap Sisters Facing Treason Trial in Aid to Nazis

Three Japanese-American sisters, evacuated from California after the sneak blow at Pearl Harbor, were in County Jail here last night to await federal court trial on a grand jury indictment charging "treason and conspiracy to commit treason."

The three were brought to Denver from the Amache Relocation Camp in Southern Colorado yesterday, immediately after the federal grand jury returned the indictment, and were booked at the jail at 8:15 p. m.

Silence with which they greeted all questions of newspapermen was broken only by their insistent refusal to permit photographers to take new pictures of them.

The charges as carried in the indictments specifically allege that these young Oriental women helped two German prisoners of war—veterans of Rommel's Africa Corps—to escape from the army prison camp at Trinidad.

Snapshots that formed part of the investigation showed these young women in warm and co-operative embrace with the Nazi non-coms.

The pictures were taken during a rest period while they were all working on the Winger farm, which is situated near the prisoner internment camp near Trinidad.

Nazis Left Camp for Farm Jobs

Names of the women charged by the grand jury are: Tsuruko (Toots) Wallace, 34; Florence (Flo) Shivze Otani, 33, and Shitara (Billie) Tanigoshi, 31. Previous to their residence at Amache the three had lived in Inglewood, Calif., near Los Angeles.

Their Nazi lights of love were Corp. Heinrich Haider, 31, and Corp. Herman August Loescher, 31, who, presumably, had been brought to Trinidad about a year ago following Montgomery's smashing assault on the vaunted Africa Corps in Egypt and Libya.

Given the opportunity to work outside the prison camp, under the terms of the Geneva Convention, the Nazi non-coms were employed at the Winger farm on Oct. 17, when they met the three Japanese-American women and, according to the charges, discussed the plan for escape to Mexico and indulged in the incidental aspects of love.

The Nazis, of course, are charged with no crime. That's one of the rights of war—to escape from a prison camp, if you can.

But the indictments against the three women, according to U. S. District Attorney Thomas J. Morrissey, contain two counts. The first, charging treason, carries a maximum penalty of death and a minimum penalty of a \$10,000 fine or five years' imprisonment.

Not Capital Crime

The second, charging conspiracy to commit treason, carries a maximum penalty of a \$10,000 fine and two years' imprisonment.

According to the indictments, the sisters furnished the Germans with money, civilian clothing, a flashlight, road maps and time-tables, then drove them to Wagon Mound, N. M. On Oct. 19, the Germaus presumably intended to proceed to Mexico and South America and, if lucky, thence to Germany. All Nazi prisoners who have escaped from the Trinidad camp have attempted to follow the same itinerary back to their Vaterland, almost as if it had been a part of their training, in the event of their capture.

Clothing Given Nazis

Specifically, the grand jury accused the women of concealing two pairs of trousers, two shirts and two hats in the bushes near the Winger farm about Oct. 6.

On Oct. 14 the indictment says that Miss Wallace—the one called Toots—called to Nazi Haider:

"We have something for you."

Further, Toots Wallace was accused of giving Haider a flashlight later that day, and the next day providing him with \$11 in currency.

Then, according to the charges, the five of them piled into an automobile and started south on U. S. Highway 85. At Wagon Mound, N. M., 87 miles south of Trinidad, the car's water pump went haywire and the Germans proceeded on foot the remaining 22 miles to Watrous, the women returning to Trinidad after getting the car fixed.

Snapshots Start Inquiry

Records show that Toots Wallace was married twice. Her first husband was Tom Endo, a Japanese-American who was listed as "lost at sea." Her second husband was listed as Virgil Wallace.

Mrs. Tanigoshi was married in 1938 and worked as a waitress before the evacuation of the West Coast. The third sister, Mrs. Otani,

(Continued on Page 7)



Tsuruko (Toots) Wallace



Florence (Flo) Shivze Otani



Shitara (Billie) Tanigoshi

Accused of helping Nazi prisoners to escape.

Chula. Record - 5/10/44

3 U. S.-BORN JAP SISTERS INDICTED IN NAZIS' ESCAPE

→
Face Possible Death Sen-
tence if Convicted on
Treason Charge

DENVER, May 9 (AP)—A treason indictment was returned today against three Japanese-American sisters accused of aiding in the escape of two German prisoners of war. The charges arose from investigation of snapshots showing the women and the fugitives in amorous embrace.

A Federal Grand Jury named the women — each of whom is married — as Tsuruko "Toots" Wallace, 35; Florence (Flo) Shivze Otani, 33; and Billie Shitara Tanigoshi, 32. They were residents of the Granada relocation center in southern Colorado. Mrs. Wallace and Mrs. Tanigoshi each have a small child.

Nazis Escaped Last Fall

The three were accused of providing an automobile, clothing, road maps and money for Corps. Heinrich Haider, 31, and Herman August Loescher, 31, who escaped from the Trinidad (Colo.) camp last October 17. They were recaptured two days later at Watrous, N. M.

The sisters, who were working at the Winger farm where the prisoners also had been employed near Trinidad, were charged also with accompanying the Germans as far as Wagon Mound, N. M., 87 miles south of Trinidad. There the car broke down and the Germans proceeded on foot the remaining 22 miles to Watrous, the women returning to Trinidad.

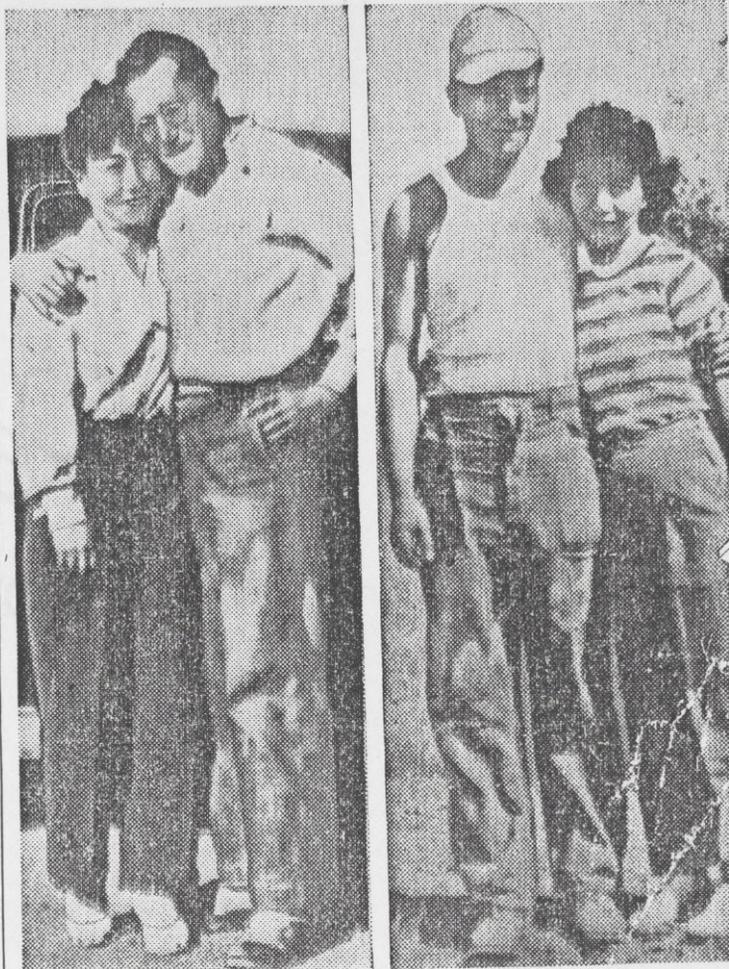
Death Sentence Possible

The indictment, containing two counts, charged treason and conspiracy to commit treason. The first count carries a maximum penalty of death and a minimum of five years' imprisonment or a fine of \$10,000. The second count carries a maximum penalty of a \$10,000 fine and two years' imprisonment.

The pictures, showing the women in the arms of Haider and Loescher, were discovered on Haider after his capture.

U. S. District Attorney Thomas J. Morrissey said the three were arrested at the center today and probably would be arraigned in Denver May 12.

These Photos Led to an Indictment



These are two of the pictures that led to the investigation of charges that three Japanese-American sisters aided in the escape of two German prisoners from a Colorado prison camp. Yesterday, the girls, who had the peculiarly American nicknames of "Toots," "Flo" and "Billie," were indicted on charges of treason.

THREE JAPANESE-AMERICAN SISTERS ACCUSED



Associated Press Wirephoto.
A United States Deputy Marshal and a matron (third from left) escort three Japanese-American sisters, charged with treason in the escape of two German prisoners of war from a Colorado camp. The scene is in Denver. The defendants are Tsureko Wallace (second from left), Billie Taniguchi (turning her head) and Florence Otami.

DIVISION OF
PRESS INTELLIGENCE
O.W.I.
1194 - Soc. Sec. Bldg.

PH. _____

SY. WR

Post (I)
Denver, Colo.

DATE MAY 29 1944
P. _____

TREASON CHARGES TO STAND

Court Refuses to Dismiss Case Against Japs

United States District Judge Symes upheld Monday the indictment by a federal grand jury of three Japanese-American women on charges of treason in aiding the escape of two German war prisoners from a camp at Trinidad, Colo.

Kenneth W. Robinson, court-appointed defense counsel, spoke for dismissal, asserting the indictment did not allege an intention to further the German war cause against the United States. Judge Symes answered that the women are accused of helping former members of the German army to escape and the success of this plot would "tend to strengthen the enemy, giving them two more soldiers to fight the United States."

The judge also denied an informal request by Robinson to release one of the women, who are being held on bonds of \$7,500, on her own recognition to care for two children, 4 and 9 years old, at the Amache war relocation. The children are daughters of Tsurulo (Toots) Wallace and Billie Shitara Tanigoshi. The third defendant is Florence (Flo) Shivze Otani.

FIRST COLORADO TREASON CASE.

The judge said he could not grant the request unless proof was submitted that the health of the children is being impaired, Robinson having said that they were "pining away and needed attention."

The trial of the women will be the first of the Colorado involving a charge of "mum, net" which carries a maximum penalty of death. It will begin after June 12 when a petit jury is called.

In the courtroom the three defendants sat together. Two wore slacks and frilly blouses with ribbons in their hair. The third wore a short black skirt and gay blouse, her tiny feet encased in dancing slippers. The three sat like graven images, faces showing no emotion, as Attorney Robinson argued with eloquence and logic, backed by a score of citations, for dismissal of the indictment.

"The dignity of the gravest crime in law rests upon these defendants," Robinson said, "the crime of treason. Yet this indictment fails to state facts, specific facts, sufficient to constitute any offense against the laws of the United States."

The women, who had been evacuated from California to the relocation camp near Granada, were working on a farm. There they met two former members of the German Africa Korps now prisoners of war—Heinrich Haider, 31, and Herman Toescher, 31. That was Aug. 31. The prisoners escaped, but Oct. 9 were arrested in Watrous, N. M., and alleged aid, comfort, transportation and help provided by the Japanese women were revealed.

Assistant United States District Attorney Ivor O. Wingren presented citations to prove the indictment well and properly made and asked a day be set for trial.

Among documents found on the German prisoners when they were arrested were snapshots showing the tall blond German soldiers fondly embracing the Japanese girls. These photographs led to an FBI investigation which resulted in the indictment and arrests.

8—ARKANSAS DEMOCRAT, 1

Jap Sisters Convicted Of Conspiracy

Denver (P)—Three Japanese-American sisters accused of helping two German prisoners escape from internment camp were convicted by a U. S. District Court jury today of conspiracy to commit treason, and were acquitted of treason charges.

Judge J. Foster Symes withheld imposition of sentence, which, under the law, may not exceed two years in prison and \$10,000 fine. If they had been convicted of treason the penalty could have been death.

Defense Attorney Kenneth W. Robinson was given three days in which to file a motion for a new trial if he decided to ask one. He said he has not determined whether to seek a new trial or whether he will appeal.

The defendants — Mrs. Tsuruko "Toots" Wallace, 35; Mrs. Florence "Flo" Shivze Otani, 33, and Mrs. Billie Shitara Tanigoshi, 32 — exhibited no emotion when the verdict, reached by the jury last night and then sealed, was read in court this morning.

N.Y. TIMES, 8/12/44 P. 13E CONVICT JAPANESE SISTERS

Denver Jurors Hold Three Guilty of Conspiracy, Not Treason

DENVER, Aug. 11 (P)—Three Japanese-American sisters accused of helping two German prisoners escape from internment camp were convicted by a Federal jury today of conspiracy to commit treason, and were acquitted of treason charges.

Judge J. Foster Symes withheld imposition of sentence, which, under the law, may not exceed two years in prison and \$10,000 fine. If they had been convicted of treason the penalty could have been death.

The defendants, Mrs. Tsuruko Wallace, 35; Mrs. Florence Shivze Otani, 33, and Mrs. Billie Shitara Tanigoshi, 32, exhibited no emotion when the verdict was read.

DIVISION OF
PRESS INTELLIGENCE
O.W.I.
Tempo V Bldg.

PH. _____

SY. *WR*

News
Denver, Colo.
213
DATE
P. JUN 16 1944

1 of Jap Sisters Is Freed on Bond

Billie Shitara Tanigoshi, 32, one of three Japanese-American sisters indicted on charges of treason, was released from County Jail yesterday on \$7500 personal recognizance bond posted with U. S. Commissioner Harold S. Oakes.

U. S. District Attorney Thomas J. Morrissey said the release was arranged so she could care for a daughter, Carlene Tanigoshi, four, and a niece, Diana Wallace, nine, at the Amache Relocation Center, near Lamar.

The other two sisters, Tsuruko (Toots) Wallace and Florence Shivze Otani, remain in jail awaiting trial July 24 on charges of aiding the escape of two German prisoners of war from a Trinidad last fall.

DIVISION OF
PRESS INTELLIGENCE
1526-14th St., N. W.

NO. _____

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Gazette (I)
Colo. Springs, Colo.

DATE

P. JUN 16 1944

One of Three Jap-American Sisters Freed

Out on \$7,500 Personal
Bond in Order to Care
for Daughter and Niece

DENVER, June 15 (AP)—One of three Japanese-American sisters awaiting trial July 24 on charges of treason in the escape last October of two German prisoners of war at Trinidad, was released today on \$7,500 personal recognizance bond.

U. S. District Attorney Thomas J. Morrissey and Billie Shitara Tanigoshi, 32, was released from Denver county jail in order to care for her daughter, Carlene Tanigoshi, 4, and her niece, Diana Wallace, 9, at the Granada relocation center near Lamar.

U. S. District Judge J. Foster Synies approved the bond posted with U. S. Commissioner Harold Oakes, and permission to release the woman was given by the attorney general's office in Washington, Morrissey said.

Her sisters, Tsuruko (Toots) Wallace, 35, and Florence Shivze Otani, 33, are still in custody.

These Are the Pictures, first printed in THE DENVER POST last October, that created a nationwide stir and resulted Tuesday in the indictment in Denver by a federal grand jury of three American-born Japanese sisters on charges of treason. The women are accused of aiding in the escape of two German prisoners of war from the camp at Trinidad, Colo. The maximum penalty for treason in time of war is death.



1947 OCT 17
DENVER POST

THREE JAP SISTERS INDICTED AS TRAITORS IN NAZIS' ESCAPE

Women Accused of Providing War Prisoners at
Trinidad With Map; Treason Charge Climaxes
Probe Begun Thru Photo in POST.

(Continued From Page One.)

Morrissey as the women named in the indictment.

United States District Judge Symes, to whom the indictment was returned, suggested bond for the three at \$10,000 each.

The grand jury accused the women of concealing two pairs of trousers, two shirts and two hats in bushes near the Winger farm about Oct. 6.

SIX PRISONERS FLED FROM CAMP.

Oct. 14, the indictment said, Tsuruko Wallace called to Haider: "We have something for you."

Haider was said then to have been advised of the hiding place. Two days later Haider and Loescher escaped and were driven southward by the three Japanese women, the government alleges.

The Wallace woman was accused of giving Haider a flashlight later that day, and the next day providing him with \$11 in currency.

The two were among six prisoners to escape from the Trinidad camp.

After the arrest of Haider and Loescher at Watrous, five Japanese-American women were held for questioning at Trinidad, Oct. 27. Several days later they were released by federal bureau of investigation agents and information gained from them was kept a strict secret.

No information was available immediately on the marital status of the three sisters, altho officers said all had been married as their names would indicate.

NO ESPIONAGE PLOT INVOLVED.

The Denver office of the FBI Tuesday maintained the same silence by which the investigation of the case had been characterized thruout.

H. R. Duffey, special agent in charge, said any information additional to that contained in the formal announcement of the grand jury's indictment released by Morrissey would have to be withheld pending arraignment of the women.

"Some of the information," he said, "may have to be used as evidence and the district attorney would not want to disclose it in advance."

Duffey disclosed, however, that

no espionage plot was involved, and said the maps allegedly given the prisoners by the women contained no markings of military value.

The investigation is "still in a pending status," he said, indicating further findings may develop as a result of the indictment.

Fourteen Granada Japs Indicted

Fourteen Japanese-Americans from the Granada relocation center near Amache, Colo., were indicted by a United States grand jury in Denver Tuesday for alleged failure to report for preinduction physical examinations and failure to report for induction. They were called by the Lamar draft board. Bail for each was set at \$2,500.

AUG 6 1944
TUCSON STAR

3 NISEI WOMEN TO FACE TRIAL

Snapshots Figure In U.S. Treason Case Against Jap-Americans

DENVER, Aug. 5. — (AP) — Snapshots of three Japanese-American sisters in the arms of two German prisoners of war will constitute an important part of the government's evidence when one of the nation's major treason trials of this war opens Monday in U. S. district court.

The sisters—Mrs. Tsuruko Wallace, 35; Mrs. Florence Shivze Otani, 33, and Mrs. Billie Shitara Tanigoshi, 32—are the defendants, facing a possible death sentence if convicted. The Nazis—Cpls. Heinrich Haider, 31, and Herman August Loescher, 31, both former members of Rommel's routed Afrika Korps—are the government's star witnesses.

Accused Of Aiding Nazis

The Nisei women, evacuated to the Granada relocation center at Amache, Colo., from their homes in Inglewood, Calif., after Pearl Harbor, are accused of aiding the Germans to flee from the Trinidad Prisoner of War Camp last October 17.

The indictment contains two counts. One charges treason, which carries a penalty ranging from \$10,000 fine or five years' imprisonment, to death. The other alleges conspiracy to commit treason. Maximum penalty on conviction is \$10,000 fine and two years in prison.

Two Days Of Freedom

The Nazis enjoyed only two days of freedom. Then FBI agents intercepted them at Watrous, N. Mex. In Haider's possession, the indictment charges, were pictures showing the Germans embracing the women, who worked on the same farm near the internment camp.

A grand jury charged that the defendants gave the prisoners road maps of California, Nevada and Colorado, a railroad timetable, clothing, flashlight, money and an automobile. The fugitives, it said, had planned to return to the Fatherland via Mexico and South America.

The Germans will appear in court wearing full uniform and decorations.

5326

ARIZONA REPUBLIC

AUG 6 1944

Three Jap Women's Treason Trial Nears

DENVER, Aug. 5.—(AP)—Snapshots of three Japanese-American sisters in the arms of two German prisoners of war will constitute an important part of the government's evidence when one of the nation's major treason trials of this war opens Monday in U. S. District Court.

The sisters—Mrs. Tsuruko Wallace, 35 years old; Mrs. Florence Shivze Otani, 33, and Mrs. Billie Shitara Tanigoshi, 32—are the defendants, facing a possible death sentence if convicted. The Nazis—Corps. Heinrich Haider, 31, and Herman August Loescher, 31, both former members of Rommel's routed Afrika Korps—are the government's star witnesses.

The Nisei women, evacuated to the Granada relocation center at Amache, Colo., from their homes in Inglewood, Calif., after Pearl Harbor, are accused of aiding the Germans to flee from the Trinidad prisoner of war camp last October 17.

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The Nazis enjoyed only two days of freedom. Then Federal Bureau of Investigation agents intercepted them at Watrous, N. M. In Haider's possession, the indictment charges, were pictures showing the Germans embracing the women, who worked on the same farm near the internment camp.

A grand jury charged that the defendants gave the prisoners road maps of California, Nevada and Colorado, a railroad timetable, clothing, flashlight, money and an automobile. The fugitives, it is said, had planned to find their way back to their fatherland via Mexico and South America.

Kenneth Robinson, court-appointed attorney for the women, said today he cannot determine what the defense will be until he hears the government's case against them.

"All I can say is that they are innocent of this act," he said.

"What I'm determined to do is get a fair trial for them. And that's darned hard to get in time of war."

As to snapshots—

"I think," said the attorney, "that the situation probably is that the county agent was out taking pictures of the Japanese and Germans working together, and the pictures were perfectly innocent."

The government, too, seeks a preliminary hearing in

The Germans will appear in court wearing full uniform and decorations.

Mrs. Wallace and Mrs. Tanigoshi, both of whom are mothers, graduated with honors in 1927 from the Inglewood High School and participated in athletics. Mrs. Otani and Mrs. Wallace are in the Denver County Jail. Mrs. Tanigoshi is at the Amache camp.

This will be Colorado's first treason trial and one of the few such cases in the United States to involve women.

Twice before in this war national attention has been focused on treason prosecution.

Max Stephan, naturalized German-American of Detroit, was convicted of aiding a Nazi flier to flee across the U. S. border from a Canadian prison camp. His death sentence was commuted to life imprisonment.

Later, six Chicagoans—three men and their wives—were found guilty of harboring one of the eight saboteurs landed by a submarine on the East coast in 1942. Their cases were remanded for retrial, however.

ARIZONA
DISTRICT
COURT

AUG 5 1944

Treason Trial To Open Monday In U. S. Court

DENVER, Aug. 5 (AP)—Snapshots of three Japanese-American sisters in the arms of two German prisoners of war will constitute an important part of the government's evidence when one of the nation's major treason trials of this war opens Monday in U. S. district court.

The sisters—Mrs. Tsuruko Wallace, 35; Mrs. Florence Shivze Otani, 33, and Mrs. Billie Shitara Tanicoshi, 32—are the defendants facing a possible death sentence if convicted. The Nazis—Corps. Heinrich Haider, 31, and Herman August Loescher, 31, both former members of Rommel's routed Afrika Korps—are the government's star witnesses.

The Nisei women, evacuated to the Granada relocation center at Comanche, Colo., from their homes in Inglewood, Calif., after Pearl Harbor, are accused of aiding the Germans to flee from the Trinidad prisoner-of-war camp last Oct. 17.

The indictment contains two counts. One charges treason, which carries a penalty ranging from \$10,000 fine or five years imprisonment to death. The other alleges conspiracy to commit treason. Maximum penalty on conviction is \$10,000 fine and two years in prison.

The Nazis enjoyed only two days of freedom. Then FBI agents intercepted them at Watrous, N. M. In Haider's possession, the indictment charges, were pictures showing the Germans embracing the women, who worked on the same farm near the internment camp.

N.Y Times
8/6/44

3 NISEI SISTERS GO ON TRIAL TOMORROW

DENVER, Aug. 5 (P)—Snapshots of three Japanese-American sisters in the arms of two German prisoners of war will constitute an important part of the Government's evidence when one of the nation's major treason trials of this war opens Monday in the Federal District Court.

The sisters, Mrs. Tsuruko Wallace, 35; Mrs. Florence Shivze Otani, 33, and Mrs. Billie Shitara Tanicoshi, 32, face a possible death sentence. The Nazi, Corps. Heinrich Haider, 31, and Herman August Loescher, 31, former members of Rommel's Afrika Korps, are the Government's star witnesses.

The Nisei women, evacuated to the Granada Relocation Center at Amache, Col., from their homes in Inglewood, Calif., after Pearl Harbor, are accused of aiding the Germans to flee from the Trinidad prisoner-of-war camp Oct. 17.

The indictment contains two counts. One charges treason and the other conspiracy to commit treason.

The Nazis were free for two days. FBI agents intercepted them at Watrous, N. M., and the indictment charges, found the pictures showing them with the women, who worked on the same farm near the internment camp.

A grand jury charged that the defendants gave the prisoners road maps of California, Nevada and Colorado a railroad timetable, clothing, flashlight, money and an automobile. The fugitives, it said, planned to return to Germany via Mexico and South America.

(From Late Edition of Yesterday's TIMES.)

Japanese relocation center in Colorado, had been taken to the onion harvest. Mr. Rivera, said Mr. Wingrin, would testify that he heard Mrs. Wallace whisper to Haider that "We have something for you." The "something," said Mr. Wingrin, was a brown package which had been hidden under a bush. Haider picked up the package, stuffed it in his lunch basket, and walked away. The package, it was presumed, contained supplies which the Germans used in their escape.

Kansas City Plans Income Tax

KANSAS CITY

U. S. - Japanese Sisters on Trial In Aid to Nazis

Treason Trial of 3 Women Accused of Helping Pair to Flee Camp Is Begun

DENVER, Aug. 7 (UP)—Two German soldiers, attired in faded, time-worn uniforms of Hitler's once-proud Afrika Korps, and three Japanese-American sisters, wearing neat, American clothes, listened stoically today as government attorneys opened a treason trial which might end in death sentence for the three women.

Both of the Germans, as well as the women, speak and understand English, but their faces displayed no emotion as Ivor Wingren, Assistant United States District Attorney, told a jury of five salesmen and eight other men of various occupations that the government would attempt to prove that the women had committed treason by helping the Germans to escape from a prisoner of war camp near Trinidad, Col., last Oct. 17.

The charges have been denied by the sisters, who readily admitted at the time of their arrest that they had become acquainted with the Nazis while working with them on a farm and were, in fact, so well acquainted that two of the women posed for pictures while in the arms of the Germans.

The women are Mrs. Tsuruko Wallace, thirty-five years old, who is known to her friends as "Toots"; Mrs. Florence Shivze Otani, thirty-three, and Mrs. Billie Shitara Tanigoshi, thirty-two.

It is the government's contention that the sisters, who were born at Inglewood, Calif., and graduated from the Inglewood High School but were brought to Colorado in the evacuation of West Coast Japanese and Japanese-Americans, had given the Germans a flashlight, several maps, a railroad timetable, some money, an automobile and some civilian clothing to help them get to Mexico after their escape from the Trinidad camp.

But the Germans—Corporals Heinrich Haider and Herman August Loescher—were recaptured near Watrous, N. M., after only two days of freedom.

As Mr. Wingrin outlined the government's case, it appeared that the chief witness for the prosecution would be Ernest Rivera, another employee of the farm where German prisoners from the Trinidad camp and Japanese-Americans from the Amache, Colo., center, were to help with

N. Y. POST 8-7-44

On Trial for Treason



Associated Press Photo

THREE Japanese-American sisters went on trial in U. S. District Court in Denver today charged with treason in connection with the escape of two German prisoners of war. The two men, recaptured two days later, were to be the chief government witnesses. Snapshots showing the women in the arms of the Germans are an important part of the case. The women are (l. to r.) Tsuruko Wallace, Billie Tanigoshi, (turning her head) and Florence Otsui.

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22 PAGES

DENVER, COLO., MONDAY, AUG. 7, 1944

VOL. 53—NO. 5

JURY SELECTED IN TREASON TRIAL OF JAPANESE WOMEN

DEATH COULD BE PENALTY, SISTERS TOLD

Parade of Witnesses Is Begun in Denver Case.

America's third treason trial of World war II, moving with unlooked-for speed, with armed men of the United States army patrolling hallways and witness rooms, got under way in United States District Judge Symes' court here Monday.

At noon a jury of twelve typical American citizens, many fathers, or other relatives of men in the fighting forces, had been selected to pass upon the fate of the three Japanese-American women on trial—three sisters who are accused of having given "aid and comfort to the enemy" in assisting two German prisoners of war to escape from an internment camp near Trinidad so that the men might return to the reich and there fight again.

The women on trial, all married, two the mother of children—Mrs. Tsuruko (Toots) Wallace, 35; Mrs. Billie Tanigoshi, 32, and Mrs. Florence (Flo) Shivze Otani, 33—sat almost motionless, completely without word or expression, as the court, in calm and measured words, explained that the crime with which they were charged might be punishable by death.

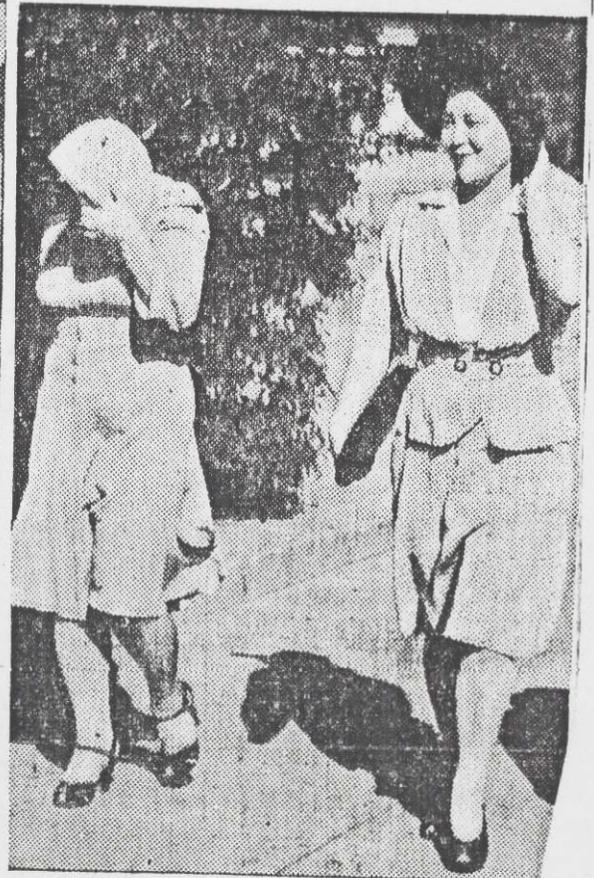
TWO NAZI SOLDIERS WAIT TO TESTIFY.

Outside the high-ceilinged courtroom, with its great gold American eagle looking down from atop the black velvet-draped alcove under which the trial judge sits, the two Nazis, once members of Rommel's Afrika Korps, each dressed in his army uniform, one beribboned with decorations won in north Africa,

Three Sisters of Japanese parentage went to trial Monday morning in the U. S. district court in Denver on a charge of treason. The charges grew out of their alleged association with escaped German prisoners of war. The three women, all American-born, are shown here. One posed for her photograph, the other two were snapped as they were proceeding to the court.



MRS. BILLIE TANIGOSHI.



MRS. TSURUKO WALLACE, MRS. FLORENCE OTAN

**TWO NAZI SOLDIERS
WAIT TO TESTIFY.**

Outside the high-ceilinged courtroom, with its great gold American eagle looking down from atop the black velvet-draped alcove under which the trial judge sits, the two Nazis, once members of Rommel's Afrika Korps, each dressed in his army uniform, one beribboned with decorations won in north Africa, awaited their turn to take the witness stand, star witnesses for the government.

They, according to the opening statement of Assistant United States District Attorney Ivor O. Wingren, were men who "kissed" and, having kissed, were now about to tell, even tho the telling might mean that the women to whom they made love go to the gallows.

The German prisoners, who sat briefly in the courtroom Monday, before all witnesses in the case were excluded by order of Judge Symes, were anything but the romantic figures a series of snapshots, showing one of them in loving embrace with the defendants

(Turn to Page 5—Col. 1.)

MONDAY, AUGUST 7, 1944

JURY CHOSE

COURT TELLS SISTERS CRIME COULD BRING DEATH PENALTY

Nazi War Prisoners Whom Three Are Accused of
Helping Escape Awaiting Chance to
Testify in Denver Case.

(Continued From Page One.)

shortly before their escapes from prison camp, indicated them to be.

The two, Corp. Heinrich Haider, 31, a mule tender with the Afrika Korps, whose outfit was blasted to ribbons by New Zealanders in Tunis, and Corp. Herman August Loescher, 21, a machine gunner, who dreamed of becoming an officer in the German army, but never attained his ambition because of capture, are the schoolmaster type. Each is bespectacled and short—surprisingly short—of stature.

Each wore his uniform—or what was left of it. Haider, the main plotter in the escape, according to Wingren's opening statement, had worn thin his German army trousers and so he wore a baggy pair of tweeds, furnished by the army. He had on his tight-fitting army coat, minus any decoration—for he was but a mule tender. Loescher, who, according to the government's case, did not know the trio of Japanese-Americans who allegedly aided him until he met them at the very hour of his attempted escape, sat in ribboned and somewhat more imposing dress.

JURORS TYPICALLY AMERICAN.

The twelve men who, at the close of the trial, must pass upon the stories told by these Nazis—and upon the supporting evidence gathered by the army and the FBI—are typically American—men from the city and small town and farm. They are:

George O. Schmidt, a Denver jeweler, living at 1898 Yarrow street, Lakewood; Eckard B. Radic of 1545 Pearl street, salesman for a wholesale grocery house; George John Roth of 1318 East Pike's Peak ave-

er. But there was another prisoner, one Backus, who talked to the women—Toots and her sisters, Flo and Billie. It was Haider who proposed she and her sisters aid him. At first she said to him that he was lucky to be alive. She said the war would be over soon and for him not to attempt escape—that it was dangerous. But eventually she agreed. The evidence will then show that there was note-passing between the German prisoners and the women. It will be the evidence that Toots and Billie secured road maps from filling stations in Trinidad, that they gave a flashlight, clothing—two pairs of trousers, two pea jackets, two blue hats—to these men. And they gave them money."

Wingren detailed that Toots went to the farmer and asked for a \$30 advance on her wages.

PICTURES TAKEN OF "LOVING EMBRACES."

During this time the sister Flo, who had a camera, altho Japanese-American internees are not supposed to have cameras, took a series of pictures of her sisters, Billie and Toots, in what Wingren termed "loving embrace" with Haider and the soldier Backus. These pictures, later found on Haider when he was arrested, were printed in THE DENVER POST and started the investigation which resulted in the trial which opened Monday.

Wingren related that the sisters hid the articles to be used in the German's escape beneath some lunch in a clump of bushes on the farm. He said one witness, Ernest Rivera, who was working in the onion field at that time, will testify that he heard Toots tell the German where he could find these things—and make the plan to meet him and his friend, Loescher, that night.

nue, Colorado Springs, a candy salesman; Arnold Franklin Rich of 1186 South Williams street, salesman, Denver; Chester C. Robb of 2627 Java court, Denver, salesman; Wesley R. Curtis of 266 South Williams street, Denver, assistant manager of the A. A. A.; Gilbert H. Denton Jr. of 155 Lafayette street, treasurer of the Vulcan Iron works; John Patrick Maguire of 568 Marion street; William Homer Sharpton of 55 El Paso boulevard, Manitou, Colo., an insurance man; Adolph R. Miller of 1518 Fourteenth street, Greeley, cashier of the First National bank; Floyd A. Doty of 511 East Platte avenue, Colorado Springs, business school manager, and Harold Edward Mahoney of 4704 Grant street, Denver, an auditor.

THIRTEENTH JUROR BRINGS PROTEST.

The thirteenth juror—and there was a brisk flareup when Chief Defense Counsel Kenneth W. Robinson pleaded that he be dismissed from service for cause—is Henry T. Gassert of Holyoke, Colo. In Holyoke he is chief of police in addition to being manager of the light company. He is well known in American Legion circles and past commander of his post.

Of these men, seven have relatives in the armed services. Many who were excused have sons now in service. One, H. R. Legingham of 4518 Ulica street, has a son who was at Pearl Harbor on the day of the Japanese sneak attack. Another dismissed, William Tracy Hoyer, Denver furniture man, has two sons in service, one in England, the other in Australia, where he "met the Japs."

As court recessed at 12:30 o'clock, to resume at 2 p. m., one witness had testified. He was Hugh M. Byrd, the G-man who took into custody the trio of Japanese-American women, who were internees in the camp at Amache, Colo., near Lamar. He told simply of taking the women to the sheriff's office and then locking them in jail.

HEAD OF PRISON CAMP TO TESTIFY.

The others who will testify and who were present as the trial opened form an imposing list. They include Col. William Hannon, head of the prisoner of war camp at the time the Nazis escaped.

SAYS GERMANS MET WOMEN ON ROAD.

On the night of the escape, Wingren said, the Germans got out of the prison camp thru a hole in the fence and met the three women on the road six miles from Trinidad. This was by prearrangement, Wingren stated. The men got into the car and, with Toots at the wheel, started southward over Raton pass, thru Springer, N. M., and to Wagon Mound. At this point the sisters decided they did not have sufficient gasoline to carry the Germans farther, and returned home.

What occurred at the parting Wingren did not detail.

"It was 1:30 a. m., and—they talked some," he said. "Toots slipped a little package in Haider's jacket pocket. It had the pictures in it—and the money in \$1 bills. Then the sisters started back, but their car broke down at Springer. The men went on and were captured later by the highway patrol."

NAZIS AGREE TO TAKE AMERICAN OATH.

That is the story the government witnesses will tell.

Thru it the two Nazis, who have agreed to take the American oath—Haider is a Catholic and Loescher a Lutheran, and both have stated they subscribe to the American oath and do not hold to the Nazi doctrine which denies the oath—are expected to prove the main witnesses. The government announced it has much supporting testimony, including what it claims are the fingerprints of Toots and Billie on the road maps taken from the prisoners after their arrest.

Robinson, one of the city's outstanding criminal lawyers, appointed by the court, reserved his opening statement until the state finishes its case. It was expected the trial, which moved from the opening to the first witness in two hours, would not take over four days.

The penalty, the court told the jurors, each of whom said "he had no prejudices toward Japanese"—(Judge Symes used the term Japanese-American but once)—and could give a fair verdict, might be death. It also can be a fine, or imprisonment of five years to life.

Wingren, who is assisting United States District Attorney Morrissey in presentation of the government's case, gave the jurors the outline of what the evidence is expected to be.

The two Germans were captured in Africa, he said. The three women and members of their families, including Toots Wallace's husband, William, their father Azuita (George) Shitara; a sister, Mary, and a brother, George, were sent from the Amache center where they had been received from Inglewood, Calif., to an onion farm, twenty miles from Trinidad, operated by Lloyd T. Winger. The Shitaras worked in the onions on a share-cropper basis. To this farm came thirty German prisoners from the Trinidad camp. Neither Haider nor Loescher was among the original group. For some days the Germans worked with the Japanese-Americans in the onions. One day, in October, 1943, Haider schemed with a fellow prisoner, who had been working on the farm, to take his place. He had no right to do this, but a roll call he answered to another's name and went to the farm.

JUMPS OVER DETAILS OF NAZI'S "CHARMS."

There he soon became acquainted with Toots Wallace.

Wingren jumped, rather than skipped, over just what charm he indicated this stubby, thinnish, bespectacled German exercised over Toots, as Mrs. Wallace was called thruout the proceedings. Wingren simply said, "He spoke to her and other things," and then added, "and he receive back—other things that gave him to believe that he might approach this woman, Toots, upon the matter of escape."

Said Wingren: "Approach her he did—and as he did the other German, who will testify here, was in the prison camp at Trinidad. That is the man Loesch-

THE DENVER POST—FIRST IN EVERYTH

N FOR TREASON TR

Important Federal Witnesses

who will testify in the treason trial here of three Japanese-American sisters are Seaman Second Class Albert H. Hathaway, former captain of the New Mexico state police, and Noland Utz, chief of police of Las Vegas, N. M. They are shown discussing the case with Chief U. S. Deputy Marshal N. V. Cooley Monday morning during trial recess. Hathaway received a telephone tip that the prisoners, Corps. Heinrich Haider, 31, and Herman August Loescher, 31, were in Watrous, N. M., the night of Oct. 18, and he and Utz, accompanied by an FBI agent, rushed there by automobile to capture the Nazis.



Deputy Marshal N. V. Cooley.

Police Chief Nolan Utz.

Seaman Albert H. Hathaway.

Tryst Photos Shown In Treason Trial Here

(Continued From Page 5)

at my records," Colonel Hannan replied.

Mr. Robinson then read a list of five German prisoner-of-war



A. H. Hathaway Manuel Mares

names, and asked whether Colonel Hannan didn't recall that these were missing.

The lieutenant colonel did recall that these were missing.

"And didn't three German officers escape shortly afterward?" Mr. Robinson pursued.

Found 165-Foot Tunnel

The lieutenant colonel said this was true.

"And wasn't a big tunnel found leading into the officers' quarters?"

"Yes."

"How big was this tunnel? Wasn't it wired?"

"It was 165 feet long and five by three feet in size," Colonel Hannan replied. "It went from the officers' quarters under the fence. There was an electric wire in it."

"What about the dirt removed in digging this tunnel? That's a lot of dirt."

Colonel Hannan said they never had found what had happened to the dirt. He said he had transferred to another camp after a few months.

FBI Agents Testify

Two FBI agents—Richard H. Pueblo, and Joseph F. Denver—were then in-

to get some Conoco maps, saying she was going to visit her "folks."

Mr. Robinson objected to the introduction of the maps as evidence on the basis that no single witness—neither Utz nor Hathaway—had identified these particular maps in the courtroom as those taken from the prisoners. Judge Symes upheld this contention, but ruled that testimony as to fingerprints on the maps could be submitted, since Gartside had testified that Toots had taken maps from his station.

Fingerprints Identified

John R. Robyak, an FBI fingerprint expert from Washington, then took the stand to testify he had found latent fingerprints on these maps which in his opinion were the same as the fingerprints of Toots and Billie, taken voluntarily by other agents.

Mr. Robinson attempted to show that actually there was a difference in the comparative fingerprints, but Mr. Robyak insisted the difference came only because the FBI prints had not been inked properly.

"Doesn't the FBI always ink properly?" Mr. Robinson asked.

"Not always," said Mr. Robyak.

Youth Recants Part of Story

The final witness of the day—Ernest Rivera, a Spanish-American youth, now in the navy—said

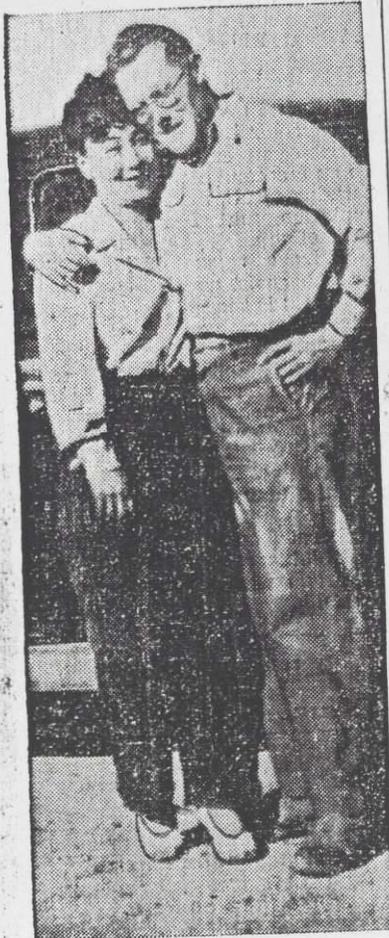


Joe Gartside

G. C. Hart

produced to testify to interviews they had had with the three women, to the fact that they took the fingerprints of Toots and Billie, and to the maps that had been examined for fingerprints.

A filling station owner in Trinidad, Joe Gartside, said Toots had come into his station on approximately the Sunday before the 16th



Mrs. Billie Shitara Tanigoshi is shown with another German prisoner of war, named Backus, allegedly taken at the Winger ranch by the third sister defendant, "Flo."

he had worked on the Winger ranch at the time the Japanese-American women and the German prisoners were mingling. He overheard Toots saying "I've got something for you" to Haider, but from here on he repudiated a written statement signed by him to the fact that Toots and Haider had sat down together and he had passed notes between them.

"Why did you sign this statement then?" he was asked.

"The FBI agent told me to go ahead and sign it—there's nothing to it anyway," Rivera replied.

The government will close its case with the presentation of one more witness today. Then Mr. Robinson said he will argue for a directed verdict of not guilty. If this is denied, he said he is not yet certain whether he will call the three sisters to the stand. He has only three or four other witnesses, he said, so the case conceivably could go to the jury late this afternoon, certainly tomorrow.

GERMAN SAYS JAP GIRLS WANTED TO HELP ALLIES

WEIRD ESCAPE STORY TOLD AT TREASON TRIAL

Sisters Aided Flight Because He Was Anti-Nazi, One Claims.

No stranger tale than this has ever been written. It is the story that came, Monday afternoon and thru Tuesday morning, from the lips of two corporals in Erwin Rommel's once-famed Afrika Korps, who were the government's star witnesses in United States District Judge Symes' court here, as the third treason trial in the history of World war II progressed into its second day.

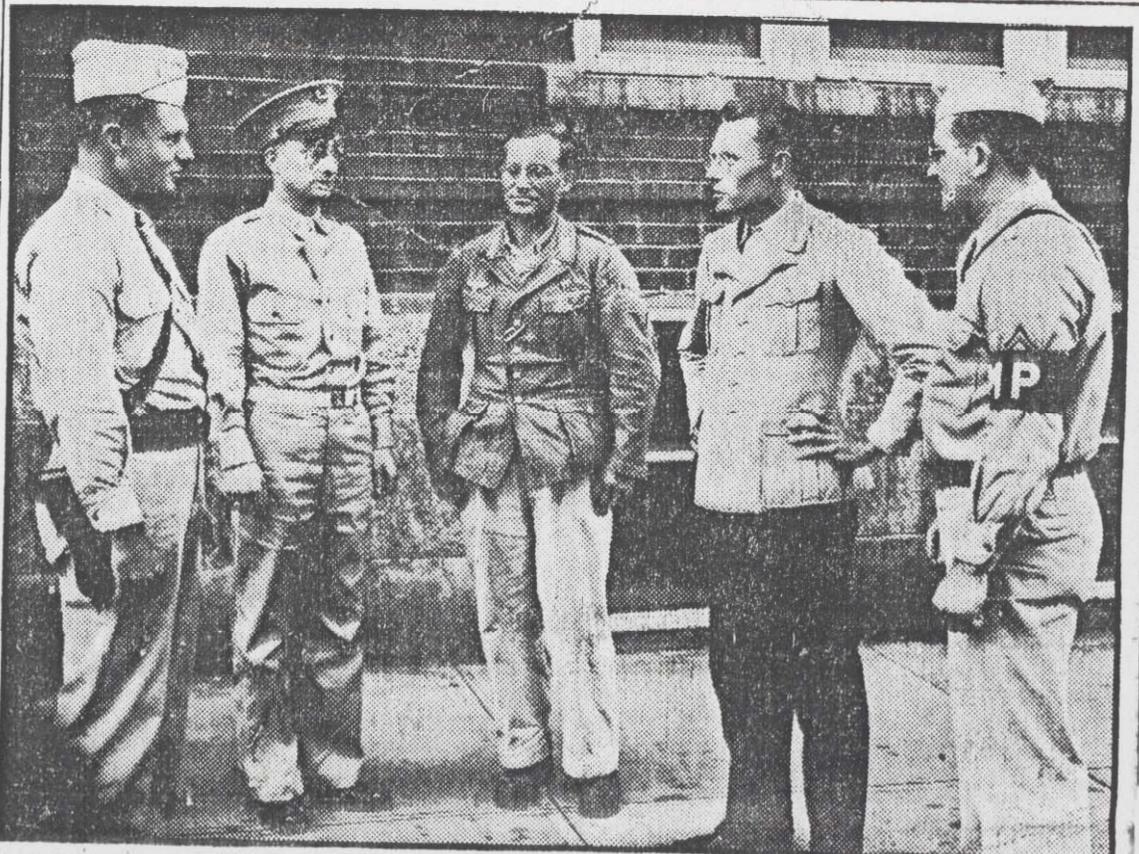
The two were Corp. Heinrich Haider, 31, Austrian-born, a mule tender in the army of the reich, captured at Cap Bon in north Africa by the British, and Corp. Herman August Loescher, 31, a one-time Brandenburg (Germany) bank clerk, tank radio operator, thrice wounded in Egypt and Tunis, and captured by the British at Carthage.

PROFESSES TO BE BITTER ANTI-NAZI

One—Haider—professed to be bitter anti-Nazi, a member of the Austrian underground, beaten, abused and kicked in a German concentration camp, from which he was mysteriously, and unexplainably, released, to be drafted into the army.

The other—Loescher—the bank clerk and one-time secretary companion of "an educated man," made no protestations of Nazi hatred, but thru Tuesday morning on the witness stand, professed only that

Two Nazi Supermen, one who says he now would like to fight "Hitler's gang" and both star witnesses in the treason trial here of three American-born Japanese sisters, are pictured in nonchalant poses with their U. S. army guards. The man with hands on hips is Nazi Corp. Heinrich Haider, and standing at Haider's right is Corp. Herman August Loescher. Haider testified how the three sisters allegedly helped them flee the German prisoner-of-war camp at Trinidad last October. Haider says he wanted to escape to join a "foreign legion" to fight against Hitler. Loescher said three women helped them escape but didn't identify the sisters. The U. S. guards are Pfc. Bernard J. Gryska, Lieut. Dorwin M. Barr and Corp. Peter Czaplicki.—A. P. photo.



Pvt. Gryska

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"I," said Haider, "always hated the Nazi."

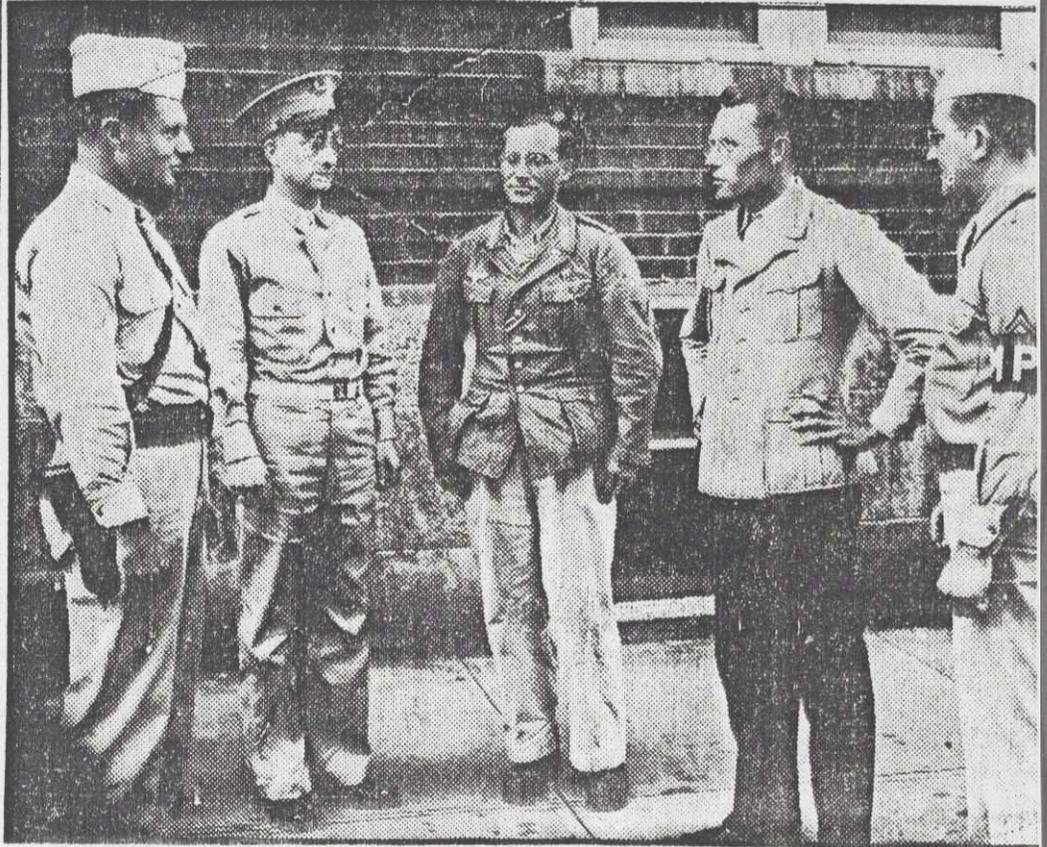
"I," said Loescher, "was no longer a soldier. You take his arms and his company away and a man is no longer a soldier, but one who cries for freedom."

Both, unabashed, pointed their fingers at the three women defendants as having aided them in their attempt to gain these freedoms—as

(Turn to Page 3—Col. 1.)

Two Nazi Supermen,

one who says he now would like to fight Hitler's gang" and both star witnesses in the treason trial here of three American-born Japanese sisters, are pictured in nonchalant conversation with their U. S. army guards. The man with hands on hips is Nazi Corp. Heinrich Haider standing at Haider's right is Corp. Herman August Loescher. Haider testified how the sisters allegedly helped them flee the German prisoner-of-war camp at Trinidad last year. Haider says he wanted to escape to join a "foreign legion" to fight against Hitler. Loescher said three women helped them escape but didn't identify the sisters. The U. S. guards are Pvt. Bernard J. Gryska, Lieut. Dorwin M. Barr and Corp. Peter Czaplicki.—A. P. photo.



Pvt. Gryska

Lieut. Barr

Corp. Loescher

Corp. Haider

Corp. Czaplicki

GERMAN SAYS JAPS AIDED

WAR PRISONERS POINT ACCUSING FINGER AT GIRLS IN DENVER TRIAL

Austrian-Born Self-Styled Hitler Foe Tells Treason Jury Sisters Gave Help So He Could Fight for Allied Cause.

(Continued From Page One.)

having given them every possible aid, money, civilian clothing, food, use of their automobile, a flashlight, maps and wishes for their success and safety.

The packed courtroom gasped as the Germans told their tales.

To many came the thought:

"Is there, in the entire American armed forces of some 11 million men, anyone, no matter what his status in civilian life, who, under reversed circumstances in Germany, would have taken the stand to point the finger of accusation, which might well mean death, against anyone who had befriended him?"

Each who asked that question answered with an emphatic "NO."

ONLY HAIDER TRIED TO SOFTEN WORDS.

But the Germans—Haider attempted to soften his words; Loescher withholding but little and that only of personal relations which may, or may not, have happened between them and the accused—took the stand to tell how they escaped from the prisoner of war camp at Trinidad, Colo., last Oct. 16, with the aid of the three Japanese-American sisters, all married, two the mothers of small children, members of the relocation colony at Amache, near Lamar, Colo.

The sisters are Mrs. Tsuruko (Toots) Wallace, 35; Mrs. Shitara (Billie) Tanigoshi, 32, and Mrs. Shivze (Flo) Otani, 33.

PICTURES SHOW THEM IN EMBRACE.

There are pictures of two of this trio—pictures taken by the third—showing them in embrace with the men of Rommel's Kôrps, where they worked, side by side, in the onion field of Lloyd Winger on his 600-acre farm nineteen miles north of Trinidad.

But if you are to believe the stories told by the two bespectacled, thin-nosed, shortish Germans, who sat upon the stand in the remnants of their uniforms, one with his ribbons pinned upon his chest, it was not love of these men that motivated the women in the commission of what the government holds to be treason, punishable by death, but love of country—and that country America.

he stated, "he gave and would keep without reservation of any kind."

"The first day I worked on the farm I observed the Japanese women. I talked to Toots. I asked her how big was Colorado, and how far the New Mexico border."

His English was good—a bit broken, but precise. The court reporter had difficulty, at times, in catching his words, but the jurors told the court they understood every syllable.

TOLD TOOTS HE WANTED TO ESCAPE.

"I said no more, for I feared to arouse suspicion of the guards," the witness went on. "The next day Toots asked why I had inquired, as I did and I told her I wanted to escape.

"I told her a story out of my life. I was born in Linz, Austria. She asked me if it was true Germany had violated my native country. I told her it was true. I told her how I, with ninety-five men and twelve women of my native Linz had signed a paper calling upon our countrymen to arise against Hitler. The Gestapo arrested me and placed me in a concentration camp. That was on Nov. 17, 1938. I was in that camp, under SS guard for two years, until Nov. 17, 1940. They beat me and mistreated me."

FBI IS MORE BRUTAL THAN GESTAPO, HE SAYS.

The question was interposed: "What is the Gestapo?" "It is like your FBI, only not so brutal—there are degrees of brutality," said the witness.

Continuing his story, Haider said: "I do not know why I was released but I was and in December, 1940, I was forced into the German army. I served until my capture at Cap Bon, in north Africa, in May, 1943, and found my way to the prisoner-of-war camp at Trinidad.

"I told Toots I wanted to escape because life there in the camp was unbearable. It was known by some of the guys . . ."

"The what?" asked the astonished court reporters.

"He said the guys," said Morrissey.

FEARED HE WOULD BE HANGED IN CAMP.

"It was known there that I had been in a concentration camp in

He Saw Nazis Talk to Japs



LLOYD T. WINGER, Owner of the ranch where the two escaped German prisoners of war met the three Japanese sisters who allegedly helped them escape from the Japanese internment camp. "I saw Haider talk to Toots, Billie and Flo," Winger said.

drew money in advance from Farmer Winger and with part of it bought civilian clothing for Haider and for his "kamerad," Loescher, a man they had never seen, for he, unlike Haider, was confined in camp and did not work on the farm.

"But I told them my Kamerad Loescher was, like me, a hater of Nazis, who wanted to join the Austrian Legion," Haider said.

BACKUS ALSO SAID TO HATE NAZIS.

Backus, the mysterious one who posed for the love pictures with Billie and Toots, but did not enter the drama again, was also a "hater of the Nazis," Haider said. Backus, unlike his friends, did not try to escape. He was content to work in the onions, beside Flo and Billie and Toots.

They wrote notes—Toots and Haider. A fellow prisoner carried them. In them, Haider said, Toots outlined the plan—how she, with her sisters, would be on the "high road" six miles out of Trinidad on the night of Oct. 16—at 8 o'clock.

"We dug a foxhole near the compound fence and covered it with some lumber and dirt," Haider said. "At 3 o'clock on Oct. 16 we—Loescher and me—crawled in and our kamarads covered us over. We stayed there until it was 8 o'clock, when we crawled thru a hole in the

witness. He told of his German birth, his employment in the "giro" section—checks and exchange—of the Brandenburg bank, and of his love for travel, which led him to become a secretary-companion to "a man of education." He enlisted in the army and was in Crete whence he was flown to Egypt. There he was wounded—buried beneath a bombed house in which he had hidden. Rescued by his own army, he was carried into Tunis, to recover and fight again. Again he was wounded—slightly once in one arm, seriously later when shell fragments pierced his lungs. He was in a hospital when the British overran Carthage and he was taken prisoner.

It was at Oran, port of embarkation for an American prisoner of war camp, that he met Haider. He was "attracted" to the mule tender, he said, because he, too, was "a man who had traveled."

LOESCHER WAS ON "EXCHANGE LIST."

At Trinidad, he said, his name had been placed on the exchange list. He was to be traded for an American soldier in a German prison. But when opportunity offered—thru Haider—to escape, he accepted this change rather than await the exchange.

He told how he first met the three Japanese-American women on the road after he and Haider had got out of camp. He had not seen them before, but Haider had brought back a picture of Toots from the farm. On the road to New Mexico he sat in the back seat between two of the women. It was dark, he said, and he refused to identify either. One, he said, pleaded with him not to be "too daring." This one urged him to use caution and not to get shot.

Wingren tried to learn all that happened on that trip—to bring from the witness an account of all that was said and done. He failed. "WE JUST TALKED," IS ALL HE WILL SAY.

"We talked," said the witness, and he would say no more.

He told of a formal bidding of goodbys and then of his capture.

But while he withheld whatever may have occurred between the men and women on the automobile journey from Trinidad to New Mexico, he said the women had "aided" with their gifts of money, the use of their automobile and with maps and civilian clothing. That is all the government wanted him to say.

After Loescher, the witnesses were simply those who would fill in gaps in the story. There was the onion farmer, recalled to tell how Toots had obtained a \$30 advance from him—the money she allegedly used to buy the civilian clothing and give to the Germans. He exhibited his check, indorsed by Toots.

Manuel Mares, a Springer, N. M., tavern keeper, told that the women

THEM IN EMBRACE.

There are pictures of two of this trio—pictures taken by the third—showing them in embrace with the men of Rommel's Korps, where they worked, side by side, in the onion field of Lloyd Winger on his 600-acre farm nineteen miles north of Trinidad.

But if you are to believe the stories told by the two bespectacled, thin-nosed, shortish Germans, who sat upon the stand in the remnants of their uniforms, one with his ribbons pinned upon his chest, it was not love of these men that motivated the women in the commission of what the government holds to be treason, punishable by death, but love of country—and that country America.

The drama wasn't "advertised" that way.

Assistant United States District Attorney Ivor O. Wingren, in his opening statement to the jury of average Americans, gathered from big city and small town, charged that the women aided in the escape of the prisoners so that they, the men, might return to Germany to fight again.

SAYS HE WANTED TO FIGHT HITLER.

"I object to that," said Heinrich Haider and none asked him to say it. "I did not escape to return to Germany to fight. I escaped so that I could go back—yes, back to Germany—but to fight the Hitler gang."

To many in the crowded courtroom it sounded as the Heinrich Haider, in the prison camp at Camp Campbell, Ky., had been seeing his share of movies.

There was, in fact, much that was movie-like about the entire proceedings. Thruout the hearing one never hears the names—Shivze Otani, Shitara Tanigoshi or Tsuruko Wallace.

It's always "Billie" and "Flo" and "Toots"—especially "Toots." You hear it from the lips of witnesses. You hear it from Attorney Kenneth W. Robinson, appointed by the court to defend those women charged with the most serious of all crimes against the nation. You hear it as graying, alert United States District Attorney Morrissey speaks their names. It is the only designation by which his assistant, quiet, searching Ivor O. Wingren, refers to the three on trial.

EVEN JUDGE CALLS THEM BY NICKNAME.

Even Judge Symes, in the dignity of his black-draped alcove, beneath that mighty gold American eagle, and under the eyes of the portrait of the great Chief Justice John Marshall, refers to "these ladies," as he calls them, as "Flo" and "Billie" and "Toots"—especially "Toots."

For it was to "Toots," according to the testimony, that Heinrich Haider, working in the onions, poured out what he called "the story out of my life."

He told it, he said, in five days, there in the onion fields, in October, 1943. About him, as he whispered, he said, were the armed military police escort guards, under whose eyes, somehow, he, and a Kamerade" he named as Backus, found time to do their love-making and be photographed.

This is the tale Heinrich Haider told under oath—an oath he said he respected as "a Catholic," and which,

lantly," said the witness.

Continuing his story, Haider said: "I do not know why I was released but I was and in December, 1940, I was forced into the German army. I served until my capture at Cap Bon, in north Africa, in May, 1943, and found my way to the prisoner-of-war camp at Trinidad.

"I told Toots I wanted to escape because life there in the camp was unbearable. It was known by some of the guys . . ."

"The what?" asked the astonished court reporters.

"He said the guys," said Morrissey.

FEARED HE WOULD BE HANGED IN CAMP.

"It was known there that I had been in a concentration camp in Bavaria and there was the top sergeant who was a high power in the Nazi. I feared greatly. I feared I would be beaten and hanged there in the camp. Others have been so treated who were anti-Nazi.

"Toots tried to discourage me. She said it would be foolish to try to escape. She said I was lucky to be alive, that I would be captured and maybe shot. I told her that I wanted to go back to Germany to join the Austrian legion or the Czechoslovakian legion, and fight the Hitler power, for if Germany won the war I would be shot. I told her I wanted to go to Chile, where I had anti-Nazi comrades.

"I had asked an American officer in the prisoner-of-war camp how I could be safe from the Nazis and he told me that all he could do would be to put me in the guard house and keep me there. I did not want that.

"I told this to Toots and asked her to help me. I later told it to Billie. They consented to help me to escape to join the Legions—the Austrian Legion, composed of those who loved Austria and wanted to restore our native land from the Hitler gang, or the Czechoslovakian Legion."

As Haider spoke, the faces of the three women brightened. Thru the long morning session not one had so much as moved a lip, scarcely blinked an eye. They sat there expressionless except for an occasional frown from the stocky Flo, beneath her picture hat, who sat crossing and recrossing legs.

Few have mentioned the name of Flo. She was there, it appears from the testimony, taking pictures of the slightly slimmer Toots, and the slender Billie—pictures of embraces and kisses. She rode in the car in which the Germans fled—the sisters' car. She worked, like the others, in the onions. But if she ever spoke none tell of it at the trial.

But not so with Billie—and not so with Toots.

It was Billie and Toots that lent the sympathetic ear—lent it as they sorted the onions, and as the German prisoners, who were given a case of beer a day by Farmer Winger, their employer, sat and ate their lunches.

WHEREABOUTS OF GUARDS NOT CLEAR.

None ever testified as to where the guards, with their rifles, might have been at these times.

Robinson asked once, "Could they be sitting in the shade of the trees?" but he got no answer.

After Haider had told "the story of his life," the sisters, Billie and Toots, he said, went to work. They got road maps from filling stations—maps upon which, the prosecution

the drama again, was also a "hater of the Nazis," Haider said. Backus, unlike his friends, did not try to escape. He was content to work in the onions, beside Flo and Billie and Toots.

They wrote notes—Toots and Haider. A fellow prisoner carried them. In them, Haider said, Toots outlined the plan—how she, with her sisters, would be on the "high road" six miles out of Trinidad on the night of Oct. 16—at 8 o'clock.

"We dug a foxhole near the compound fence and covered it with some lumber and dirt," Haider said. "At 3 o'clock on Oct. 16 we—Loescher and me—crawled in and our kamarads covered us over. We stayed there until it was 8 o'clock, when we crawled thru a hole in the fence, leading from our foxhole. We made our way along the side roads to the high road.

WAITED FOR WOMEN TO DRIVE UP.

"We concealed ourselves behind a hotel signboard and then I saw the car—they were to have the dim lights on—come up the high road. I stepped out and took off my hat—the hat Toots and Billie had given me with the civilian clothes we wore. A voice said 'Henry.' I knew it was Billie."

It was obvious the friendship had progressed in the five short days since the first meeting. Someone, at the counsel table, whispered "It's a wonder she didn't call him Hank."

Haider said he and Loescher, who was meeting the three women for the first time, got in the car. They rode south, thru Trinidad—sitting as big as life on the seats, Haider in front with Billie, and Loescher in the back with Toots and Flo. They passed thru Raton, then to Springer, N. M., and on to Wagon Mound.

They talked, Haider said—mostly about what terrible people the Nazis are. The women had a flashlight and they gave it to him. Two miles beyond Wagon Mound the women said they would have to stop—that their gasoline supply did not permit a longer journey if they were to return to the onion farm by morning.

"It was 1:30 in the morning," said Haider. "Billie came up to me and slipped something in my pocket. It was some dollar bills. She put in the pictures, but I did not know it then, or until after I was arrested when the officers found the pictures. We got out of the car and we shook hands and I gave Toots my address in Linz, my native town, and said I hoped after the war I would see her. Then Billie and Toots drove away."

Flo did, too, it would appear, altho none mentioned her, other than that she sat in the back seat.

Haider then detailed how, thru that night to dawn, he and his companion walked on "the high road." They hid and slept by day. At night they started out again, coming to "a village." There was a tavern there.

"Some Spanish girls were inside and we talked with them," said Haider.

It appeared Flo and Billie—even Toots—were forgotten.

Then the state highway police came and the two were arrested. Tuesday Loescher was the main

But while he withheld whatever may have occurred between the men and women on the automobile journey from Trinidad to New Mexico, he said the women had "aided" with their gifts of money, the use of their automobile and with maps and civilian clothing. That is all the government wanted him to say.

After Loescher, the witnesses were simply those who would fill in gaps in the story. There was the onion farmer, recalled to tell how Toots had obtained a \$30 advance from him—the money she allegedly used to buy the civilian clothing and give to the Germans. He exhibited his check, indorsed by Toots.

Manuel Mares, a Springer, N. M., tavern keeper, told that the women came to him for aid when their automobile broke down on their way home from driving the Nazi soldiers to Wagon Mound. He got a mechanic for them and gave two of them drinks of whisky because, he said, they were cold. He charged them nothing.

MECHANIC TELLS OF FIXING CAR.

The mechanic, George Cicero Hart, now a shipworker at Oakland, Calif., told of fixing the automobile and identified Toots as one of the women. He charged them nothing, he said.

Luther Reed, FBI agent, testified to arresting the two Germans in a tavern where they had purchased a single bottle of beer for which Loescher said they had been charged 90 cents, a figure which brought expressions of surprise from Robinson, and a look, over his glasses, from the court.

Further testimony along the same line was to follow Tuesday afternoon, with the government probably closing its case before night. It was expected the women would take the stand in their own defense, probably Wednesday morning.

'I Hate Nazis!' Says German Soldier at Trial Here

'Fled Camp to Join Fight Against Hitler'

"I object to the statement that I escaped from the Trinidad prison camp so that I might go back and fight for Germany. I escaped so that I might join the Austrian or Czechoslovakian Legion and fight against the Hitler gang. For I know that if the Nazis should win, I would be hanged.

These words coming from a 31-year-old red-headed Austrian corporal on the witness stand in District Judge J. Foster Symes' Federal District Court yesterday afternoon drew gasps of surprise from scores of spectators and changed the entire complexion of the treason trial that had opened in the morning.

This bespectacled prisoner, captured by the British Eighth Army at Capone, North Africa, in the spring of 1943, speaking in clear, school-book English, admitted that the three Japanese-American sisters, being tried for the gravest crime against our government, had aided him to escape on Oct. 16, 1943.

But he had told them, he insisted with nervous fervor, that he had tried every other means to join the fight against the Nazis without avail—and now escape was the only possible way.

Beaten by Gestapo

He had been a member of the Austrian underground after the rape of his country, he said, and he had signed a document with other men and women urging his countrymen to rise up.

He had been thrown into a Nazi concentration camp in Bavaria, as a result of this, had been beaten up by the Gestapo, he said, and had been released after two years and impressed into the Africa Corps.

Even after he had been captured and shipped to the Trinidad Prisoner of War Camp, he declared, he had been pursued by the Nazis in the form of the first sergeant of his compound, who threatened either to beat him or to hang him.

Enter the Niseis

"I went to an American officer in charge and asked if I could

with warmer countenances than those that first had greeted the red-headed corporal.

An Unexpected Twist

It had appeared at the start that Corporal Haider merely was squealing on three young ladies who had assisted him and his comrade to make a getaway, and further, had shown their interest to the extent of posing with them for photographs in embraceable positions.

But the unexpected twist taken by the corporal's story may in the long run work to their benefit in the deliberations of the jury of middle-aged Americans, none of whom has sons or daughters in the service.

At any rate, Mr. Robinson now will build his defense on the theory that treason is not possible under the circumstances, in view of the fact that the three women merely were releasing prisoners to fight against an enemy of the United States.

Third Treason Trial

The prosecution—headed by U. S. District Attorney Thomas Morrissey and his assistant, Ivor O. Wingren—will insist, on the contrary, that the two prisoners actually were citizens of the Reich, sworn into the army of the Reich, and therefore are enemies of our country under every possible legal definition.

The dramatic turn of events taken yesterday made this one of the most extraordinary cases ever tried in American history, and it has attracted national interest. It is the third treason trial of World War II, but because of the Japanese-American aspect and because of the anti-Nazi element, and



Lt. Col. William S. Hannan

20 challenges and the prosecution using only four of its six. Judge Symes, following federal procedure, examined the prospective jurors himself, and this process took only a fraction of the time that it does in the case of state cases where prosecution and defense lawyers alike wrangle for hours over minute points.

Only one man of those called said he was prejudiced against the Japanese as such. This was Homer K. Claypool, storage business, who said: "I don't like Japanese." He was promptly excused for cause.

No man who had a son in service was retained on the jury, and an effort was made to eliminate those who have relatives in the Pacific war, although some of them have nephews in this battle theater. The jury is:

George O. Schmidt, Lakewood.
Eckard B. Radic, salesman, Denver.

George John Roth, Colorado Springs.

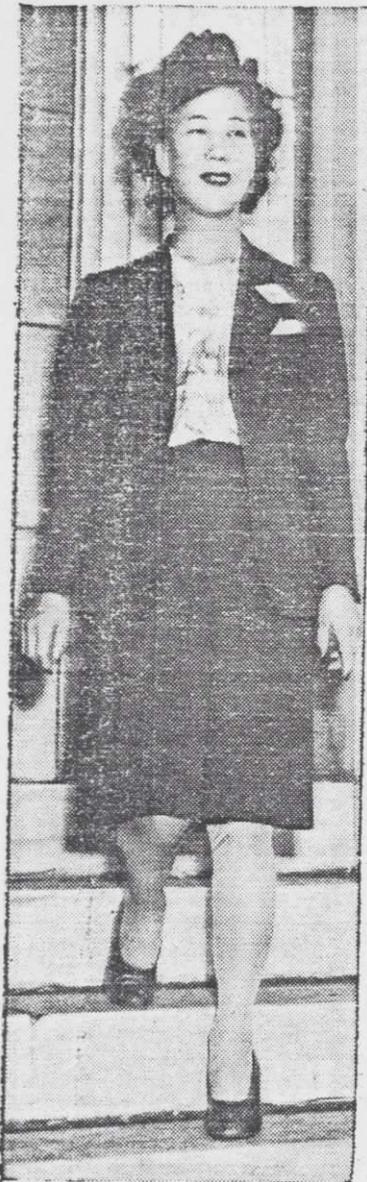
Arnold Franklin Rich, salesman

Chester C. Robb, Denver.

Wesley R. Curtis, assistant manager, AAA, Denver.

Gilbert H. Denton Jr., vulcanizer, Denver.

John Patrick Maguire, Denver.



Mrs. Billie Shitara Tanigoshi



Mrs. Florence (Flo) Shivze Otani

Mrs. Billie Shitara Tanigoshi Mrs. Florence (Flo) Shivze Otani

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Even after he had been captured and shipped to the Trinidad Prisoner of War Camp, he declared, he had been pursued by the Nazis in the form of the first sergeant of his compound, who threatened either to beat him or to hang him.

Enter the Niseis

"I went to an American officer in charge and asked if I could be separated from the Nazis," Haider said. "But he told me that the only way this could be brought about was to put me in the guardhouse. I didn't want to go to the guardhouse."

Finally his chance came, he said, when he met the three Nisei sisters—Mrs. Billie Shitara Tanigoshi, 32; Mrs. Florence (Flo) Shivze Otani, 33, and Mrs. Tsuruko (Toots) Wallace, 35, the defendants—on the Winger ranch near Trinidad, where they were working on onion sets, and told his story.

"At first Toots said there was no use in trying to escape," Haider said. "But finally she agreed to help me, and before she left us in New Mexico I gave her my address in Linz, Austria, and told her I would like to see her after the war."

Chile Was Their Goal

Haider testified that his comrade—Herman August Loescher, also 31, with whom he had escaped and who will appear as a witness today—felt the same way he did about the Nazis.

"We intended to escape to South America and find some of his relatives who were living in Chile," he said. "There we intended to join the Austrian Legion or the Czechoslovakian Legion and go back to Germany to fight against the Nazis."

"You mentioned the Gestapo. What is that?" asked Defense Counsel Kenneth Robinson.

"It is something like but not quite as brutal as the FBI in your country," Haider replied.

As Haider's testimony began coming forth in the sharply clipped English he had learned as a veterinary student in Linz, Mr. Robinson, whose defense had been obscure up to that moment, began noticeably to brighten. Likewise his Japanese-American clients, assigned to him by the court, began to lose the mask-like quality of their faces and to lean forward

sworn into the army of the Reich, and therefore are enemies of our country under every possible legal definition.

The dramatic turn of events taken yesterday made this one of the most extraordinary cases ever tried in American history, and it has attracted national interest. It is the third treason trial of World War II, but because of the Japanese-American aspect and because of the anti-Nazi element, and the legal problem this inspires, it is certainly the most unusual.

You could sense the drama that was to unfold at 10 a. m. when Judge Symes—an artillery officer of distinguished record in the last war—took his seat before the black, gold-rimmed backdrop of the solemn court, and the clerk called case No. 10,387.

Jury Quickly Chosen

A jury of 12 average men was chosen in an hour and a half with the defense using only eight of its

George O. Schmidt, Lakewood.
Eckard B. Radic, salesman, Denver.

George John Roth, Colorado Springs.

Arnold Franklin Rich, salesman

Chester C. Robb, Denver.

Wesley R. Curtis, assistant manager, AAA, Denver.

Gilbert H. Denton Jr., vulcanizer, Denver.

John Patrick Maguire, Denver.

William Sharpton, Manitou.

Adolph R. Miller, Greeley.

Floyd A. Doty, Colorado Springs.

Harold Edward Maloney, Denver.

Alternate, Henry T. Gassert, chief of police, Holyoke.

In his opening statement Mr. Wingren said the government hoped to prove that Haider had met the three Japanese-American sisters on a vegetable ranch owned by Lloyd T. Winger, 20 miles from Trinidad, on Oct. 5, 1943.

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—Rocky Mountain News Photos.
Mrs. Tsuruko (Toots) Wallace

Yanks Hit Bonins

THE CALL BULLETIN

CALL AND POST, VOL. 156, NO. 6 ☆☆ AUGUST 8, 1944
THE CALL-BULLETIN, VOL. 178, NO. 6

5360

German Escapee Fails to Identify 3 Jap Girls

By BETTY BRADLEY

Staff Correspondent International News

DENVER, Aug. 8 (INS).—A thrice-wounded German prisoner of war, Private First Class Hermann August Loescher, 31, testified as a government witness today in the treason trial at Denver of three Japanese-American sisters accused of aiding him and Corporal Henrich Haider to flee from an internment camp at Trinidad, Colo.

FLOP FOR DEFENSE

Loescher failed to become an unexpected "gold mine find" for the defense counsel, Kenneth Robinson, like Haider, who testified late yesterday by professing to be a "Nazi hater."

Haider had said he wanted to escape to fight with a legion against the Nazis. Loescher, however, said he fled only to regain his freedom.

While Haider had identified the three Jap girls as aiding him and Loescher to escape in an auto, Loescher claimed he could not identify the three girls "because it was dark when we were in the auto and I could not see their faces."

TESTIMONY SURPRISING

Robinson had objected to Haider's appearance on the stand on the ground that a Nazi could not be trusted to tell the truth in an American court and, furthermore, the Geneva convention protected Haider from any punishment by the court if he committed perjury, thereby making him unacceptable as a witness.

Federal Judge J. Foster Symes overruled Robinson's objections and, when Haider was through testifying, Robinson was pleasantly surprised because Haider asserted he was an anti-Nazi from Linz, Austria, and that he had escaped to join a legion that would fight against Hitler's gang.

FEAR FOR LIVES

It was a sensational tale that Haider told the jury, hearing evidence that may send the defendants—Tsuruko ("Toots") Wallace, 34; Florence ("Flo") Shivze Otani, 33, and Shitara ("Billie") Tangigoshi, 31, sisters from Inglewood, Cal.—to their deaths as traitors.

Haider declared that anti-Nazis held in American internment camps are in "fear of their lives" at the hands of "real Nazi prisoners." He said the U. S. Army recently opened a protection stockade at Camp Campbell, Ky., for anti-Nazis only, as part of a segregation program, and that he and Loescher are now confined there.

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Tribune
Salt Lake City, Utah
762
DATE
P. AUG 8 1944

U. S. Opens Treason Trial Of 3 Japanese Sisters

DENVER, Aug. 7. (UP) — Two German soldiers, attired in faded, time-worn uniforms of Hitler's once-proud Afrika Korps, and 3 Japanese-American sisters, wearing neat, American-style outfits, listened soicall Monday as government attorneys opened a treason trial which might end in death sentences for the three women.

Both of the Germans, as well as the women, speak and understand English, but their faces never displayed any emotion as Ivor Wingren, assistant United States district attorney, told a jury of 5 salesmen and 8 other men of various trades and professions that the government would attempt to prove that the women had committed treason by helping the Germans to escape from a war prisoner camp near Trinidad, Colo., last Oct. 17.

The charges have been denied by the sisters, who readily admitted at the time of their arrest that they had become acquainted with the nazis while working with them on a farm and were, in fact, so well acquainted that two of the women posed for pictures while in the arms of the Germans.

The women are Mrs. Tsuruko Wallace, 35, who is known to her friends as "Toots;" Mrs. Florence Shivze Otani, 33; and Mrs. Billie Shitara Tanigoshi, 32.

It is the government's contention that the sisters, who were born at Inglewood, Cal., and graduated from the Inglewood high school but were brought to Colo-

rado in the evacuation of west coast Japan and Japanese-Americans, had given the Germans a flashlight, several maps, a railroad timetable, some money, an automobile and some civilian clothing to help them get to Mexico after their escape from the Trinidad camp.

But the Germans—Corps. Heinrich Haider and Herman August Loescher—were recaptured near Watrous, N. M., after only 2 days of freedom.

(As Wingren outlined the government's case, it appeared that the chief witness for the prosecution would be Ernest Rivera, another employe of the farm where German prisoners from the Trinidad camp and Japanese-Americans from the relocation center at Amache, Colo., had been taken to help with the onion harvest.

Rivera, said Wingren, would testify that he heard Mrs. Wallace whisper to Haider that "We have something for you."

The "something," said Wingren, was a brown package which had been hidden under a bush. Haider picked up the package, stuffed it in his lunch basket, and walked away. The package, it was presumed, contained supplies which the Germans used in their escape.

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Times (ID)
New York, N. Y.

DATE AUG 6 1944
P.

3 NISEI SISTERS GO ON TRIAL TOMORROW

DENVER, Aug. 5 (AP)—Snapshots of three Japanese-American sisters in the arms of two German prisoners of war will constitute an important part of the Government's evidence when one of the nation's major treason trials of this war opens Monday in the Federal District Court.

The sisters, Mrs. Tsuruko Wallace, 35; Mrs. Florence Shivze Otani, 33, and Mrs. Billie Shitara Tanicoshi, 32, face a possible death sentence. The Nazis Corps, Heinrich Haider, 31, and Herman August Loescher, 31, former members of Rommel's Afrika Korps, are the Government's star witnesses.

The Nisei women, evacuated to the Granada Relocation Center at Amache, Col., from their homes in Inglewood, Calif., after Pearl Harbor, are accused of aiding the Germans to flee from the Trinidad prisoner-of-war camp Oct. 17.

The indictment contains two counts. One charges treason and the other conspiracy to commit treason.

The Nazis were free for two days. FBI agents intercepted them at Watrous, N. M., and, the indictment charges, found the pictures showing them with the women, who worked on the same farm near the internment camp.

A grand jury charged that the defendants gave the prisoners road maps of California, Nevada and Colorado, a railroad timetable, clothing, flashlight, money and an automobile. The fugitives, it said, planned to return to Germany via Mexico and South America.

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Post 8-7-44
Denver, Colo.

212
DATE AUG 7 1944

P.

JURY QUICKLY CHOSEN IN DENVER TREASON TRIAL OF JAP WOMEN

Court Tells Amache Sisters That Helping Two German War Prisoners Escape From Trinidad Camp Could Be Punished by Death.

America's third treason trial of World war II, moving with unlooked-for speed, with armed men of the United States army patrolling hallways and witness rooms, got under way in United States District Judge Symes' court here Monday.

At noon a jury of twelve typical American citizens, many fathers, or other relatives of men in the fighting forces, had been selected to pass upon the fate of the three

Japanese-American women on trial—three sisters who are accused of having given "aid and comfort to the enemy" in assisting two German prisoners of war to escape from an internment camp near Trinidad so that the men might return to the reich and there fight again.

The women on trial, all married, two the mother of children—Mrs. Tsuruko (Toots) Wallace, 35; Mrs. Billie Tanigoshi, 32, and Mrs. Florence (Flo) Shivze Otani, 33—sat almost motionless, completely without word or expression, as the court, in calm and measured words, explained that theirs was a crime which might be punishable by death.

TWO NAZI SOLDIERS WAIT TO TESTIFY.

Outside the highceilinged courtroom, with its great gold American eagle looking down from atop the black velvet-draped alcove under which the trial judge sits, the two Nazis, once members of Rommel's Afrika Korps, each dressed in his army uniform, one beribboned with decorations won in north Africa, awaited their turn to take the witness stand, star witnesses for the government.

They, according to the opening statement of Assistant United States District Attorney Ivor O. Wingren, were men who "kissed" and, having kissed, were now about

HEAD OF PRISON CAMP TO TESTIFY.

The others who will testify and who were present as the trial opened form an imposing list. They include Col. William Hannon, head of the prisoner of war camp at the time the Nazis escaped.

Wingren, who is assisting United States District Attorney Morrissey in presentation of the government's case, gave the jurors the outline of what the evidence is expected to be.

The two Germans were captured in Africa, he said. The three women and members of their families, including Toots Wallace's husband, William, their father Azuita (George) Shitara; a sister, Mary, and a brother, George, were sent from the Amache center where they had been received from Inglewood, Calif., to an onion farm, twenty miles from Trinidad, operated by Lloyd T. Winger. The Shitaras worked in the onions on a share-cropper basis. To this farm came thirty German prisoners from the Trinidad camp. Neither Haider nor Loescher was among the original group. For some days the Germans worked with the Japanese-Americans in the onions. One day, in October, 1943, Haider schemed with a fellow prisoner, who had been working on the farm, to take his place. He had no right to do this, but at roll call he answered to another's name and went to the farm.

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OF NAZI'S "CHARMS."

There he soon became acquainted with Toots Wallace.

Wingren jumped, rather than tipped, over just what charm he indicated this stubby, thinnish, be-

spectacled German exercised over Toots, as Mrs. Wallace was called thruout the proceedings. Wingren simply said, "He spoke to her and other things," and then added, "and he receive back—other things that gave him to believe that he might approach this woman, Toots, upon the matter of escape."

Said Wingren:

"Approach her he did—and as he did the other German, who will testify here, was in the prison camp at Trinidad. That is the man Loesch. But there was another prisoner, one Backus, who talked to the women—Toots and her sisters, Flo and Billie. It was Haider who proposed she and her sisters aid him. At first she said to him that he was lucky to be alive. She said the war would be over soon and for him not to attempt escape—that it was dangerous. But eventually she agreed. The evidence will then show that there was note-passing between the German prisoners and the women. It will be the evidence that Toots and Billie secured road maps from filling stations in Trinidad, that they gave a flashlight, clothing—two pairs of trousers, two pea jackets, two blue hats—to these men. And they gave them money."

Wingren detailed that Toots went to the farmer and asked for a \$30 advance on her wages.

PICTURES TAKEN OF "LOVING EMBRACES."

During this time the sister Flo, who had a camera, altho Japanese-American internees are not supposed to have cameras, took a series of pictures of her sisters, Billie and Toots, in what Wingren termed "loving embrace" with Haider and the soldier Backus. These pictures, later found on Haider when he was arrested, were printed in THE DENVER POST and started the investigation which resulted in the trial which opened Monday.

Wingren related that the sisters hid the articles to be used in the German escape beneath some lunch in a clump of bushes on the farm. He said one witness, Ernest Rivers, who was working in the onion field at that time, will testify that he heard Toots tell the German where he could find these things—and make the plan to meet him and his friend, Loesch, that night.

to tell, even tho the telling might mean that the women to whom they made love go to the gallows.

The German prisoners, who sat briefly in the courtroom Monday, before all witnesses in the case were excluded by order of Judge Symes, were anything but the romantic figures a series of snapshots, showing one of them in loving embrace with the defendants shortly before their escapes from prison camp, indicated them to be. **NAZIS LOOK LIKE SCHOOLMASTERS.**

The two, Corp. Heinrich Haider, 31, a mule tender with the Afrika Korps, whose outfit was blasted to ribbons by New Zealanders in Tunis, and Corp. Herman August Loesch, 21, a machine gunner, who dreamed of becoming an officer in the German army, but never attained his ambition because of capture, are the schoolmaster type. Each is bespectacled and short—surprisingly short of stature.

Each wore his uniform—or what was left of it. Haider, the main plotter in the escape, according to Wingren's opening statement, had worn thin his German army trousers and so he wore a baggy pair of tweeds, furnished by the army. He had on his tight-fitting army coat, minus any decoration—for he was but a mule tender. Loesch, who, according to the government's case, did not know the trio of Japanese-Americans who allegedly aided him until he met them at the very hour of his attempted escape, sat in beribboned and somewhat more imposing dress.

JURORS TYPICALLY AMERICAN.

The twelve men who, at the close of the trial, must pass upon the stories told by these Nazis—and upon the supporting evidence gathered by the army and the FBI—are typically American—men from the city and small town and farm. They are:

George O. Schmidt, a Denver jeweler, living at 1898 Yarrow street, Lakewood; Eckard B. Radic of 1545 Pearl street, salesman for a wholesale grocery house; George John Roth of 1318 East Pike's Peak avenue, Colorado Springs, a candy

salesman; Arnold Franklin Rich of 1186 South Williams street, salesman, Denver; Chester C. Robb of 2627 Java court, Denver, salesman; Wesley R. Curtis of 266 South Williams street, Denver, assistant manager of the A. A. A.; Gilbert H. Denton Jr. of 155 Lafayette street, treasurer of the Vulcan Iron works; John Patrick Maguire of 568 Marion street; William Homer Sharpton of 55 El Paso boulevard, Manitou, Colo., an insurance man; Adolph R. Miller of 1518 Fourteenth street, Greeley, cashier of the First National bank; Floyd A. Doty of 511 East Platte avenue, Colorado Springs, business school manager, and Harold Edward Mahoney of 4704 Grant street, Denver, an auditor.

THIRTEENTH JUROR BRINGS PROTEST.

The thirteenth juror—and there was a brisk flareup when Chief Defense Counsel Kenneth W. Robinson pleaded that he be dismissed from service for cause—is Henry T. Gassert of Holyoke, Colo. In Holyoke he is chief of police in addition to being manager of the light company. He is well known in American Legion circles and past commander of his post.

Of these men, seven have relatives in the armed services. Many who were excused have sons now in service. One, H. R. Legingham of 4518 Utica street, has a son who was at Pearl Harbor on the day of the Japanese sneak attack. Another dismissed, William Tracy Hover, Denver furniture man, has two sons in service, one in England, the other in Australia, where he "met the Japs."

As court recessed at 12:30 o'clock, to resume at 2 p. m., one witness had testified. He was Hugh M. Byrd, the G-man who took into custody the tri of Japanese-American women, who were internees in the camp at Amache, Colo., near Lamar. He told simply of taking the women to the sheriff's office and then locking them in jail.

SAYS GERMANS MET WOMEN ON ROAD.

On the night of the escape, Wingren said, the Germans got out of the prison camp thru a hole in the fence and met the three women on the road six miles from Trinidad. This was by pre-arrangement, Wingren stated. The men got into the car and, with Toots at the wheel, started southward over Raton pass, thru Springer, N. M., and to Wagon Mound. At this point the sisters decided they did not have sufficient gasoline to carry the Germans further, and returned home.

What occurred at the parting Wingren did not detail.

"It was 1:30 a. m., and—they talked some," he said. "Toots slipped a little package in Haider's jacket pocket. It had the pictures in it, and the money in \$1 bills. Then the sisters started back, but their car broke down at Springer. The men went on and were captured late by the highway patrol."

NAZIS ARGEE TO TAKE AMERICAN OATH.

That is the story the government witnesses will tell.

Thru it the two Nazis, who have agreed to take the American oath Haider is a Catholic and Loesch a Lutheran, and both have stated they subscribe to the American oath and do not hold to the Nazi doctrine which denies the oath—expected to prove the main defenses. The government announced it has much supporting testimony including what it claims are fingerprints of Toots and Billie, the road maps taken from the prisoners after their arrest.

Robinson, one of the city's standing criminal lawyers, pointed by the court, reserved opening statement until the session finishes its case. It was expected the trial, which moved from opening to the first witness in hours, would not take over two days.

The penalty, the court told jurors, each of whom said "he no prejudices toward Japanese (Judge Symes used the term Japanese-American but once)—and give a fair verdict, might be death. It also can be a fine, or imprisonment of five years to life.

Testimony Stuns Treason Trial Court

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Got Map, Clothes, Money

The Japanese-American family,
evacuated from Inglewood, Calif.,
to the Amache Camp, were share-
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"I understand it all," said Hai-
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light tan Africa Corps jacket.

Captured by Montgomery

In direct testimony, Mr. Win-
gren then brought out that Haider
had been drafted into the German
army Dec. 5, 1940, had first served
in the Balkans, then been trans-
ferred to the Africa Corps, had
been captured by Montgomery's
Eighth Army on Cape Bon in North
Africa in May, 1943, and had been
brought to Trinidad Sept. 1, 1943.

Haider admitted he wasn't on
the Trinidad "work crew," but he
had answered another man's name
and had been taken to the Winger
camp, where he was assigned to
the onion-sorting crew and met
the three Japanese-Americans.

"Are they in this courtroom?"
asked Mr. Wingren.

"Yes, there's Billie and Toots
and Flo," Haider replied, looking
directly at them and receiving
back cold and bitter glances.

"What was your first conversa-
tion?" Mr. Wingren asked.

"I told Toots how my Austria
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Haider replied. "I told her I

German's Testimony Stuns Treason T

Says He Fled Prison Camp to Fight Nazis

"I object to the statement that I escaped from the Trinidad prison camp so that I might go back and fight for Germany. I escaped so that I might join the Austrian or Czechoslovakian Legion and fight against the Hitler gang. For I know that if the Nazis should win, I would be hanged.

These words coming from a 31-year-old red-headed Austrian corporal on the witness stand in District Judge J. Foster Symes' Federal District Court yesterday afternoon drew gasps of surprise from scores of spectators and changed the entire complexion of the treason trial that had opened in the morning.

This bespectacled prisoner, captured by the British Eighth Army at Cap Bon, North Africa, in the spring of 1943, speaking in clear, school-book English, admitted that the three Japanese-American sisters, being tried for the gravest crime against our government, had aided him to escape on Oct. 16, 1943.

But he had told them, he insisted with nervous fervor, that he had tried every other means to join the fight against the Nazis without avail—and now escape was the only possible way.

Beaten by Gestapo

He had been a member of the Austrian underground after the rape of his country, he said, and he had signed a document with other men and women urging his countrymen to rise up.

He had been thrown into a Nazi concentration camp in Bavaria, as a result of this, had been beaten up by the Gestapo, he said, and had been released after two years and impressed into the Africa Corps.

Even after he had been captured and shipped to the Trinidad Prisoner of War Camp, he declared, he had been pursued by the Nazis in the form of the first sergeant of his compound, who threatened either to beat him or to hang him.

Enter the Niseis

"I went to an American officer in charge and asked if I could be separated from the Nazis," Haider said. "But he told me that the only way this could be brought about was to put me in the guardhouse. I didn't want to go to the guardhouse."

Finally his chance came, he said, when he met the three Nisei sisters—Mrs. Billie Shitara Tanigoshi, 32; Mrs. Florence (Flo) Shivze Otani, 33, and Mrs. Tsuruko (Toots) Wallace, 35, the defendants—on the Winger ranch near Trinidad, where they were working on onion sets, and told his story.

"At first Toots said there was no use in trying to escape," Haider said. "But finally she agreed to help me, and before she left us in New Mexico I gave her my address in Linz, Austria, and told her I would like to see her after the war."

Child Was Their Goal

Haider testified that his com-



Mrs. Billie Shitara Tanigoshi

with warmer countenances than those that first had greeted the red-headed corporal.

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Chile Was Their Goal

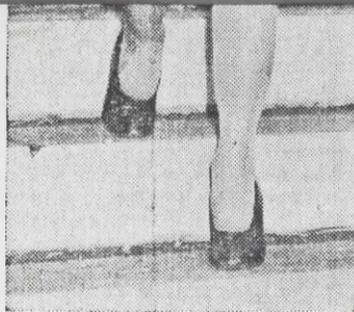
Haider testified that his comrade—Herman August Loescher, also 31, with whom he had escaped and who will appear as a witness today—felt the same way he did about the Nazis.

"We intended to escape to South America and find some of his relatives who were living in Chile," he said. "There we intended to join the Austrian Legion or the Czechoslovakian Legion and go back to Germany to fight against the Nazis."

"You mentioned the Gestapo. What is that?" asked Defense Counsel Kenneth Robinson.

"It is something like but not quite as brutal as the FBI in your country," Haider replied.

As Haider's testimony began coming forth in the sharply clipped English he had learned as a veterinary student in Linz, Mr. Robinson, whose defense had been obscure up to that moment, began noticeably to brighten. Likewise his Japanese-American clients, assigned to him by the court, began to lose the mask-like quality of their faces and to lean forward



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At any rate, Mr. Robinson now will build his defense on the theory that treason is not possible under the circumstances, in view of the fact that the three women merely were releasing prisoners to fight against an enemy of the United States.

Third Treason Trial

The prosecution—headed by U. S. District Attorney Thomas Morrissey and his assistant, Ivor O. Wingren—will insist, on the contrary, that the two prisoners actually were citizens of the Reich, sworn into the army of the Reich, and therefore are enemies of our country under every possible legal definition.

The dramatic turn of events taken yesterday made this one of the most extraordinary cases ever tried in American history, and it has attracted national interest. It is the third treason trial of World War II, but because of the Japa-

chosen in an hour and a half with the defense using only eight of its 20 challenges and the prosecution using only four of its six. Judge Symes, following federal procedure, examined the prospective jurors himself, and this process took only a fraction of the time that it does in the case of state cases where prosecution and defense lawyers alike wrangle for hours over minute points.

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On the night of Oct. 15, Wingren continued, Haider Loescher slipped through a hole in the prison fence, met them in their car on the main road, drove with them through Trinidad, through Raton Pass to Vinton Mound, N. M.

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"I might have given some checks," Mr. Wingren finally admitted. "It has all been run up."

Then the red-headed corporal a Catholic, was brought into courtroom and answered "Yes, his promise before God to do nothing but the truth. Mr. Robinson, not then knowing the true course of the testimony, objected to his credibility as a witness, since a Nazi might have respect for our institutions.

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Lawyer's Father Collapses, Delays Jap-American Trial

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Mr. Robinson's illness caused an hour delay in sessions of U. S. District Court, where his son, Kenneth Robinson, is defending three Japanese-American sisters being tried for trea-

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Mr. Robinson's attack was serious, and he was resting home last night, officials of law firm said. He has been Denver attorney for more than 40 years, and is associated with the firm of Van Cise, Robinson & Chapman.



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Have you any mental reservations?" asked Judge Symes.

"I understand it all," said Haider, crossing his arms over his light tan Africa Corps jacket.

Captured by Montgomery

In direct testimony, Mr. Wingren then brought out that Haider had been drafted into the German army Dec. 5, 1940, had first served in the Balkans, then been transferred to the Africa Corps, had been captured by Montgomery's Eighth Army on Cape Bon in North Africa in May, 1943, and had been brought to Trinidad Sept. 1, 1943.

Haider admitted he wasn't on the Trinidad "work crew," but he had answered another man's name and had been taken to the Winger camp, where he was assigned to the onion-sorting crew and met the three Japanese-Americans.

"Are they in this courtroom?" asked Mr. Wingren.

"Yes, there's Billie and Toots and Flo," Haider replied, looking directly at them and receiving back cold and bitter glances.

"What was your first conversation?" Mr. Wingren asked.

"I told Toots how my Austria had been violated by the Nazis," Haider replied. "I told her I had worked in the Austrian underground and was put in a concentration camp. Then they made me join the German army."

Sergeant Made Things Hot

"She asked me why I wanted to escape. I told her there was a Nazi first sergeant at the Trinidad camp who was making things unbearable for me. There was no institution then to protect the anti-Nazis from the Nazis."

Since then, Corporal Haider added, he has been shipped to Camp Campbell, Ky., where there are only anti-Nazi prisoners.

"She told me it was useless to try to escape because the roads were guarded and I might get shot," he continued. "But I told her I would take a chance. And now I want to say that I object to the statement that I wanted to escape to go back and fight for the Nazis. I wanted to fight against Hitler's gang. She said she would help me."

On Oct. 12, he said, Toots had

(Continued on Page 18)

GERMAN SOLDIER SAYS HE FLED TO FIGHT NAZIS

(Continued From Page 5)

told him she had something for him. He found a package wrapped in brown paper in some bushes, and he put it in his lunch basket to take back to the Trinidad camp. It was at this time, he said, that Flo took some pictures.

These pictures showed Haider with his arms around Toots and a certain Backus (another prisoner) with his arms around Billie. Both women are married and have children. The pictures will be introduced into evidence by the government.

On the next day, Haider said, he didn't go to the Winger camp, but sent a letter to Toots, asking if she were going to help him with her automobile—a Buick sedan—and he got a reply asking him and Loescher to meet them on the highway from Trinidad between 9 and 10 p. m. on Oct. 16. Toots said the car would be running slowly and dimmer lights would be on.

The Escape

At 3:30 on the afternoon of Oct. 16 Haider said that he and Loescher hid in a kind of foxhole they had dug near the prison camp wire fence until about 8 o'clock. Then they climbed through a hole in the fence and met the girls in the car.

"During the rode, I gave Toots my address because I wanted to see her again in Austria, and she slipped a couple of dollars in my pocket—nothing else. But the police did find the pictures there when they looked," Haider said.

At 1:30 that night, he went on, the girls left them at Wagon Mound, N. M., and they hid out in a concrete pipe, waiting until the next night to walk on to Watrous, N. M. They saw a couple of trains pass, then they asked the station master when the next train would come, and he said the next day, so they went into a tavern to get a drink.

now. I insisted that I didn't come to America as an enemy. If Germany should win, I would be shot. Now I am at Campbell. Twenty-five of us have asked permission to join the Czechoslovakian or Austrian Legion and fight the Hitler gang."

"Why were you put in a concentration camp in Bavaria?" Mr. Robinson then asked.

"I wrote a statement with 95 fellows and 12 women calling on Austria to rise up against the Nazis. That's why."

"Why were you released?"

"I can't tell myself," said the corporal.

"We talked with a couple of Mexican girls," Haider said. "Soon after that we were arrested."

Witness Cross-Examined

Then Mr. Robinson took the witness in cross-examination, and the tense spectators leaned forward as the expressed bitterness of Haider for his Nazi masters began to flow from his thin, set lips.

"Have you suffered deeply from the Gestapo?" asked Mr. Robinson.

"Yes. I was beaten up several times."

"This first sergeant at Trinidad—did he cause you trouble?"

"Yes, he was one of the Nazi leaders of Germany. He caused me great trouble. He threatened me—and others, too—to beat us up or hang us. Loescher and I were in the same situation. All the work jobs were distributed to Nazis. We always had to stay inside the camp."

Asked to Be Transferred

"Did you ask an American officer for an opportunity to be transferred?"

"Yes, but he told me there was no way to protect me against the Nazis except in the guard house and keep me there. I didn't like that."

"Did you ask to be allowed to join the Austrian Legion?"

"The officer said I couldn't—"

3951

Treason Trial Set For Three Japanese

DENVER, June 5—(AP)—Trial of three Japanese-American women on charges of treason for allegedly aiding in the escape of two German war prisoners from a camp near Trinidad was set for July 10 in federal court by U. S. District Judge J. Foster Symes today.

The three are Tsuruko (Toots) Wallace, Florence Shivze Otani and

Billie Shitara Tanigoshi. They are alleged to have supplied the escaped prisoners with money, maps and clothes.

All three have pleaded innocent.

Saw 10/28

Jap Women Held As Nazis' Friends

Romances Reported With War Prisoners

Trinidad, Colo., Oct. 27.—(UP)—Five Japanese women were being held in the Las Animas County Jail by the Federal Bureau of Investigation tonight for questioning in connection with reports of romances between them and German prisoners at a nearby prisoners of war camp.

The inquiry was started after pictures were published in Denver newspapers showing one German prisoner hugging and kissing a Japanese girl, and another standing beside an automobile with his arm around a Japanese girl.

The snapshots had been found on an escaped Nazi prisoner, Corp. Heinrich Halder, after his capture in Las Vegas, N. M.

It was learned that large groups of the German prisoners have spent considerable time helping in the harvest of crops on farms east of Trinidad, where the Japanese women and their families were residing after being relocated in this area. Standard procedure is to keep prisoners under heavy guard during their work, county officials said.

Prisoner of War Testifies Woman Aided His Escape

Denver, Aug. 7 (U.P.)—Heir Haider, 31-year-old corporal Hitler's one-time Afrika Korps soldier, testified today that Mrs. Toots Wallace, 35-year-old Jap American, had helped him as companion to escape from prisoner-of-war camp at Trinidad, Colo.

His testimony was the first given as the Government began its treason trial of three Japanese-American women accused of helping Haider and a fellow German soldier in their escape plot.

She gave him civilian clothes and six maps to help him get away after she first tried to dissuade him from making the attempt, Haider said.

"She feared I might be shot by one of the guards, but I told her that with my friend I was resolved to attempt the escape."

3 Jap Sisters Held as Traitors

(Continued From Page 5)

was also married in 1938. The whereabouts of their husbands was not announced.

Each of the women, officials here said, is the mother of one child.

The "kissing snapshots" of the three women in the arms of the two Nazis were found on Corporal Haider following his arrest in Watrous, N. M.

Following the discovery of these snapshots, five Japanese women were questioned at the Amache relocation camp last October. One of the Japanese women questioned by the FBI at that time carried a small baby, but the indictment did not indicate whether it was the child of one of the three women in today's charges.

The three women were brought to Denver from Amache by Deputy U. S. Marshal D. T. Potter and a matron.

MAPS IN TREASON TRIAL Court Rules Out Fingerprint Angle in Trial of 3 Japanese Women

DENVER, Aug. 8 (AP)—Hearing the close of its case, the Government today sought to prove that two of the three Japanese-American women being tried on treason charges had left their fingerprints on maps allegedly taken from the German prisoners-of-war they are accused of helping to escape.

John R. Robyak, FBI fingerprint specialist, said that prints found on the maps were those of Mrs. Billie Tanigoshi, 32 years old, and Mrs. Tsuruko Wallace, 35. The third of the sisters, Mrs. Florence Otani, 33, was not named in the fingerprint testimony.

But Federal Judge J. Foster Symes ruled that the maps had not been specifically identified as those found on the prisoners, Heinrich Haider and Herman Loescher. However, the court rejected a mistrial motion by defense counsel that the maps should have been excluded from the evidence.

The Government alleges that the women furnished clothing, maps and other equipment to the Germans last October, then drove them in a car from the prisoner-of-war camp at Trinidad, Col., to New Mexico.

Wash D.C. Post

8/8/44 P. 3

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Kenneth Toots Herald
Jury Chosen in Treason Trial of Jap-Americans

8/7/44
By **JOE STOCKER**
DENVER, Aug. 7 (P)—A federal court jury consisting almost entirely of businessmen was completed today to try three Japanese-American sisters charged with treason in allegedly aiding two German prisoners of war to escape last October.

Defendants are Mrs. Tsuruko Wallace, 35; Mrs. Florence Shivze Otani, 33, and Mrs. Billie Shitara Tanigoshi, 32, born in California and evacuated after Pearl Harbor to the Granada relocation center at Amache, Colo.
It required about 90 minutes to choose the jury.
A stir swept the crowded courtroom when one venireman W. K. Clapool of Denver, was asked by U. S. District Judge J. Foster Symes: "Do you know of

any reason why you cannot give a fair and impartial trial?"
"I do," Clapool replied grimly.
"I don't like the Japanese."
"You are dismissed," was Symes' crisp rejoinder.
A 13th or alternate juror also was chosen to serve in case one of the regular jurors becomes ill.
Flanked by an assistant U. S. marshal on one side and an army officer on the other, the two nazis — Corp. Heinrich Haider and Corp. Herman August Loescher, both 31, and former members of the Africa corps — sat impassive in the courtroom, watching the proceedings.
Occasionally they exchanged whispers. They came to court in custody of military police and are to be called by the government as its star witnesses.

ns of The survivors were relieved by four tanks and two personnel carriers which blasted enemy positions and won the day.

WASH. STAR 8/10/44
Treason Jury Gets Case Against Sisters

By the Associated Press.
DENVER, Aug. 10.—The Government's treason case against three Japanese-American sisters accused of helping two German prisoners escape last October from internment camp went to a jury this afternoon.
"This is a very important case," United States District Judge J. Foster Symes declared in his jury instructions.
The jury, preponderantly Denver businessmen, will rule on two charges. One is treason, for which the maximum penalty is death. The other is conspiracy to commit treason, the maximum penalty being a \$10,000 fine and two years' imprisonment.

Clapool Gives Information

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ARIZONA
PRESS CLIPPING BUREAU
PHOENIX

AUG 14 1944

TUCSON STAR

SEEKS NEW TRIAL FOR JAP SISTERS

DENVER, Aug. 13.—(P)—Defense Attorney Kenneth W. Robinson said today he will file a motion Monday for a new trial for Mrs. "Flo" Shivze Otani, Mrs. Tsuruko "Toots" Wallace, and Mrs. Billie Shitara Tanigoshi, all three convicted of conspiracy to commit treason.

The U. S. District Jury which convicted the three Japanese-American sisters yesterday on the conspiracy charge found them innocent of committing treason.

Robinson said the motion would be based on the argument that if the evidence in a treason trial shows the defendants' intentions were innocent, it is the duty of the court to take the case from the jury.

The sisters were accused of assisting the escape of two German prisoners from a Trinidad, Colo., internment camp.

on the market." WASH. EVE STAR
Convicted Jap Women Decide Not to Appeal

By the Associated Press.
DENVER, Aug. 23.—Three Japanese-American sisters will not appeal their convictions of conspiracy to commit treason, their attorney, Kenneth W. Robinson, announced today.

"In my opinion due process of law was accorded them," Mr. Robinson said.

Convicted by a United States District Court jury of conspiring to help in the escape of two German prisoners of war, the sisters are Mrs. Tsuruko "Toots" Wallace, 35, sentenced to two years in prison, and Mrs. Florence "Flo" Shivze Otani, 33, and Mrs. Billie Shitara Tanigoshi, 32, both facing 20-month terms. They were also fined \$1,000 each.

PH. _____

SY. *WR*

Times (ID)
New York, N. Y.

DATE **AUG 19 1944**
p.

Japanese Sisters All Sentenced
DENVER, Aug. 18 (P)—Mrs. Tsuruko Wallace, 35, one of three Japanese-American sister convicted of conspiracy to commit treason, was sentenced today to two years in the Federal Women's Reformatory at Alderson, W. Va., and fined \$1,000. Her sisters, Mrs. Florence Shivze Otani, 33, and Mrs. Billie Shitara Tanigoshi, 32, were given twenty-month terms at Alderson and fined \$1,000 each by District Judge J. Foster Symes. Mrs. Wallace was described by the assistant Federal attorney as the leader of a plot by the sisters to help free two German prisoners of war from the Trinidad, Col., internment camp last October.

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PH. _____

SY. _____

Herald Tribune
New York, N.Y.

101

DATE AUG 9 1944

P.

Prints on Maps Identified at Treason Trial

F.B.I. Agent Says They Are Those of 2 U.S.-Japanese Girls Held in Nazi Plot

DENVER, Aug. 8 (AP).—Nearing the close of its case, the government sought today to prove that two of the three Japanese-American women being tried on treason charges left their fingerprints on maps allegedly taken from German prisoners of war they are accused of helping to escape.

From Washington came John R. Robyk, Federal Bureau of Investigation fingerprint specialist, to testify that prints found on the maps were those of Mrs. Billie Shitara Tanigoshi, thirty-two years old, and Mrs. Tsuruko Wallace, thirty-five, known as "Toots." The third of the trio of sisters is Mrs. Florence Shivze Otani, thirty-three, who was not named in the fingerprint testimony.

But United States District Court Judge J. Foster Symes ruled that the maps offered in evidence had not been specifically identified by prosecution witnesses as those found on the prisoners, Heinrich Haider and Herman August Loescher, when they were recaptured.

Judge Symes rejected a mistrial motion by defense attorney ETA motion by Kenneth Robinson, defense attorney, submitted on the contention that the maps should have been excluded from the evidence entirely.

Joe Garside, of Trinidad, Col., filling station operator, told the jury that Mrs. Wallace obtained road maps from him, explaining she planned to visit her husband's "folks."

The government alleges that the sisters supplied clothing, maps and other equipment to the Germans last October, then drove them in a car from the prisoner of war camp at Trinidad, Col., to New Mexico, where the prisoners were later recaptured.

The women, residents of the Granada relocation center, were cropsharers on a farm which was using prisoner-of-war labor.

Haider has pointed to all three sisters as accomplices in the escape. Loescher, claiming he had not seen the women until they drove away in the car during the night and had not seen their faces then because of darkness, said today he knew their benefactors only as "Toots," "Flo" and "Billie." He asserted he was unable to point them out in the courtroom.

[Snapshots showing Mars. Wallace and Mrs. Tanigoshi in amorous poses with Haider and another prisoner were introduced as evidence taken from the recaptured town, The United Press reported.]

Apprentice Seaman Ernest Rivera, eighteen-year-old Spanish-American youth who worked on the farm with the sisters and the Germans, told of hearing Mrs. Wallace tell Haider, "I've got something for you," or "I have something to tell you."

The jury heard also of a 165-foot tunnel by which at least five Germans were said to have obtained their freedom from the camp. Lieutenant-Colonel William S. Hannan, of Fort Leonard Wood, Mo., former commanding officer at Trinidad, said the tunnel started at a building occupied by German officers and ended outside the fence. It had electric wiring, he said, and was not discovered until after the escape of Haider and Loescher. On Oct. 16, the night of their break, at least five and possibly six prisoners altogether escaped from the camp, Col. Hannan testified.

Assistant United States District Attorney Ivor O. Wingren said the government expects to wind up its case soon after the third day's session starts tomorrow. The defense will ask a directed acquittal for the sisters, who face a possible death penalty if convicted.

SY. _____

Post
Denver, Colo.

212
DATE AUG 4 1944

22 WILL TESTIFY IN TREASON TRIAL OF JAP SISTERS

German War Prisoners to
Be Chief Witnesses in
U. S. Court.

Summonses have been issued for twenty-two witnesses for the trial on treason charges of three American-born Japanese sisters which starts in the United States district court in Denver Monday, United States District Attorney Morrissey said Friday.

Principal witnesses will be the two German prisoners of war, Heinrich Heinrich Haider and Herman August Loescher, both 31, who, according to government charges, were aided in an escape from the Trinidad internment camp by the three women.

Trial of the three sisters, Mrs. Tsuruko (Toots) Wallace, 35; Mrs. Florence (Flo) Shivze Otani, 33, and Mrs. Billie Shitara Tanigoshi, 32, will receive nationwide attention as one of the few treason trials in the history of the United States.

The Nazi prisoners, brought to Denver Friday, will appear in court Monday in full uniform, wearing their campaign ribbons awarded by the Nazi army, Assistant District Attorney Ivor O. Wingren who will handle the government's case, said.

Kenneth W. Robinson is the court-appointed attorney representing the defendants.

"We are simply determined to see that the defendants receive a fair trial, as guaranteed by the American legal system," Robinson declared.

5357

Love Tryst Photos Introduced in Denver Treason Trial

5—ROCKY MOUNTAIN NEWS—
Wednesday, Aug. 9, 1944

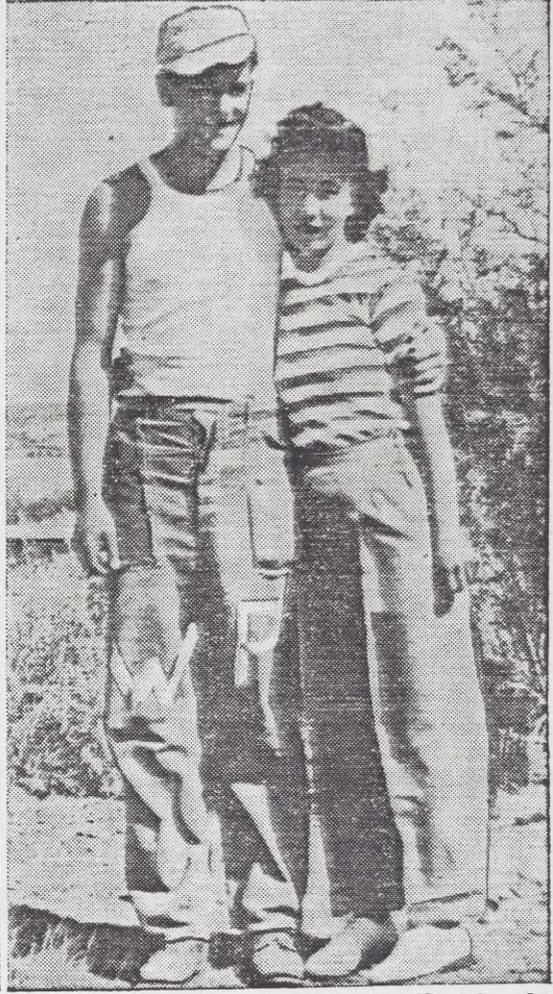


This is the celebrated "clinch" picture of Corp. Heinrich Haider and Mrs. Tsuruko (Toots) Wallace, allegedly taken by Mrs. Florence (Flo) Shivze Otani on the Winger ranch near Trinidad.



—Rocky Mountain News Photo.

This photograph of the government's star witnesses—two former members of Rommel's once-famous Africa Corps—was taken while they were leaving U. S. District Court yesterday afternoon. Left to right: Corp. Heinrich Haider, Pfc. Herman August Loescher, and, guarding them, Sgt. Robert Werner of the U. S. military police. Haider and Loescher have both told their stories of their escape from a prisoner of war camp on the witness stand.



This is another snapshot allegedly taken by "Flo" which shows Corporal Haider with his arm around "Toots." This picture and the one at the left are said to have been taken on the Winger ranch near Trinidad, where Japanese evacuees and German prisoners of war had been hired to take care of the onion crop. Both photos were introduced in evidence in the treason trial here yesterday.

2d Nazi Describes Aid by U.S.-Jap Girls

By JACK FOSTER

Wearing the Iron Cross, two emblems for heroism, a red ribbon to indicate he was an officer candidate—all on a shabby faded Africa Corps jacket—Pfc. Herman August Loescher yesterday told a federal

Loescher said he did not see the three women until he got into the car, and knew them only as "Toots," "Billie" and "Flo." He said he sat between Billie and Flo in the back seat, and he thought Toots was in the front seat with Haider.

"Do you recognize this woman?" Mr. Wingren asked, submitting one of the embracing pictures of Toots

transferred to Camp Campbell, Ky., which is a camp where anti-Nazis are housed, although in open court Loescher had not said, in so many words, he was anti-Nazi.

"Why were you two drawn together?" Mr. Wingren asked.

"We had been educated, and had traveled places. Lots of places in common," the pfc. replied.

"Were you seriously wounded?"

up to his place and... reported to west...
He Fixed...
Mr. Mares a...
tion owner, Geor...
who also testified, and...
did a "bad job" of fixing...
but gave them some jugs of water.
Afterwards they all had a drink

face, allegedly taken by Mrs. Florence (Flo) Shivze Otani on the Winger ranch near Trinidad.

August Loescher, and, guarding them, Sgt. Robert Werner of the U. S. military police. Haider and Loescher have both told their stories of their escape from a prisoner of war camp on the witness stand.

and German prisoners of war had been hired to take care of the onion crop. Both photos were introduced in evidence in the treason trial here yesterday.

2d Nazi Describes Aid by U.S.-Jap Girls

By JACK FOSTER

Wearing the Iron Cross, two emblems for heroism, a red ribbon to indicate he was an officer candidate—all on a shabby faded Africa Corps jacket—Pfc. Herman August Loescher yesterday told a federal jury in Denver that the three Japanese-American sisters being tried for treason had helped him to escape from the Trinidad prisoner-of-war camp on Oct. 16, 1943.

They had helped him and Corp. Heinrich Haider, he said, but not so he could go back and fight again for Germany.

"No," he said, speaking again in that school-book English which distinguishes the two, "no, I was wounded three times. I am not active. They have taken my arms. My country would not call on me to fight again. I have no interest in going back to renew the war. I escaped only to get my freedom."

He's Not a Hitler Foe

He did not testify he was an anti-Nazi as his comrade, Haider, had done the day before.

He did not say he wanted to join the Austrian Legion or the Czechoslovakian Legion so that he might help to destroy the "Hitler gang," as the ex-Austrian veterinarian had insisted that he wished to do.

No, Herman August Loescher had been born in Germany proper—in Holstein—had worked in a German bank, wore the Iron Cross with pride, and he just wanted to get back to enjoy the Germany that, he told two of the three Japanese-American girls on their escape ride, he loved.

He even told two of these girls—Mrs. Florence (Flo) Shivze Otani and Mrs. Billie Shitari Tanigoshi—that he hoped they would see Germany, too, when the war was over.

A Puzzling Aspect

This testimony, coming as the climax of the morning session of this historic trial in Federal District Judge J. Foster Symes' court, presented a somewhat new and confused complexion on the case from that painted by the brittle spoken Haider.

For to hear Haider talk, he was one of the most violent anti-Nazis, leader in the Austrian underground, Catholic patriot who

wished to throw off the pagan Nazi yoke. Yet the two of them were friends—from the days they had met in a hospital in Carthage, North Africa—and they were close buddies in the Trinidad compound.

The only point of similarity in their testimony was that neither ever intended to fight against the Allies again.

Trio Watches Intently

As Loescher spoke under the questioning of U. S. District Attorney Ivor O. Wingren and Defense Attorney Kenneth Robinson, the three Oriental women—Billie, Flo and self-contained Mrs. Tsuruko (Toots) Wallace—leaned forward and fixed him with their sharp black eyes.

Nothing was said about any personal relations between the two prisoners-of-war and the three women. The prisoners had declined on their honor to testify to anything of this sort, it was understood. Yet these three women knew that as he spoke this man, whom they had aided, was weaving a web of testimony around them that as a maximum penalty could conceivably end in death.

"I was a radio operator on a tank and got as far as El Baba, Egypt," said Pfc. Loescher (he had previously been identified as a corporal). "I was in the retreat from Libya to Tunisia. I was captured while I was in the hospital at Carthage by the British on May 8, 1943.

Met Three Girls

"I was taken from Oran, North Africa, to Norfolk, Va., to Trinidad, where I arrived Sept. 1, 1943. On Oct. 16, 1943, Haider gave me some civilian clothes and things, and we escaped from the prison camp. On the road we met the three girls in a car."

Loescher said he did not see the three women until he got into the car, and knew them only as "Toots," "Billie" and "Flo." He said he sat between Billie and Flo in the back seat, and he thought Toots was in the front seat with Haider.

"Do you recognize this woman?" Mr. Wingren asked, submitting one of the embracing pictures of Toots and Haider.

Told to Be Careful

"Yes, that's Flo," Loescher replied. "I can identify it from a picture in the paper."

"What did you talk about in the car on the way to New Mexico?" Mr. Wingren asked.

"Flo told me to be careful, not to dare too much," he replied. "She was afraid I might walk in the daylight and somebody shoot me. I told her I wanted to go to Mexico and South America. We talked about what a nice place, what a lovely country Germany is, and maybe they could come there after the war."

At Wagon Mound, N. M., he said, the girls turned around after a "night lunch" with them, and they went on to Watrous, N. M., where, after a beer in a tavern, which he said cost them 90 cents, it being a "big bottle," they were arrested.

In Anti-Nazi Camp

Under cross-examination, Mr. Robinson brought out that Loescher, like Haider, had been

transferred to Camp Campbell, Ky., which is a camp where anti-Nazis are housed, although in open court Loescher had not said, in so many words, he was anti-Nazi.

"Why were you two drawn together?" Mr. Wingren asked.

"We had been educated, and had traveled places. Lots of places in common," the pfc. replied.

"Were you seriously wounded?"

"Shell splinters pierced my lung," Loescher replied. "I was buried under a bombshell for four hours, and this affected the joints of my hips and shoulders."

Didn't Mean to Fight Again

Then Loescher asked if he might say something.

"May I say this: I guess my comrade told you that Germany had violated Austria," he said. "As for myself, I was wounded, and I could not fight again. I have no interest in renewing the fight again. I just wanted my freedom."

This ended the eye-witness phase of the government's case—two witnesses are necessary for a conviction in a treason case—and the government then introduced a series of official witnesses to link together the three Japanese-American women with the prisoners following the arrest.

Manuel Mares, in the liquor business in Springer, N. M., testified that on the early morning of Oct. 17, 1943—between 1:30 and 2:30—the three women had driven

up to his place and said the water pump on their car was broken and they needed somebody to fix it.

He Fixed Pump

Mr. Mares awoke a filling station owner, George Cicero Hart, who also testified, and he said he did a "bad job" of fixing the pump but gave them some jugs of water.

Afterwards they all had a drink in Mares' place.

Luther Reading, special agent of the FBI, testified he and Albert H. Hathaway, a captain of the New Mexico state police, went to Watrous on the night of the 17th and arrested the prisoners.

Hathaway, now in the naval hospital corps, said they took the prisoners to the jail at Las Vegas, N. M., where he and Nolan Utz, Las Vegas chief of police, examined them and found the civilian clothing, flashlight, map, snapshots and other articles the government claims were given the prisoners-of-war by the three women.

Both Hathaway and Utz identified three snapshots allegedly taken by Flo, of Haider embracing Toots and of Backus (another Nazi prisoner) with his arm around Billie at the Winger ranch, where apparently prisoners-of-war and these Japanese-American evacuees were mingling freely.

Lt. Col. Hannan Recalled

Lt. Col. William S. Hannan, then commanding officer of the Trinidad camp, now at Camp Campbell, Ky., was recalled to the stand to testify that the maps and other effects had been brought to the camp by Sgt. Robert E. Lee and turned over by him for keeping to Master Sgt. L. J. Trapato.

Under cross-examination, Mr. Robinson attempted to show, through Colonel Hannan, that escapees were not uncommon in the Trinidad camp during that period.

"Were not four other prisoners reported missing that night? Wasn't it actually 7 o'clock Monday morning before some of them were reported missing?" Mr. Robinson asked.

"I don't recall. I'd have to look

(Continued on Page 11)

TREASURY

THREE SISTERS ARE NOT PUT ON WITNESS STAND

Crowds Disappointed as
Women Fail to
Testify.

(Continued From Page One.)

outside the courtroom, patrolled by heavily armed guards, were packed with those seeking admission to the already crowded courtroom. Bailiffs William Dolan and Carl Wilson, courteous but firm in enforcement of the court order that none who could not find seats could gain admission, scurried about the entire federal building searching for additional chairs. The space inside the court rail, reserved ordinarily for attorneys, newspapermen and the defendants, was thus filled, with several members of the bar finding places to sit on the steps leading to the judge's bench.

COURTROOM STILL JAMMED THURSDAY.

The failure of the sisters to take the stand and tell of their relations with the two German soldiers, Corp. Heinrich Haider, a mule tender in Erwin Rommel's Afrika Korps, and Pfc. Herman August Loescher, decorated and beribboned radio tankman, thrice wounded in the Egyptian and north Africa campaign, failed to dampen the persistence of the crowd Thursday as the trial went into its fourth day. The hallways outside the courtroom were packed again, mostly by women, long before the doors were opened at 9 a. m. Many brought lunches to eat in the hallways thru the noon recess so they might be in line again for seats at the afternoon session.

The Thursday session was to be given over to the oratory of the opposing lawyers—Robinson for the defense, and United States District Attorney Morrissey and his chief deputy, Ivor C. Wingren for the government.

JUDGE MAY GIVE COMMENT TO JURY.

The closing arguments were to be preceded by the delivery of the court's instruction. Under federal court practice, Judge Symes, in delivering the instructions to the jury, may comment upon the evidence in the case—a practice which differs from that of the state courts in which the judge's instructions are limited to a cut-and-dried interpretation of the law as written in the statute books.

The attorneys conferred into a late hour Wednesday with Judge Symes relative to the instructions—a most important phase of the proceedings.

The trial, in its closing phases Wednesday, moved with unlooked for speed. Robinson confined his case to three witnesses—one Mary Shitara, a sister of the accused trio, and two Caucasian women from California who, in other years, knew the accused as neighbors.

WITNESSES BELIEVE SISTERS TO BE LOYAL.

Each of these witnesses, Mrs. Ethel N. Sherman of Compton, Calif., and Mrs. Wilma Ann Readman of Willmington, Calif., testified they believed the sisters to be "loyal Americans."

Judge Symes interrupted both to ask the names of anyone with whom either had discussed the sisters' loyalty. Neither could recall a specific conversation of this nature. The women said they had lived near the defendants and based their testimony upon their acquaintance with the sisters, and with members of their families. Robinson sought to make much of the fact that Toots, Flo and Billie had been baptized in the Church of the Brethren, a Christian organization.

'TOOTS' PICTURE PLACED IN RECORD.

He failed to get their baptismal certificates into the record. He did get in a letter from a woman who was selling Red Cross pins which stated Flo had purchased such a decoration. He got in a picture showing Toots in her baptismal dress—taken thirteen years ago. He attempted, but failed, to get before the jury a clipping from a Los Angeles newspaper which listed Toots' athletic achievements while in Inglewood (Calif.) high school.

During the testimony of Mrs. Sherman, Robinson had Billie's husband come forward for identification.

"I know him well," said Mrs. Sherman. "I have known him since he was six months old. His mother and my husband were schoolmates back in Indiana."

Wingren sought to bring out that Tanigoshi's mother was "a German."

"No, just an American," said Mrs. Sherman with heat.

SAYS TOOTS WANTED TO JOIN SERVICE

Mrs. Readman said she had a letter from Toots, which she had "unfortunately destroyed," in which the accused said she "wanted to join the service but was prevented from doing so because she had a 13-year-old daughter."

Mrs. Readman said her husband was serving with an armed force in the South Pacific. She said Toots, in a letter, which she also had destroyed, wrote: "The damn Japs better not get him."

That made up the defendants' case.

At its close Robinson, for the second time during the day, moved for a directed verdict. His plea was denied.

BOTH SIDES REST IN TREASON CASE WITHOUT HEARING GIRLS

*W. R. Robinson
6/10*
Courtroom Crowds Disappointed When Defense
Fails to Call Jap Sisters to Stand
As Trial Nears Jury.

The fate of the three Japanese-American Shitara sisters, accused of treason in the escape plot of two German prisoners of war, was to rest in the hands of twelve average American men, comprising the jury sitting in U. S. District Judge Symes' court, before nightfall Thursday. Both prosecution and defense rested their cases Wednesday.

Chief Defense Counsel Kenneth W. Robinson elected not to place his clients, Mrs. Tsurako (Toots) Wallace, 34; Mrs. Shivze (Flo) Otani, 33, and Mrs. Billie Shitara Tanigoshi, 31, upon the witness stand, much to the disappointment of the largest crowd ever to seek entrance to a trial in federal court here.

All day Wednesday the corridors
(Turn to Page 4—Col. 1.)

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News

Denver, Colo.

213 AUG 10 1944
DATE

Treason Trial Defense Closes; None of Jap-U. S. Sisters Testifies

By JACK FOSTER

Kenneth Robinson concluded his brief presentation of defense evidence in behalf of the three Japanese-American sisters, being tried for treason in U. S. District Judge J. Foster Symes' court, at 2:50 p. m. yesterday.

Nearly 300 persons, mostly women, all of them perspiring and fanning themselves in the sultry room, sat on the edge of their seats waiting for Billie and Flo and Toots—as the defendants are called even by Judge Symes—to take the stand.

But Mr. Robinson confined his defense to the testimony of one of their sisters, Mary, and two Caucasian women friends from California. The crowd, which was ably policed by William P. Dolan, deputy U. S. marshal, was visibly disappointed, and showed their displeasure by restlessness and frequent trips to the urine-filled water fountain during recesses.

Face Two Indictments

Immediately after the defense rested, Mr. Robinson, Thomas Morrissey, U. S. district attorney, and his assistant, Ivor O. Wingren, retired to Judge Symes' chambers to formulate instructions. At an early hour last evening they still were in conference over what probably will be long and historic instructions to a jury that has heard an extraordinary case.

Two indictments stand against the grim-faced sisters—Mrs. Billie Shitara Tanigoshi, Mrs. Florence (Flo) Shivze Otani and Mrs. Tsuroko (Toots) Wallace.

One charges treason, which carries a penalty on conviction ranging from \$10,000 fine or five years' imprisonment to death. The other alleges conspiracy to commit treason, for which the maximum penalty on conviction is \$10,000 fine and two years in prison.

Asks Directed Verdict

Court will convene at 9:30 a. m. today to hear the instructions and the final arguments. It is prob-

government alleges the escape plot was hatched, Mary and her sister-in-law did the cooking.

Her testimony was designed to show there was carelessness in handling prisoners-of-war, who were working on the ranch, and that prisoners-of-war could have gotten road maps in the Shitara home.

"Did the German prisoners-of-war come into your house on the ranch?" Mr. Robinson asked.

"Frankly, I'd say they had free run of the place," she replied.

"Was there any literature in the house?"

Took What They Wanted

"There were lots of magazines and funny paper books and road maps."

"Did the prisoners help themselves to these?"

"Yes, they'd come in and take what they wanted and go out and read."

"Where were the guards?"

"They were off eating lunch in the distance," she said, with slight sarcasm.

On cross-examination, Mary said she knew Corporal Haider and that he had been in the house at least twice. He is the one whose picture with his arms around Toots is alleged to have been taken by Flo.

"When Haider was in the house, what did he do?" Mr. Wingren asked.

able that a verdict would be reached by nightfall.

When the government rested its case yesterday morning, Mr. Robinson rose, asked that the jury be excused, and engaged in an eloquent and brilliant plea for a directed verdict of not guilty. Treason in English law dates back to the days of Henry VIII, when it was treason to doubt the validity of His Majesty's divorces, Mr. Robinson pointed out—back to the black days of the Star Chamber trials.

Because of the terrific penalties invoked then, the early American lawmakers had written into the Constitution safeguards against the misuse of treason charges, he continued. Notable among these safeguards, he declared, was the constitutional provision that there must be two eye-witnesses to the overt act of treason.

Most of Indictment Stands

"Where are these two witnesses?" he asked. "It is true that Haider (Corp. Heinrich Haider, whom the girls are said to have helped escape), declared he witnessed the entire chain of circumstances. But what about Loescher (Pfc. Herman August Loescher, the other German prisoner-of-war)? Loescher could not identify these three women in the court room. He merely said there were three women—Billie, Flo and Toots—who helped him escape. That's all. Nothing more. Where are your two eyewitnesses?"

Furthermore, Mr. Robinson argued that since one (Haider) was an anti-Nazi and other (Loescher) could not fight again because of wounds, there could not possibly be any aid or comfort to the enemy in their escape.

Judge Symes denied the motion. He struck out charges linking the prisoners-of-war with certain road maps, since the government had not provided the link, but the major parts of the indictment stand.

Sisters Called to Stand

Mr. Robinson then called Mary Shitara, a sister of the defendants, to the stand. She is one of seven girls and three boys in the Shitara family, who had been evacuated from Inglewood, Calif., to Amache, Colo., following the attack on Pearl Harbor. When the family became share-croppers on the Winger Ranch near Trinidad, where the

"He talked some, then took magazines and went outside to read."

"Did many of the prisoners-of-war read your magazines?" Mr. Wingren continued.

Loafed During Afternoons

"Oh, yes, they'd get their work quota done in the morning, then they would usually just loaf around in the afternoon."

Mrs. Ethel Sherman, Compton, Calif., then was called to testify that she was a close friend of Billie. Her husband, she said, had known the father of Billie's husband. He was a Japanese and married in Indiana to an American woman, she said.

"Wasn't this woman actually a German?" Mr. Wingren asked in cross-examination.

"No, just an American," Mrs. Sherman replied.

Mrs. Sherman said she had been at the hospital when Billie's child was born, and she knew that she was a loyal American.

Mrs. Sherman said she had known Billie's husband since he was a six-month-old baby, and had treated him almost as her own son.

"Could you identify him if he stood up?" Mr. Robinson asked.

"Yes, there he is," Mrs. Sherman said, pointing to a good-looking, intelligent young man with mixed Oriental and Caucasian features who stood up from among the spectators. He stood, unembarrassed with a calm smile on his face, looking over the crowded courtroom and then sat down.

Shown in Nazi's Arms

Among the evidence, presented earlier, was a snapshot of this young man's wife, Billie. She was in the arms of one of the German prisoners-of-war.

Despite this evidence, this young man has seemed attentive to Billie throughout the trial, and has looked apparently tenderly to her during the recesses. They have a child of five.

Finally Mr. Robinson called Mrs. Alma Anna Readman, Bloomington, Calif., who said she knew well all the defendants, and that Toots had lived with her while she was going to high school.

"All of them were baptized Christians in the Church of the

rethren," she said. "Toots had the highest athletic honors in high school," she added, showing a baptismal picture and a newspaper clipping to prove both points.

During the noon recess, scores of spectators ate their lunch in the corridors, so they might not lose their seats. Spectators nabbed all but two of the 22 chairs in the jury's room during this recess, and Mr. Dolan had quite a time recovering the chairs, so the jury could have a place to sit while they were excused.

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2d German Testifies U. S.-Jap Sisters Helped Him Flee Camp

By JACK FOSTER

5—ROCKY MOUNTAIN NEWS

Wearing the Iron Cross, two emblems for heroism, a red ribbon to indicate he was an officer candidate—all on a shabby faded Africa Corps jacket—Pfc. Herman August Loescher yesterday told a federal jury in Denver that the three Japanese-American sisters being tried for treason had helped him to escape from the Trinidad prisoner-of-war camp on Oct. 16, 1943.

They had helped him and Corp. Heinrich Haider, he said, but not so he could go back and fight again for Germany.

"No," he said, speaking again in that school-book English which distinguishes the two, "no, I was wounded three times. I am not active. They have taken my arms. My country would not call on me to fight again. I have no interest in going back to renew the war. I escaped only to get my freedom."

He's Not a Hitler Foe

He did not testify he was an anti-Nazi as his comrade, Haider, had done the day before.

He did not say he wanted to join the Austrian Legion or the Czechoslovakian Legion so that he might help to destroy the "Hitler gang," as the ex-Austrian veterinarian had insisted that he wished to do.

No, Herman August Loescher had been born in Germany proper—in Holstein—had worked in a German bank, wore the Iron Cross with pride, and he just wanted to get back to enjoy the Germany that, he told two of the three Japanese-American girls on their escape ride, he loved.

He even told two of these girls—Mrs. Florence (Flo) Shivze Otani and Mrs. Billie Shitari Tanigoshi—that he hoped they would see Germany, too, when the war was over.

A Puzzling Aspect

This testimony, coming as the climax of the morning session of this historic trial in Federal District Judge J. Foster Symes' court, presented a somewhat new and confused complexion on the case from that painted by the brittle spoken Haider.

For to hear Haider talk, he was one of the most violent anti-Nazis, leader in the Austrian underground, Catholic patriot who

Toots was in the front seat with Haider.

"Do you recognize this woman?" Mr. Wingren asked, submitting one of the embracing pictures of Toots and Haider.

Told to Be Careful

"Yes, that's Flo," Loescher replied. "I can identify it from a picture in the paper."

"What did you talk about in the car on the way to New Mexico?" Mr. Wingren asked.

"Flo told me to be careful, not to dare too much," he replied. "She was afraid I might walk in the daylight and somebody shoot me. I told her I wanted to go to Mexico and South America. We talked about what a nice place, what a lovely country Germany is, and maybe they could come there after the war."

At Wagon Mound, N. M., he said, the girls surned around after a "night lunch" with them, and they went on to Watrous, N. M., where, after a beer in a tavern, which he said cost them 90 cents, it being a "big bottle," they were arrested.

In Anti-Nazi Camp

Under cross-examination, Mr. Robinson brought out that Loescher, like Haider, had been transferred to Camp Campbell, Ky., which is a camp where anti-Nazis are housed, although in open court Loescher had not said, in so many words, he was anti-Nazi.

"Why were you two drawn together," Mr. Wingren asked.

"We had been educated, and had traveled places. Lots of places in common," the pfc. replied.

"Were you seriously wounded?"

"Shell splinters pierced my lung," Loescher replied. "I was buried under a bombshell for four hours, and this affected the joints of my hips and shoulders."

wished to throw off the pagan Nazi yoke. Yet the two of them were friends—from the days they had met in a hospital in Carthage, North Africa—and they were close buddies in the Trinidad compound.

The only point of similarity in their testimony was that neither ever intended to fight against the Allies again.

Trio Watches Intently

As Loescher spoke under the questioning of U. S. District Attorney Ivor O. Wingren and Defense Attorney Kenneth Robinson, the three Oriental women—Billie, Flo and self-contained Mrs. Tsuruko (Toots) Wallace—leaned forward and fixed him with their sharp black eyes.

Nothing was said about any personal relations between the two prisoners-of-war and the three women. The prisoners had declined on their honor to testify to anything of this sort, it was understood. Yet these three women knew that as he spoke this man, whom they had aided, was weaving a web of testimony around them that as a maximum penalty could conceivably end in death.

"I was a radio operator on a tank and got as far as El Baba, Egypt," said Pfc. Loescher (he had previously been identified as a corporal). "I was in the retreat from Libya to Tunisia. I was captured while I was in the hospital at Carthage by the British on May 8, 1943."

Met Three Girls

"I was taken from Oran, North Africa, to Norfolk, Va., to Trinidad, where I arrived Sept. 1, 1943. On Oct. 16, 1943, Haider gave me some civilian clothes and things, and we escaped from the prison camp. On the road we met the three girls in a car."

Loescher said he did not see the three women until he got into the car, and knew them only as "Toots," "Billie" and "Flo." He said he sat between Billie and Flo in the back seat, and he thought

Lamanus, who come from Alho.

Nazi Tells How U. S.-Japanese Girl Aided Him

Treason Trial of 3 Sisters Hears Him Say One Gave Him Clothes for Escape

DENVER, Aug. 7 (UP).—Heinrich Haider, thirty-one-year-old corporal in Hitler's Afrika Korps, testified today that Mrs. Tsuruko Wallace, thirty-five-year-old Japanese-American, had helped him and a companion to escape from the prisoner of war camp at Trinidad, Col.

His testimony was the first offered as the government began the treason trial of three Japanese-American women, accused of helping Haider and a fellow German soldier in the escape plot.

She gave him civilian clothing and six maps to help him get away after she first tried to dissuade him from making the attempt, Haider said.

"She feared I might be shot by one of the guards, but I told her that with my friend I was resolved to attempt the escape," Haider explained.

Mrs. Wallace, who was known as Toots to her friends and relatives, was referred to as Toots throughout Haider's testimony.

Haider testified over the strenuous objection of Kenneth Robinson, court-appointed defense attorney.

The three defendants, facing possible death sentences if convicted, earlier had listened quietly as a government attorney outlined the case.

Display No Emotion

Both of the Germans, as well as the women, speak and understand English, but their faces displayed no emotion as Ivor Wingren, Assistant United States District Attorney, told a jury of five salesmen and eight other men of various occupations that the government would attempt to prove that the women had committed treason by helping the Germans to escape from a prisoner of war camp near Trinidad, Col., last Oct. 17. They face a possible death penalty if convicted.

The charges have been denied by the sisters, who readily admitted at the time of their arrest that they had become acquainted with the Nazis while working with them on a farm and were, in fact, so well acquainted that two of the women posed for pictures while in the arms of the Germans.

The other two women are Mrs. Florence Shivze Otani, thirty-three, and Mrs. Billie Shitara Tanigoshi, thirty-two.

It is the government's contention that the sisters, who were born at Inglewood, Calif., and graduated from the Inglewood High School but were brought to Colorado in the evacuation of West Coast Japanese and Japanese-Americans, had given the Germans a flashlight, several maps, a railroad timetable, some money, an automobile and some civilian clothing to help them get to Mexico after their escape from the Trinidad camp.

Free Only Two Days

But the Germans—Corporals Haider and Herman August Loescher—were recaptured near Watrous, N. M., after only two days of freedom.

As Mr. Wingren outlined the government's case, it appeared that the chief witness for the prosecution would be Ernest Rivera, another employee of the farm where German prisoners from the Trinidad camp and Japanese-Americans from the relocation center at Amache, Colo., had been taken to help with the onion harvest.

Mr. Rivera, said Mr. Wingren, would testify that he heard Mrs. Wallace whisper to Haider that "We have something for you." The "something," said Mr. Wingren, was a brown package which had been hidden under a bush. Haider picked up the package, stuffed it in his lunch basket, and walked away. The package, it was presumed, contained supplies which the Germans used in their escape.

N.Y. Journal-American, 8/11/44 P. 13



GUILTY OF CONSPIRACY to commit treason... These three Japanese-American sisters (left to right), Mrs. Florence "Flo" Shivze Otani, Mrs. Billie Shitara Tanigoshi and Mrs. Tsuruko "Toots" Wallace, looked completely unconcerned today at the Federal Court in Denver where they were found guilty of a charge of conspiracy in the escape of two German prisoners and face prison terms of two years or a fine of \$10,000 or both. Wirephotos from AP

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Journal & American
New York City, N. Y.

DATE
P. AUG 11 1944

Jap Captives Try Hara-Kiri

DENVER, Aug. 11 (By International News Service).—Three Japanese prisoners of war today attempted to commit hara-kiri at the Fitzsimmons General Hospital near Denver, it was learned exclusively.

The threefold suicide plot took place as a Federal Court jury here returned a verdict of guilty against three Japanese-American sisters on a charge of conspiracy to commit treason in the escape plot of two German prisoners of war. Sentences of two years in prison and \$10,000 fines are the maximum.

Army officials said they believed the hara-kiri episode was coincidental to the jury verdict.

CLEARED OF TREASON.

The jurors found the three sisters not guilty of a formal charge of treason, which could have meant a death penalty.

At Fitzsimmons General Hospital, Lt. Col. D. H. Kelly, executive officer, confirmed the hara-kiri plot, disclosing for the first time that Jap prisoners of war were confined at the hospital.

"They cut their wrists, necks and stomachs," Col. Kelly said. "However, we stopped them before each finished his job and we believe each will recover."

Sentencing of the sisters was postponed pending a defence move for a new trial.

The verdict was received calmly by the three sisters. The defendants were Tsuruko "Toots" Wallace, 34; Florence "Flo" Shivze Otani, 33; and "Billie" Shitara Tanigoshi, 31, formerly of Inglewood and Terminal Island, Cal.

TREASON TRIAL MAY END TODAY

Jury Likely To Get Case Of 3 Nippon-American Sisters By Noon

DENVER, Aug. 9.—(AP)—With all testimony in, government and defense attorneys lined up their legal artillery tonight to clash in final arguments tomorrow over the guilt or innocence of three Japanese-American sisters charged with treason.

U. S. District Attorney Thomas J. Morrissey predicted the case will be handed to a federal court jury before noon.

None of the sisters—Mrs. Tsuruko "Toots" Wallace, 35; Mrs. Florence "Flo" Shizze Otani, 33, and Mrs. Billie Shitara Tanigoshi, 32—testified in rebuttal of charges that they provided the means by which two German prisoners of war escaped from the Trinidad, Colo., internment camp. The break was made by Heinrich Haider and Herman August Loescher, both 31, former members of the routed Afrika Korps, last October 16. They were recaptured two days later and testified against the sisters.

Three Defense Witnesses

Defense Attorney Kenneth Robinson summoned only three witnesses in contrast to a list of approximately 20 paraded before the jury by the prosecution.

He decided not to put the defendants on the stand, he explained, because the government already had made a major point for the defense. This, Robinson said, was Haider's testimony that he fled the camp to fight the Nazis whom he said he had opposed in the Austrian underground before being drafted into the German army.

The lawyer claimed that this proved the Shitara sisters had no intention of aiding an enemy power.

One of the three defense witnesses was Mary Shitara, 23, a resident—like her sisters—of the Granada relocation center at Amache, Colo. The other two were Mrs. Ethel Sherman of Compton, Calif., and Mrs. Wilma Anna Readman of Bloomington, Calif., who said they were friends of the Shitaras in California before their evacuation.

Young Sisters Testify

With the young sister's testimony, the defense endeavored to dull the edge of government evidence designed to prove that the three women supplied Haider and Loescher with road maps for their escape. Miss Shitara said that Germans working on the Trinidad farm where the Japanese-Americans lived had a "free hand" in their homes, where magazines and road maps were lying about.

Mrs. Sherman and Mrs. Readman testified that they knew the sisters as "good Americans." Mrs. Readman, who said her husband is on navy duty in the Pacific, told the jury Mrs. Wallace wrote in a letter inquiring about Readman, "those damned Japs better not get him."

U. S. District Judge J. Foster Symes rejected a defense motion for a directed verdict acquitting the sisters, but trimmed from the indictment several of the "overt acts" alleged by the government. The jury may return a verdict on either or both of the two counts charging treason and conspiracy to commit treason.

Death is the maximum penalty for conviction of treason.

By United Press
DENVER, Aug. 10—A Federal jury today receives the case of three sisters charged with committing treason by helping two German prisoners of war escape.

If found guilty they could be hanged, but they also are charged with conspiracy to commit treason and the maximum penalty for that is a \$10,000 fine and two years' imprisonment. Only the judge's charge remained be-

fore the jury retires to decide the fate of Mrs. Tsuruko (Toots) Wallace, Mrs. Shitara (Billie) Tanigoshi and Mrs. Florence (Flo) Otani, all native Americans of Jap descent.

The sisters' lawyer changed his mind and didn't call them to testify. Instead he called their sister, Mary Shitara, 23, and two character witnesses.

Miss Shitara provided a great deal of the background of last summer's romances between Japanese-American evacuees from the coast and German prisoners.

After being evacuated the father of the four sisters, George Shitara, took over a farm near the Trinidad, Colo., prison camp and took his family there to help with the harvest. He also employed war prisoners and Miss Shitara testified, the prisoners were under little if any supervision and mingled freely with American civilians. She

and her sisters, she testified, became well acquainted with a number of them.

The character witnesses were Mrs. Ethel Sherman of Compton, Calif., and Mrs. Wilma Anna Readman of Bloomington, Calif., who had known the family well in California. Mrs. Readman testified that "Toots" wrote her that she longed to be in America's armed forces. Mrs. Readman wrote that she was worried about her soldier husband because she hadn't heard from him in some time and "Toots" replied: "Those damned Japs better not get him."

Treason Jury Is Told How Nazis 'Ran Loose'

14—THE WASHINGTON DAILY NEWS, THURSDAY, AUGUST 10, 1944

DIRECTED VERDICT DENIED JAP GIRLS IN TREASON TRIAL

Government Closes And Jury May Get Case by Night

It was Patrick Henry who, under far different circumstances than those recorded here, said: "If this be treason—make the most of it." Patrick Henry's words, it developed Wednesday, sum up, in effect, the entire defense of the sisters Shitara—Toots, Flo and Billie—on trial for their lives on charges of treason before a jury of average Americans in the court of United States District Judge Symes.

The trio named in the indictments as Mrs. Tsuruko (Toots) Wallace, 35, wife of a Caucasian shipyard worker; Mrs. Shitara (Billie) Tanigoshi, 32, wife of a white-Japanese evacuee, and Mrs. Shizue (Flo) Otani, 33, may learn their fate by Wednesday night.

The government at 9:30 a. m. Wednesday closed its case, which opened Monday morning. Shortly before noon Judge Symes denied the impassioned and brilliant plea of Chief Defense Counsel Kenneth W. Robinson for a directed verdict.

TWO OVERT ACTS HELD FROM JURY.

The court, in ordering that the case go to the jury for decision, did give Robinson a partial victory by ordering that two "overt acts"—two portions of the federal grand jury's indictment, which charged the women with giving "aid and comfort to the enemy," be withheld from the jury. These portions, which the government, represented by District Attorney Morrissey and his assistant, Ivor O. Wingren, freely admitted it had failed to prove by the required evidence of two witnesses, related to the giving of maps by the women to two German prisoners of war.

The prisoners are Corp. Henrich Haider and Pfc. Herman August Loescher, who, allegedly, escaped from the war prisoner camp near Trinidad, Colo., last Oct. 16, with the aid of the three Japanese-American women.

This pair, dressed in their Nazi uniforms, took the witness stand for the government. Haider identi-

CONTRACTED WITH FARMER LAST SEPTEMBER.

There the Shitaras lived until September, 1943.

At that time the father, Takashi Shitara, a brother, George, and a brother, Shiz, together with Mary Toots, Billie and Flo, contracted with a farmer, Lloyd Winger, to harvest his onion crop on a 600-acre farm, nineteen miles from Trinidad. All went there to live—Mary, Toots, the brothers and the father in "the big house," Billie and Flo in a smaller one-room affair nearby. A Mexican family also shared the big house.

In the meantime, a prisoner-of-war camp had been set up at Trinidad and Winger contracted for an allotment of prisoners—sometimes twenty a day, sometimes as many as forty—to come to the ranch and work with the Shitaras. It was the rule that two armed guards, soldiers of the military police escort guard, should accompany the prisoners.

DAYS THAT FOLLOWED WERE GAY.

The picture painted in court indicated the days which followed were not only pleasant but gay. Winger testified he supplied cases of beer—a full case every day—to the Germans. Mary told how the soldiers of the reich would wander up to both the "big house" and to the "little house," where the sisters Shitara lived. The prisoners, Mary said, would "walk right in at any time." Haider so walked. So did a "boy" she identified as "Fritz" with whom she got acquainted. The prisoners of war would make themselves right at home.

"There were magazines and funny papers and comic books—and maps," said Mary, "and they would help themselves to these." She said the prisoners, thru the October afternoons, would go into the fields and sit about reading the comics and the books and magazines.

Under cross-examination she said she "guessed it was all right for they (the prisoners) had completed their quota of work in the morning and could do as they pleased in the afternoon."

These long leisure hours were the ones in which the pictures, showing Haider and his "kamerad" in pas-

sioned the three women as those who, in answer to his pleadings, gave him money, civilian clothing, food, a flashlight, and the disputed road maps, driving him, and his "kamerad" from Trinidad to Wagon Mound, N. M. Loescher said he had made the trip, with three women, but "because it was dusty (dark) inside the automobile" he could not, he said, make positive identification of any of the defendants in the courtroom.

Haider had testified that he, on a farm where German prisoners of war worked with the Japanese-American women, members of the evacuee camp from Amache, near Lamar, Colo., had "poked for pictures" with the accused. These pictures, introduced in court, showed Haider and "Toots" in a passionate embrace. Other pictures showed another prisoner, not involved in the case, Marcus Backus, and the sister "Billie" in friendly postures.

HAIDER SAID HE HATED "HITLER GANG."

In giving his testimony Haider said he, in asking aid from the sisters, told them he "hated the Hitler gang." He told them, he said, that the reason he wanted to escape was so he could join "the Austrian Legion, an underground movement, return to Germany and fight Hitler."

It was this testimony which Robinson will use as his defense—the defense that "if this be treason..."

Robinson, at the noon recess Wednesday, announced he would not place the accused on the stand. He produced one witness for the defense before adjournment, Mary Shitara, a younger sister of the accused trio. He was to produce only two more—two, who, he said, would testify to the good character of the Shitara sisters during their residence in California before the war. With the testimony of Mary Shitara, Robinson laid the groundwork for this argument to the jury in favor of acquittal.

SISTER RELATES AMAZING STORY.

It was an amazing story Mary Shitara told. It linked with other bits of testimony, given in the government's behalf, to picture conditions on the farm where the German soldiers and the Shitara sisters met, in the prisoner-of-war camp, and at the Japanese relocation center at Amache.

Mary Shitara painted the picture of her family and of its background. The sisters—seven in all—and three brothers are California born. Before the war they lived in Inglewood, a Los Angeles suburb. When the army ordered the evacuation of all Japanese from the west coast, the family, headed by the father, was sent to the Amache camp.

sionate embraces with Toots and Billie, were taken. It was during these afternoons that, Haider alleged, he told the sisters of his desire to return to Germany—to fight Germany in the Austrian underground.

As the testimony progressed more of the life led by these people—the Japanese-Americans evacuated from the west coast by army order because their very presence was held to be against the peace and security of our nation at war, and the beibboned soldiers of the German reich—was described.

G-Man Richard H. Nelson on the witness stand related the stories he said Toots and Billie told him. The sisters, he said, told how they would go into nearby Trinidad. There were stories of their going to bars. He said they told him they met American soldiers there—the guards from the prisoner-of-war camp. These Americans, Nelson quoted the sisters as saying, pleaded with the women to accompany them to Las Vegas, N. M., for gay times.

HAD GASOLINE TO GO TO LAS VEGAS, N. M.

Nelson explained, quoting the sisters, that the bars of Las Vegas and the dancehalls there were open later than were those in Trinidad. The sisters had an automobile. The testimony showed they had the gasoline to make the trip.

Why, many in the courtroom asked, as the story unfolded, would anyone want to "escape" from a life such as this?

There was female companionship—most responsive companionship, according to the pictured evidence. There was beer—free beer upon the farm. There was little work—a "quota" to be filled in the morning with long hours of afternoons in which to loaf in the autumn sun.

The answer to that question was to be Robinson's plea for acquittal.

WILL SAY GERMANS OPOSED NAZISM.

The Germans, he was to say, were so consumed with a hatred for the Nazis that they would give up this safety from war and treatment never previously known to be accorded an enemy of the country—give it up to return to Germany to fight what they held to be wrong.

Robinson, in asking for a directed verdict, advanced this theory to Judge Symes. The court replied:

"Nazi and anti-Nazi are but two political parties—these men are citizens of and members of the armed forces of the German reich."

Robinson, in his closing argument, was to say that the sisters, loyal Americans, felt, after coming under what the attorney calls "the spell of Haider," that in helping the man escape they were actually doing the Allied cause a service.

That is the defense in America's third treason trial of World war II—a treason trial in which the government can, if it will, ask for the death penalty.

It is the defense of the sisters Shitara—Toots and Billie and Flo. "If this be treason, make the most of it."

SE AGAINST JA

Two Big Smiles broke the poker-faced composure of Corp. Heinrich Haider and Pfc. Herman August Loescher, German prisoners of war, who appeared happy about something during a recess Tuesday afternoon in the treason trial here of three Japanese-American sisters accused of helping them escape from the prison camp near Trinidad, Colo. Guarding the prisoners is U. S. Lieut. Dorwin M. Barr, center.—A. P. photo



Corporal Haider.

Lieutenant Barr

Defense Ends Case Without Jap-American Sisters Taking Stand

By JACK FOSTER

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Face Two Indictments

Immediately after the defense rested, Mr. Robinson, Thomas Morrissey, U. S. district attorney, and his assistant, Ivor O. Wingren, retired to Judge Symes' chambers to formulate instructions. At an early hour last evening they still were in conference over what probably will be long and historic instructions to a jury that has heard an extraordinary case.

Two indictments stand against the grim-faced sisters—Mrs. Billie Shitara Tanigoshi, Mrs. Florence (Flo) Shizze Otani and Mrs. Tsuruko (Toots) Wallace.

One charges treason, which carries a penalty on conviction ranging from \$10,000 fine or five years' imprisonment to death. The other alleges conspiracy to commit treason, for which the maximum penalty on conviction is \$10,000 fine and two years in prison.

Asks Directed Verdict

Court will convene at 9:30 a. m. today to hear the instructions and the final arguments. It is probable that a verdict will be reached by nightfall.

When the government rested its case yesterday morning, Mr. Robinson rose, asked that the jury be excused, and engaged in an eloquent and brilliant plea for a directed verdict of not guilty. Treason in English law dates back to the days of Henry VIII, when it was treason to doubt the validity of His Majesty's divorces, Mr. Robinson pointed out—back to the black days of the Star Chamber trials.

Because of the terrific penalties invoked then, the early American lawmakers had written into the Constitution safeguards against the misuse of treason charges, he continued. Notable among these safeguards, he declared, was the Constitutional provision that there must be two eye-witnesses to the overt act of treason.

Most of Indictments Stand

"Where are these two witnesses?" he asked. "It is true that Haider (Corp. Heinrich Haider, whom the girls are said to have helped escape), declared he witnessed the entire chain of circum-

stances. But what about Loescher (Pfc. Herman August Loescher, the other German prisoner-of-war)? Loescher could not identify these three women in the court room. He merely said there were three women—Billie, Flo and Toots—who helped him escape. That's all. Nothing more. Where are your two eyewitnesses?"

Furthermore, Mr. Robinson argued that since one (Haider) was an anti-Nazi and the other (Loescher) could not fight again because of wounds, there could not possibly be any aid or comfort to the enemy in their escape.

Judge Symes denied the motion. He struck out charges linking the prisoners-of-war with certain road maps, since the government had not provided the link, but the major parts of the indictment stand.

Sisters Called to Stand

Mr. Robinson then called Mary Shitara, a sister of the defendants to the stand. She is one of seven girls and three boys in the Shitara family, who had been evacuated from Inglewood, Calif., to Amache, Colo., following the attack on Pearl Harbor. When the family became share-croppers on the Winger Ranch near Trinidad, where the government alleges the escape plot was hatched, Mary and her sister-in-law did the cooking.

Her testimony was designed to show there was carelessness in handling prisoners-of-war, who were working on the ranch, and that prisoners-of-war could have gotten road maps in the Shitara home.

"Did the German prisoners-of-war come into your house on the ranch?" Mr. Robinson asked.

"Frankly, I'd say they had free run of the place," she replied.

"Was there any literature in the house?"

Took What They Wanted

"There were lots of magazines and funny paper books and road maps."

"Did the prisoners help themselves to these?"

"Yes, they'd come in and take what they wanted and go out and read."

"Where were the guards?"

"They were off eating lunch in the distance," she said, with slight sarcasm.

On cross-examination, Mary said she knew Corporal Haider and that he had been in the house at least twice. He is the one whose picture with his arms around Toots is alleged to have been taken by Flo.

"When Haider was in the house what did he do?" Mr. Wingren asked.

"He talked some, then took magazines and went outside to read."

"Did many of the prisoners of war read your magazines?" Mr. Wingren continued.

Loafed During Afternoons
"Oh, yes, they'd get their work quota done in the morning, then they would usually just loaf around in the afternoon."

Mrs. Ethel Sherman, Compton, Calif., then was called to testify that she was a close friend of Billie. Her husband, she said, had known the father of Billie's husband. He was a Japanese and married in Indiana to an American woman, she said.

"Wasn't this woman actually a German?" Mr. Wingren asked in cross-examination.

"No, just an American," Mrs. Sherman replied.

Won High Athletic Honors

Mrs. Sherman said she had been at the hospital when Billie's child was born, and she knew that she was a loyal American.

Finally Mr. Robinson called Mrs.

(Continued on Page 10)

3 Jap Sisters Guilty of Helping Nazi PO

By United Press

DENVER, Aug. 11—Three Japanese-American sisters indicted today of conspiracy to commit treason by helping German soldiers escape from a war prison camp.



Mrs. Wallace

Mrs. Tanigoshi

Mrs. Shitara

The jury found the sisters innocent of the much more serious charge of treason, under which they could have been sent to the gallows.

Maximum punishment is two years' imprisonment and a \$10,000 fine.

The sisters' defense had been that they were not motivated by treason but by love.

Judge Foster Symes said he did not believe the defendants were guilty of

treason because they had no intention of helping.

The defendants are (Toots) Wallace, Mrs. Ethel Sherman and Mrs. Florence (Flo) Shitara.

During the trial a picture was exhibited showing Mrs. Sherman embracing one of the German soldiers who were the prisoners against the sisters.

JAP GIRLS' TRIAL NEARING DECISION IN DENVER COURT

DENVER, Aug. 9.—(AP)—With all testimony in, government and defense attorneys lined up their legal artillery Wednesday night to clash in final arguments Thursday over the guilt or innocence of three Japanese-American sisters charged with treason.

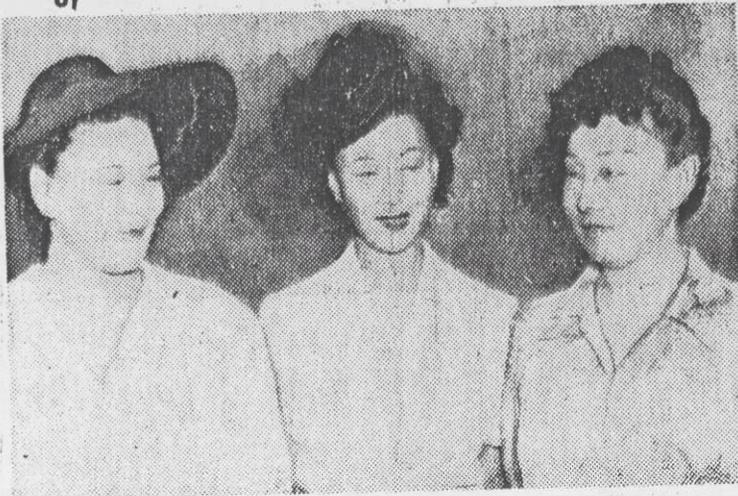
U. S. District Attorney Thomas J. Morrissey predicted the case will be handed to a federal court jury before noon.

None of the sisters, Mrs. Tsuruko "Toots" Wallace, 35; Mrs. Florence "Flo" Shivze Otani, 33, and Mrs. Billie Shitara Tanigoshi, 32—testified in rebuttal of charges that they provided the means by which two German prisoners of war escaped from the Trinidad, Colo., internment camp. The break was made by Heinrich Haider and Herman August Loescher, both 31, former members of the routed Afrika corps, last Oct. 16. They were recaptured two days later and testified against the sisters.

Defense Attorney Kenneth Robinson summoned only three witnesses in contrast to a list of approximately 20 paraded before the jury by the prosecution.

He decided not to put the defendants on the stand, he explained, because the government already had made a major point for the defense. This, Robinson said, was Haider's testimony that he fled the camp to fight the nazis whom he said he had opposed in the Austrian underground before being drafted into the German army.

Wash DC Evening Star
8/11/44 P. 2



DENVER, COLO.—CONVICTED OF CONSPIRACY—These three Japanese-American sisters today were convicted of conspiracy to commit treason by aiding the escape of two German war prisoners. They are (left to right) Mrs. Florence "Flo" Shivze Otani, 33; Mrs. Billie Shitara Tanigoshi, 32, and Mrs. Tsuruko "Toots" Wallace, 35. —A. P. Wirephoto.

3 Japanese Sisters, Guilty of Conspiracy, Escape Death Penalty

By the Associated Press.

DENVER, Aug. 11.—Three Japanese-American sisters accused of helping two German prisoners escape from an internment camp were convicted by a Federal Court jury today of conspiracy to commit treason, and were acquitted of treason charges.

Judge J. Foster Symes withheld imposition of sentence, which, under the law, may not exceed two years in prison and \$10,000 fine. If they had been convicted of treason, the penalty could have been death.

Defense Attorney Kenneth W. Robinson said he had not determined whether to seek a new trial or whether he will appeal.

The defendants—Mrs. Tsuruko "Toots" Wallace, 35; Mrs. Florence "Flo" Shivze Otani, 33, and Mrs. Billie Shitara Tanigoshi, 32—exhibited no emotion when the verdict, reached by the jury last night and then sealed, was read in court this morning.

Judge Says Verdict Is Fair.

Judge Symes told the jury he thought the verdict was "very fair," and added that he, too, believed the sisters innocent of the first count charging treason.

"All I can say is the defendants' remark, 'How can they find us guilty of conspiracy if they find we did not have intent to aid Germany?'" Mr. Robinson said. "It would look like a compromise verdict."

United States Attorney Thomas J. Morrissey's only comment on the outcome of America's third treason trial of this war was, "The jury has spoken."

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3 U. S.-Jap Girls to Seek Retrial On Charge of Plotting Treason

(Continued From Page 5)

envelope to him, and, as silence cried out for the decision, Judge Symes read it over himself.

"The clerk will read the verdict," he said.

Court Clerk Walter Bowman rose—the full six feet of him—cleared his throat, and read:

"We, the jury, find the defendants not guilty on the first count."

They had been found not guilty of the greatest crime an American can commit—the crime of treason.

The three sisters edged farther out on their seats, and Flo, the most emotional of the three, bit her lip and gripped a handkerchief.

Mr. Bowman went on.

"We, the jury, find the defendants guilty of—"

Guilty, But Not of Treason

There it was—guilty of conspiracy to commit treason. The verdict that had been freely predicted among most who had followed the trial—a compromise verdict, perhaps—but a verdict that would punish these three women for a grave crime, yet not smear them completely with the conviction that they had adhered to the enemy's cause during war times.

The expression of Toots—the self-contained woman of 34, the natural leader of the three—did not change. She continued to stare calmly, dispassionately, aloofly at the clerk who now had taken his seat again. Billie, the most delicate of the three, seemed to slide deeper into her seat, with a handkerchief to her lips. And Flo—Flo who always wore a large picture hat despite her plumpness—looked down through a sudden film of moisture.

But there was no outcry—no demonstration. It had come and, with the stolidness they have maintained throughout these profound democratic proceedings, they admittedly were ready to take the consequences. They only said when you asked them at the moment of their conviction—and they all said it about the same:

"How can it be conspiracy to commit treason—if we're not guilty of treason?"

Judge Symes, however, speaking now in his right of comment as a

judge of the United States of America, applauded wholeheartedly the verdict.

"Gentlemen," he said, "I personally think that you have arrived at a fair and proper verdict.

After listening to all the evidence, I cannot believe that these defendants were guilty of harming the United States and aiding the government of Germany. I do not believe they are guilty of treason on the first count. Thank you, gentlemen, for the care you have given in considering all the evidence in this case."

There it was—the third trial for treason in American courts in World War II now ended. And our country's record of never having given the death penalty for treason had been continued.

3 Jap Sisters Guilty of Helping Nazi POWs

Wash. DC.
News
8/11/44
P.10

By United Press

DENVER, Aug. 11—Three Japanese-American sisters were convicted today of conspiracy to commit treason by helping two German soldiers escape from a war prison camp.



Mrs. Wallace

Mrs. Tanigoshi

Mrs. Otani

The jury found the sisters innocent of the much more serious charge of treason, under which they could have been sent to the gallows.

Maximum punishment is two years' imprisonment and a \$10,000 fine.

The sisters' defense had been that they were not motivated by treason but by love.

Judge Foster Symes said he did not believe the defendants were guilty of

treason because they apparently had no intention of helping the Reich.

The defendants are Mrs. Tsuruko (Toots) Wallace, Mrs. Billie Tanigoshi and Mrs. Florence (Flo) Otani.

During the trial a photograph was exhibited showing Mrs. Wallace in the embrace of one of the Nazis. The Germans were the principal witnesses against the sisters.

Three Jap-U. S. Sisters Convicted of Plotting Treason to Ask Retrial

By JACK FOSTER

Kenneth Robinson, court-appointed defense attorney, announced he will file a motion within a few days for a new trial in the treason-conspiracy conviction of the three Japanese-American sisters, Toots, Flo and Billie, who heard their fate at 9:30 a. m. yesterday.

Mr. Robinson will base his plea before Federal District Judge J. Foster Symes on the theory that if these Nisei sisters are innocent of the high crime of treason, as the jury found, they likewise are innocent of the charge of conspiracy to commit treason—on which the jury found them guilty.

"If they're innocent of one charge, they are, by all that's logical, innocent of the other charge."

This will be the argument of the slender, gray-haired trial counsel who, without compensation, paying many of the expenses involved himself, defended with such eloquence the women who had been accused of aiding two German prisoners-of-war to fly the coop at Trinidad.

In the event Judge Symes denies the motion—and his own statement from the bench lauded the verdict—Mr. Robinson has not decided whether he will take the case to the Circuit Court of Appeals.

Three Are Held in Jail

As for the three apparently undisturbed sisters—Mrs. Tsuruko (Toots) Wallace, Mrs. Florence (Flo) Shiyze Otani and Mrs. Billie Shitara Tanigoshi—they will appear before Judge Symes within three days to receive sentence. This sentence will range up to two years in prison, \$10,000 fine, or both.

Last night all three of them were lounging at County Jail—the first appearance there for the youngest (31) and daintiest of the three, Billie, who had been allowed her freedom to take care of her five-year-old daughter, Charlene.

They were not pitifully relieved, as most would be, that they had been found innocent of the major charge of treason, which carries

to Wagon Mound, N. M., on the moonlight night—a night designed for romance—last October.

The weight of evidence, accumulated by District Attorney Thomas Morrissey and his assistant, Ivor O. Wingren, against them was, of course, overwhelming. And this is the reason that Mr. Robinson laid it all to love—the love of a maid for a man.

"Did you girls love these men, Toots?" she was asked, as they prepared to go over to county jail and as the jurors took their hats to return to their daily jobs.

"We used to see them at the farm. They were all right," she replied.

"But what about those snapshots? Those pictures of you and Billie in the prisoners' arms? What did your husbands say about those?"

"Oh, they were sore all right. My husband works in the shipyards on the coast, and he was mighty sore when he saw them in the paper. And Billie's husband just hit the roof. But that's all a thing of the past now. We're forgiven."

Tanigoshi Bids Wife Good-by

And, indeed, as far as Billie's husband—William Tanigoshi—was concerned, it seemed to have been forgotten. He gave her a tender good-by as the three of them were driven to the jail—a good-by with Toots' delicate little nine-year-old daughter, Diane, on one side, and his own brownish-haired five-year-old daughter, Carlene, on the other. Mr. Tanigoshi's mother was a white American, and his daughter has the pale eyes and the brownish hair of this Anglo-Saxon blood.

with it a possible gallows sentence.

They were not limp and quiet and grateful that the long strain now was over, and they could rest, for the moment at least, without a nightmare of apprehensions.

They were actually sore—sore they had been found guilty at all. Sore because these 12 serious and painstaking men had arrived at what looked like a compromise verdict. Sore because they had believed the convicting stories of these two soldiers of the Reich—Corp. Heinrich Haider and Pfc. Hermann August Loescher.

Deny Aiding in Flight

For, from the start, Billie and Toots and Flo have insisted they never helped the prisoners to escape. They did not take the stand to say so, of course. But in conversation they have vowed they never drove them from Trinidad

The little girls will go back to live with the grandparents in Amache to await the return sometime of their mothers.

It was a dramatic scene yesterday morning—there in the majesty of a U. S. Court—as 12 men who, in the midst of war-time emotions, were performing one of the highest duties of Americans, filed in shortly before 9:30 a. m. They had reached their verdict at 10:35 the night before. George O. Schmidt, foreman, held the verdict in a large sealed envelope.

Judge Is Prompt

Promptly at 9:30 Judge Symes stepped through the black curtains that flow down from the shining gold eagle above his oak chair.

"Have you reached your verdict, gentlemen?" he asked.

Mr. Schmidt handed the large

(Continued on Page 18)

5—ROCKY MOUNTAIN NEWS—

Saturday, Aug. 12, 1944

Chicago Sun 8/12/44

In These United States

Three U.S.-Jap Sisters Convicted of Conspiracy

Women Who Aided Escape of Germans
Liable to Two-Year Terms in Prison

Denver, Aug. 11.—(UP).

THREE Japanese-American sisters were convicted today of conspiracy to commit treason by helping two Germans to escape from a prisoner of war camp.

The jury found the sisters innocent of the more serious charge of treason under which they could have been sent to the gallows.

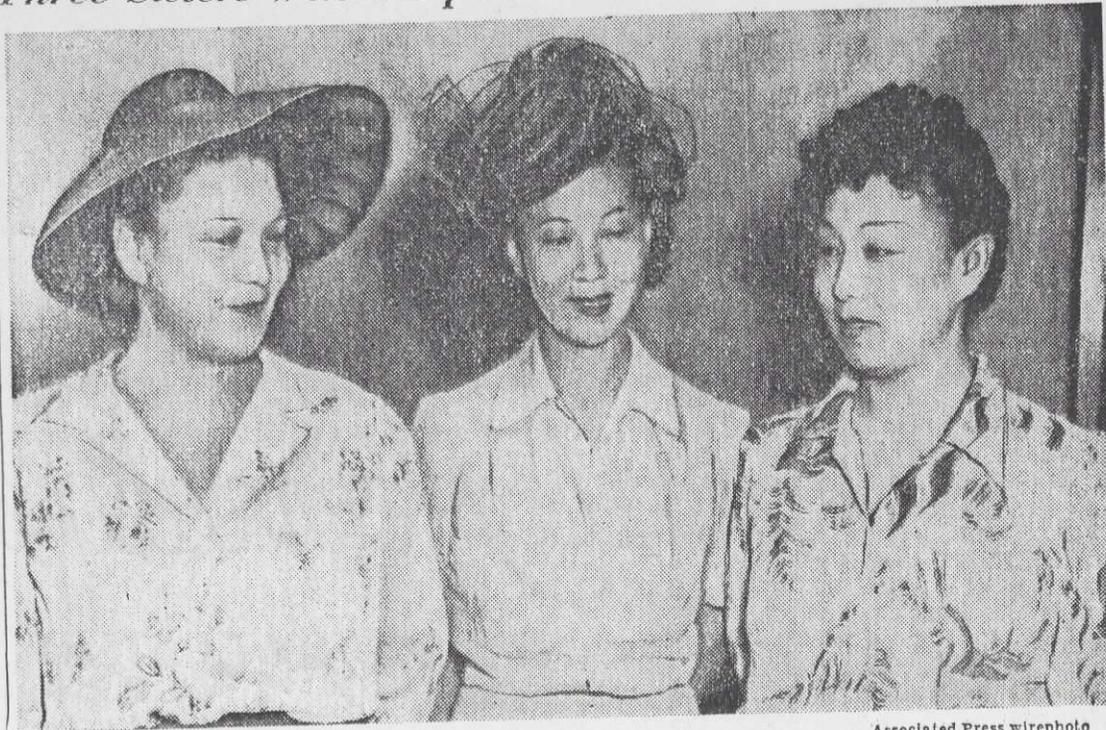
The penalty will be set by Federal Judge J. Foster Symes. The maximum punishment is two years imprisonment and a fine of \$10,000.

The sisters' defense had been that they were not motivated by treason but by love when they helped the Germans flee the prison camp.

They sat without a show of emotion as the sealed verdict, which had been reached by the jury last night, was read in court.

Judge Symes said he did not believe the defendants were guilty of treason, because they apparently had no intention of helping the Reich.

The defendants are Mrs. Tsuruko "Toots" Wallace, Mrs. Billie Tanigoshi, and Mrs. Florence "Flo" Otani.

Three Sisters Who Helped German Prisoners to Escape

Associated Press wirephoto

These three Japanese-American sisters were found guilty by a Denver Federal court of a conspiracy charge in aiding two Germans to escape from an internment camp. Left to right, are Mrs. Florence Shivze Otani, Mrs. Billie Shitara Tanigoshi, and Mrs. Tsuruko Wallace

Sisters Guilty Of Plotting but Not of Treason

Three Japanese Americans
Face 2 Years in Prison
as Aiding Nazi Captives

DENVER, Aug. 11 (AP).—Three Japanese-American sisters accused of helping two German prisoners of war escape from internment camp were convicted by a United States District Court jury today of conspiracy to commit treason, and were acquitted of treason charges.

The sisters waited in the Denver county jail tonight for Judge J. Foster Symes to pass sentence on them. A jury of men deliberated behind locked doors for ten hours, then voted to convict Mrs. Tsuruko Wallace, thirty-five years old; Mrs. Florence Shivze Otani, thirty-three, and Mrs. Billie Shitara Tanigoshi, thirty-two, on the second count of an indictment charging treason and conspiracy to commit treason.

The women, who had been evacuated from Inglewood, Calif., to the Granada relocation center at Amache, Col., would have faced a possible death sentence under the treason charge. Now the maximum punishment that may be imposed upon them is two years in Federal prison and \$10,000 fine.

Judge Symes did not indicate when he will sentence the sisters. He allowed Kenneth Robinson, defense attorney, three days in which to file a new trial motion.

Mr. Robinson speculated that the verdict was a "compromise." "It would look like the jury felt some punishment should be meted out and took the only course open to mete it out," he said.

The sisters, two of whom are mothers, received the verdict without flinching. Then Mrs. Wallace, wife of a white shipyard worker in California, demanded: "How come they find us guilty of conspiracy when we are not guilty of treason?"

The verdict brought only this cryptic observation from United States District Attorney Thomas J. Morrissey: "The jury has spoken." Judge Symes told the jury its verdict was "very fair."

The two prisoners who the government said were helped in their break last October from the Trinidad, Col., prisoner-of-war enclosure by the Shitara sisters, have gone back to internment at Camp Campbell, Ky. The prisoners—Heinrich Haider and Herman August Loescher, both thirty-one, who fought for Rommel in North Africa until their capture—testified for the government in the four-day trial.

In the other two treason cases of this war, Max Stephan, naturalized German, of Detroit, was sentenced to hang for aiding in the escape of a Nazi flyer interned in Canada. His sentence was commuted to life imprisonment. In the other, three Chicago couples—relatives and friends of one of eight German saboteurs spirited onto the Atlantic coast by submarine—were convicted of treason, but the verdicts were reversed. In a retrial, one defendant was convicted again.

JAP GIRLS' FATE PUT UP TO JURY AS TREASON ARGUMENTS END

Government in Closing Address Scoffs at Defense
Claim Love Was Motive of Women in Aid-
ing Escape of War Prisoners.

The fate of the sisters Shitara rested Thursday afternoon in the hands of twelve average Americans—the federal jurors gathered from farm, village and town to pass upon the charges of treason against them.

The case, the third treason trial in the United States in World war II, was placed in the jury's hands at 12:29 p. m. Thursday after closing arguments delivered by Kenneth W. Robinson, for the defense, and United States District Attorney Morrissey and his chief trial deputy, Ivor O. Wingren.

The jury then went to lunch. It was to return for deliberations at 2:30 p. m.

The jurors had been given two widely conflicting theories of the
(Turn to Page 4—Col. 1.)

E DENVER POST—FIRST IN EVERYTHING
FATE OF GIRLS IN

THURSDAY, AUGUST 10, 1944
TREASON CASE

JURY DELIBERATING

GOVERNMENT DERIDES DEFENSE

CLAIM LOVE MOTIVATED ACTS

Jap Sisters' Counsel Says They Merely Were Imprudent, but Prosecution Brands Women as 'Benedict Arnolds'.

(Continued From Page One.)

emotions which, it was admitted, motivated the women in what comfort and assistance they gave two German prisoners of war in their attempted escape from an American prisoner of war camp near Trinidad, Colo., last October.

Their motive, cried Robinson, was "love."

"Fie on love—fie on it, I say," shouted the government.

And that was the case of the sisters Shitara—Billy, Flo and Toots, known legally as Mrs. Tsuruko (Toots) Wallace, 34; Mrs. Shivze (Flo) Otani, 33, and Mrs. Shitara (Billie) Tanigoshi, 31—as it finally reached the jury's hands.

LONG PARADE OF WITNESSES.

Thru the trial, which opened Monday and closed shortly after noon Thursday, a long procession of witnesses took the stand. From them came the story of how the three women, evacuated from their birth-state of California with other Japanese-Americans, reached the war relocation camp at Amache, near Lamar, Colo., shortly after Pearl Harbor. The trio were of a family of twelve—father, three brothers, seven sisters, and the daughters of Billie and Toots.

Last October the father, two brothers and four of the sisters—the fourth being Mary, who was not charged in the case—"share-cropped" an onion farm owned by Lloyd Winger, 150 miles from their camp, and nineteen miles from Trinidad, Colo.

PRISONERS WORKED ON SAME FARM.

To this farm came German prisoners of war, quartered in the prisoner of war camp near Trinidad, to work in the fields beside the Japanese-American women. Among them was Corp. Heinrich Haider, 31, a mule tender in Erwin Rommel's once arrogant Afrika korps.

The testimony showed that, within five short days after his arrival in camp, Haider was posing for photographs with the black-haired, flashing-eyed, round-faced and stocky-legged Toots.

PICTURES OF EMBRACES BASIS OF DEFENSE.

It was these pictures which, Thursday, as Robinson made what

Toots and the German Haider. It showed Haider with his arms about the besweated Toots, their lips meeting as tho the man was crushing the woman to him.

"How far did this go?" Robinson asked. "None has said. But it is indicated it went pretty far.

"I say, again, to you, 'FOOL.' But what, gentlemen of the jury, does any woman do who finds herself in this condition? Why, that heart of hers—that heart of woman—that big heart of this woman foolishly responded and unthinkingly she helped to take him away.

"It is, I say, the old, old story of woman. It is the old, old story of what a man can do to a woman who likes him.

"For as it has been said, 'There are three—nay, four—things that passeth understanding. They are the way of the bird in the air, the way of the serpent upon the rock, the way of a ship at sea—and the way of a man with a maid.'

MORRISSEY SAYS WOMEN ARE TRAITORS.

In his reply Morrissey, as impassioned as was Robinson, cried in a voice that echoed thru the hallways:

"Love—love! Fie on love! I say these women are traitors—traitors! I say fie on love and fie on sympathy. These were married women. If this be American love, God help us—God help our democracy!"

Robinson held to the love defense thruout, emphasizing over and over again the constitutional definition of treason.

Treason, he said, was not the mere giving of aid and comfort to the enemy.

Treason, he said time and again, required as a chief element the giving of this aid and comfort with the intention of "adherence to the cause of the government of the German reich." He played upon this with many, many sentences, saying that unless the acts of the women, in aiding the prisoners to escape, were done with the intent of "helping Germany win the war," then it was not treason.

SAYS THEY NEVER MINGLED WITH JAPS.

"Remember," Robinson said, "that these women, all their lives, did not associate with Japs. Their entire association was with Cau-

over which this man fought, whether the finger that pulled the trigger was that of a Nazi or an anti-Nazi," he said.

NAZISM TERMED POLITICAL PARTY.

Later Morrissey said:

"And what is a Nazi—an anti-Nazi? They are political parties. What care we if men are Republicans or Democrats?"

The government contended Nazi and anti-Nazi might quarrel and hate among themselves, even as members of the opposite political parties quarrel and bicker in America. But Nazi and anti-Nazi, the government contended, joined forces and arms in behalf of the reich, just as Republicans and Democrats in this country set aside their political differences in the nation's cause.

When Wingren concluded, Robinson opened, speaking for an hour, to the minute.

Morrissey followed. He paid high tribute to Robinson, serving upon court order.

"No man, be he possessed of untold wealth, could have offered in his defense a greater effort than has been put forth here by this brilliant lawyer," said Morrissey. "He has given to the limits of his ability and, in my opinion, the abilities of Kenneth Robinson are unlimited.

TRIAL CONDUCTED IN AMERICAN WAY.

"That is as it should be. That is the American way. That is what we are fighting for. On our part the government seeks only fairness—a just verdict. I for eleven years have been the United States attorney for fifteen. I do not want the blood of innocent women upon my hands. I pray God, and I thank God, there is no innocent blood upon my hands.

"Never, in this court, has anyone heard a trial quite like this. Only once did the government offer an objection. We let in everything—anything that was offered. We said, 'Let everything be told.'

"We have tried to strike hard blows for the cause of right, but not foul blows. These women—these traitors," and Morrissey turned, pointing his finger almost into the face of the unflinching Toots, "were not true to their husbands nor, gentlemen of the jury, were they true to the United States of America."

"BENEDICT ARNOLDS IN SKIRTS," HE SAYS.

Morrissey paused. "Traitors," he repeated. "Traitors—little Benedict Arnolds in skirts."

There was still no sign of emo-

The testimony showed that, within five short days after his arrival in camp, Haider was posing for photographs with the black-haired, flashing-eyed, round-faced and stocky-legged Toots.

PICTURES OF EMBRACES BASIS OF DEFENSE.

It was these pictures which, Thursday, as Robinson made what all agreed was one of the most brilliant arguments in the history of the local federal court, formed the basis of the defense—a defense which saw but three witnesses testify from the stand in behalf of the accused. One of these was the sister, Mary, who told of the family's origin and life in California, where "they never associated with Japs." The others were two Caucasian women, Mrs. Wilma Ann Readman of Wilmington, Calif., and Mrs. Ethel N. Sherman of Compton, Calif., once neighbors of the sisters Shitara. The purpose of their testimony, also, was to show that the Shitara family association was with Caucasians—never with men, or women, of their own race.

Around that testimony, before an audience that filled every seat in the courtroom and overflowed into the inclosure reserved for lawyers, newspapermen and officers of the court, and into the hallways patrolled by armed soldiers, Robinson built his plea for acquittal.

PICTURED GERMAN AS OILY TALKER.

He pictured Haider as a man of smooth and oily tongue. The other prisoner of war involved, Herman August Loescher, 31, one-time German bank clerk, who took the stand wearing his iron cross, his Italian bravery ribbon and his other decorations—which he explained proudly—Robinson pictured as a "man no longer able to fight, a casual who could not aid Germany further in the conduct of the war."

He told how Haider, according to the latter's story upon the stand, went to Toots, telling her of his alleged hatred for the Nazis. It was a story of how he had been thrown into a German concentration camp, where, he said, he was beaten, kicked and abused for two long years, only to be released, for a reason he did not know, and forced to join the German army.

SAID HE WANTED TO FIGHT NAZIS.

This man had said on the stand he longed to return to Germany, not to fight for the reich, but against it.

"And," shouted Robinson, "his words fell upon the ears of this fool."

Dramatically, the defense attorney pointed to Toots. The woman did not move a muscle. She did not blink an eye. Not so the sister Flo. She sat with head down cast, wiping away an occasional tear. Leaning forward, straining to catch every word, sat Billie.

"I say," continued Robinson, "FOOL."

"Look, gentlemen—look upon this picture."

Robinson held up the picture of

women, in aiding the prisoners to escape, were done with the intent of "helping Germany win the war," then it was not treason.

SAYS THEY NEVER MINGLED WITH JAPS.

"Remember," Robinson said, "that these women, all their lives, did not associate with Japs. Their entire association was with Caucasians. Imagine the horror that must have been theirs as they were sent from California to the camp at Amache, there surrounded by Japs. Imagine how happy they must have felt when they went to the farm near Trinidad, away from the Japs in the camp, and there came three white, Caucasian men. Oh, I know these women were married. I am not a judge of morals—I have lived too long for that. But you know, gentlemen, the way of a woman. I say to you, gentlemen, 'Frailty, thy name is woman.'"

"It was frailty that motivated these women in whatever wrong they committed, and I do not say to you they did not commit wrong. But they did not commit treason. They did not act in 'adherence to the government of the German reich.' They should be punished, and punished they will be, no doubt, but not by the verdict which may bring death."

JUDGE SAYS PENALTY IS UP TO HIM.

Later Judge Symes, in his instructions to the jurors, emphasized that the death penalty was not theirs to make, but his.

"You are not to consider the penalty," said the court. "That will be imposed by me, if and after, if it be your verdict, you find these defendants, or any or all of them, guilty as charged."

The last testimony was taken Wednesday afternoon. The lawyers and the judge argued instructions until well after 5 p. m. The jury then was dismissed for the night. It re-assembled at 9:30 o'clock Thursday morning.

Wingren made the summation for the government.

There was studied contrast between Wingren's review of the evidence and his chief's plea for conviction.

WINGREN SUMS UP EVIDENCE.

Wingren did not raise his voice above conversational tone. He simply took the evidence and reviewed it, witness by witness. He dovetailed one bit of testimony into another in effort to make the entire picture clear.

He painted a picture of Haider, the professed anti-Nazi, as anything but that. He detailed how this man fought for three full years the length of north Africa, from Egypt to the last tiny bit of land upon which a German could stand, Cap Bon. It was at Cap Bon Haider was captured. Wingren, without passion, pictured him fighting over this long 2,000 miles of retreat—fighting as best he knew how for the cause of the German reich.

"It makes no difference to the British soldiers whose bones lie rotting in the hot sands of Africa,

face of the unflinching Toots, "were not true to their husbands nor, gentlemen of the jury, were they true to the United States of America."

"BENEDICT ARNOLDS IN SKIRTS," HE SAYS.

Morrissey paused. "Traitors," he repeated. "Traitors—little Benedict Arnolds in skirts."

There was still no sign of emotion from Toots, the defendant he appeared to single out from the others.

"We ask a verdict of guilty, guilty on both counts—that of treason and that of conspiracy to commit treason," Morrissey added.

"With that we put the case in your hands."

Judge Symes followed with his instructions which, altho he had the right to do so, were almost devoid of comment upon the evidence. A federal jurist may comment on evidence.

Jap Girls Guilty, Says 13th Juror

Discharged when the jury deliberations in the treason trial of the sisters Shitara began Thursday afternoon, the thirteenth, or alternate, juror, Henry T. Gassert of Holyoke, Colo., who had heard all the testimony, told newspapermen he, if given the chance to vote on

Treason Jury Is Given Choice of Three Verdicts

Three verdicts were possible in the treason trial of the sisters Shitara which went into the hands of a jury in United States District Judge Symes' court here at 12:29 o'clock Thursday afternoon.

The three, or each of them, independently of the others, can be found guilty of:

1—The crime of treason, punishable by imprisonment ranging from five years to life, or the death penalty. A fine of \$10,000 may be levied, or both fine and imprisonment may be decreed.

2—The crime of conspiracy to

commit treason, punishable by a fine of \$5,000 and imprisonment up to ten years, or both such fine and imprisonment.

Guilty of both crimes, with the sentences, as they relate to fines and imprisonment, running either consecutively or concurrently as the court decrees.

3—Not guilty as to either one or both of the crimes charged.

The penalty is not in the hands of the jury. This will be determined by the court if, and after, a verdict of guilty on either or both charges has been returned.

Denver Treason Trial Jury Returns a Sealed Verdict

By JACK FOSTER

A jury in the court of U. S. District Judge J. Foster Symes returned a verdict last night in the treason trial of three Japanese-American sisters 10 hours after they took the case.

The verdict, returned sealed to be read in court today, was reached at 10:35 p. m. The jury had planned to retire for the night if they had not reached a decision by 10 p. m., but as the deadline approached they notified Deputy Marshal William P. Dolan they preferred to remain in deliberation a short time longer.

The verdict will be read at 9:30 a. m. today.

They had been charged—these three Nisei women—of having aided the escape of two German prisoners of war, Corp. Heinrich Haider and Pfc. Herman August Loesch, from the Trinidad prison camp last Oct. 23.

At 12:30 p. m. the jury had received the case.

Two Questions to Decide

At 12:30 p. m., on the fourth day of the trial, these 12 average men—picked from farms and offices in the midst of war to perform one of the sacred American duties—had retired to a third floor room of the Postoffice Bldg. to consider these two questions:

Did these sisters, Mrs. Tsuruko (Toots) Wallace, 34; Mrs. Shivze (Flo) Otani, 33, and Mrs. Billie Tanigoshi, 31, commit treason in helping these captured members of Rommel's once-famous Africa Corps to escape on that moonlight night last October?

Are they guilty of conspiracy to commit treason in this act which admittedly, even by the defense counsel in his closing argument, is well nigh proved?

Thirteenth Juror Says 'Guilty'

As they left to go, the 13th juror, Henry T. Gassert, Holyoke, Colo., chief of police, took his hat to return home.

"I'd find them guilty on both counts," he said.

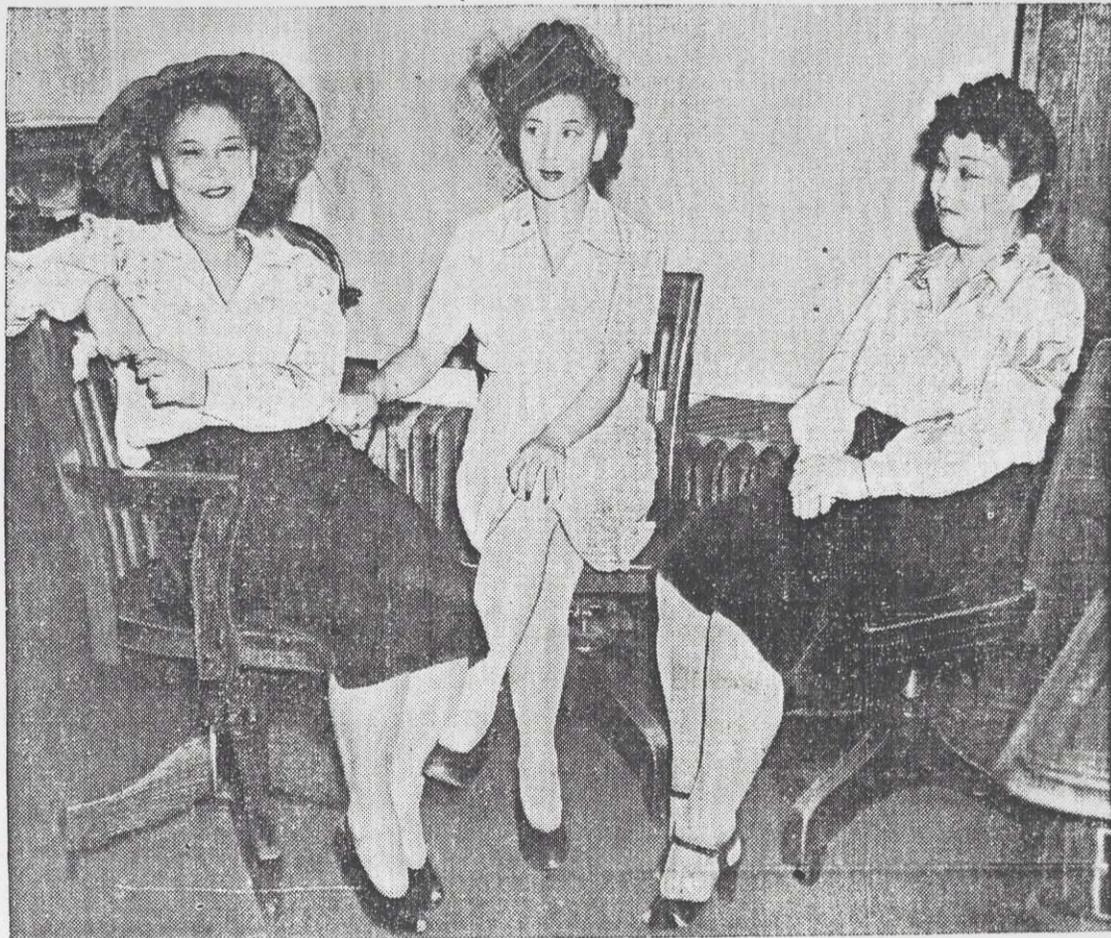
Such a verdict, if it should become the opinion of the 12, would mean that Judge Symes would sentence the sisters to from five years' imprisonment and \$10,000 fine, to death.

The jury, after they began their deliberation, had communicated only once with the court. They had asked Deputy Marshals William P. Dolan and N. V. Cooley to take them back to Judge Symes for clarification of instructions.

Told Intent Is Necessary

They asked Judge Symes to redefine the crime of conspiracy to commit treason—the second and minor count in the indictment—and the judge told them this was the formation of a plan by two or more people to commit treason.

They further asked Judge Symes whether intent was necessary in the crime of treason—in



AWAITING THE VERDICT—The three Nisei sisters whose Federal Court trial for treason closed here yesterday are shown as they sat in a room adjoining the court waiting for the ver-

dict. Left to right: Mrs. Florence (Flo) Otani, Mrs. Billie Tanigoshi and Mrs. Tsuruko (Toots) Wallace.

—Rocky Mountain News Photo.

this case intent to aid the government of Germany. Judge Symes said it was.

From 12:30 p. m. to 6 p. m. the three sisters had waited together patiently, apparently without nervousness, for the call that would mean that the jury had reached its decision in the bare room where U. S. Commissioner Harold S. Oakes receives the pleas of federal prisoners.

Traitor Phrase Angers Toots

Toots sat with her pretty nine-year-old daughter, Diane, who is being trained in the Amache camp to be a dancer. Billie sat with her husband, William Tanigoshi, a mixture of white and Oriental blood, who was talking tenderly to her, despite the photographic evidence of more than flirtation on her part toward one of the prisoners of war. Flo sat silently, more nervous than the others, under a large black hat.

"I sure wish they'd make up their minds quick," said Toots who, by instinct, is the leader of the three.

"How'd you like the way the case was presented?" she was asked.

"I liked it all except that final remark of Morrissey when he

turned to us and called us traitors," she said angrily.

"These traitors! These Benedict Arnolds in skirts," Mr. Morrissey had said with a gesture of his right hand at them as he came to the end of his impassioned plea for the prosecution.

Not True to Husbands

"These women have not been true to their husbands! They have not been true to the United States. They are traitors. I say fie on this love and sympathy plea of Defense Counsel Kenneth Robinson. If that's an example of love and sympathy, then this country will fall."

Mr. Morrissey was referring, in equally eloquent language, to a plea made by Mr. Robinson in his closing statement that a "foolish, crazy thing" was done by these three sisters.

"She loved him," he said, pointing to Toots and referring to her relations with Corporal Haider. "It's the old story of the woman—the old story of what she will do for a man she likes. That's not treason. It's the way of a man with a maid."

Mr. Robinson's plea followed the summation of the case which was made in a calm, detached manner by Assistant U. S. District Attorney Ivor O. Wingren, who opened the morning's proceedings.

most dramatic trial that ever has been held in Denver, Mr. Robinson confined his plea largely to the theory, not that these sisters had not taken the ride with the Germans from Trinidad to Wagon Mound, N. M., but that they had not done this to aid the German nation.

In treason it is necessary to prove that the defendants in giving aid and comfort to the enemy had done so with the intent of adhering to the cause of the enemy—in this case the German Reich.

This was Mr. Robinson's contention throughout the trial and his viewpoint was sustained in the final instructions given with great care and calmness by Judge Symes.

Judge Symes told the jury that they must believe the three Japanese-American sisters intended to aid Germany in aiding the escape of the prisoners of war if they were to find them guilty. If, on the contrary, Judge Symes advised, the jury found that they were merely moved by sympathy to help them, with no desire to take part in the war, then they should be found not guilty.

Toots Has a Big Heart

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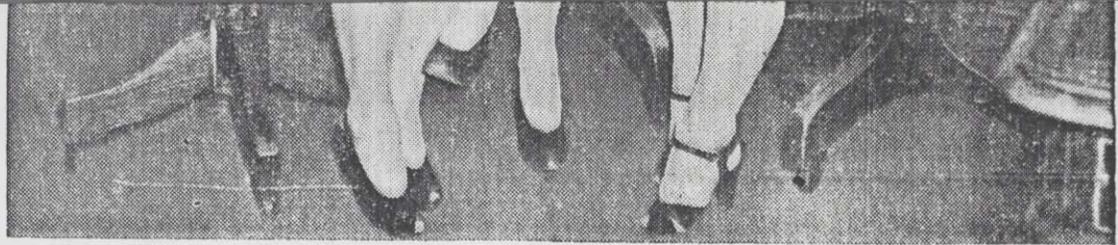
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Not Anti-Nazi, Says Wingren

Mr. Wingren scoffed at the notion that Haider and Loescher had wanted to escape so that the one might fight against the Nazis and the other might get back as a non-combatant to Germany.

"What about Haider?" he asked. "He wasn't captured until he had been in the Germany army for two years—and then only when the German army had been driven that point of destruction on the Cape Bon Peninsula from which no German could escape. Does that show an eagerness on his part to leave the Nazis?"

"And what about Loescher? He wore his Iron Cross, Second Class; his Italian medal for heroism, his officer candidate ribbons—all with pride and satisfaction. Does that sound to you as if he wouldn't fight again for the Nazis if he could?"

"No, they're both citizens of the German Reich and true to the German Reich."

In his closing argument in this

most dramatic trial that ever has been held in Denver, Mr. Robinson confined his plea largely to the theory, not that these sisters had not taken the ride with the Germans from Trinidad to Wagon Mound, N. M., but that they had not done this to aid the German nation.

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Toots Has a Big Heart

Mr. Robinson—appointed by the court, receiving no compensation whatever for his efforts—insisted to a wrapt jury that the girls, particularly Toots, were impelled by love, not by disloyalty.

"That big heart of hers took her away," Mr. Robinson said, pointing to Toots, whose expression never changed. "Certainly it's wrong. But it isn't treason."

"She and her sisters had considered themselves Americans and

Treason Trial Jury Here Returns Sealed Verdict

(Continued From Page 5)

had gone with white Americans. What a shock it was to them to be taken from California and thrown into a concentration camp where she could associate only with Japanese! What a relief it must have been when she moved out to the Winger ranch (where she and the prisoners of war were employed) and find some whites.

Ah! Woman!

"Maybe she did lose her head. You saw the pictures in court (the pictures showing the sisters embracing the prisoners). I'm no judge of morals. God alone is such a judge. It's the way of a man with a maid. She loved him. Goodness knows just what went on. To judge from the pictures, things went pretty far. The prisoners of war certainly seemed to have pretty much the run of the place. And the women—frailty, thy name is woman."

Mr. Robinson then paused, looked about the courtroom—and you saw that through his mind was transpiring a feeling for this great scene that was taking place—a scene where reason, judgment and deliberation was taking place in wartime—the only place in the world, with the exception of England, where such a scene can now take place . . . in an American court

of Haider and Loescher that they were anti-Nazis. But did we make any effort to withhold their testimony? Of course, we didn't. The government never presented testimony that from a certain viewpoint might have been considered to have injured its case so decidedly as the testimony of these prisoners has.

"But we had only one subject—only one goal—to tell all the story so that justice might prevail. And you can complete that goal of justice, you 12 men, by finding these traitors guilty, as they are, of treason.

"Hold high the flag for which we fight, and you'll never let it be trampled in the dust."

He pointed to the Stars and Stripes that stand beneath the gold eagle gleaming high above the Federal District Court.

Democracy at Work

"This, gentlemen, is a sacred place," he said. "Here the things our forefathers fought for are being vindicated. We meet here to judge calmly and reason these humble people—these people who have taken the poverty vow as far as counsel goes.

"You are proving today, gentlemen, that democracy is not going out. You are vindicating the highest hopes of that democracy. You are standing firm against rabble-rousing talk. The war will be over one day and we shall revise many of our judgments. When you look back, will you say as was said in Macbeth:

Tomorrow and tomorrow and tomorrow

Creeps in his petty pace from day to day,

To the last syllable of recorded time,

And all our yesterdays have lighted FOOLS

The way to dusty death. . . .

As he said "fools," he pointed to the three mask-like sisters.

Mr. Morrissey, U. S. district attorney, who spoke for the first time in the trial, took up the last words of the Shakespearean quotation "dusty death" as he made the government's final plea.

Impartiality, His Plea

"We ask only for an impartial trial," he said. "If you feel that there has been any unfairness shown, turn them loose. We don't want the blood of innocent women on our hands. I pray God that our hands never are stained with the blood of innocent women.

"But these are Benedict Arnolds in skirts. If the love and sympathy that the defense counsel declares these women have is an example of American love and sympathy, then this country will fall.

"Of course, the government was taken by surprise in the testimony

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VOL. 53—NO. 3

THREE JAP GIRLS CONVICTED OF PLOT TO COMMIT TREASON

TWO YEARS AND \$10,000 TOP PENALTY

Sisters Take Verdict Calmly but Are Puzzled

(CRIME NEVER PAYS)

The sisters Shitara—Toots, Billie and Flo—were found guilty Friday morning by a jury in United States District Judge Symes' court here of conspiracy to commit treason, and by the same token not guilty of charges of treason, as an outgrowth of "aid and comfort" they gave two soldiers of the German reich to escape from the American prisoner of war camp near Trinidad, Colo., last October.

The conviction carries a penalty of up to two years, a \$10,000 fine, or both such fine and imprisonment.

Sentence will be pronounced by Judge Symes next week, if a motion for a new trial, which may be filed by Chief Defense Counsel Kenneth W. Robinson and his assistant, Robert Swanson, within three days, is denied.

SYMES SAYS VERDICT IS FAIR AND PROPER.

In receiving the verdict Judge Symes said, from the bench:

"Gentlemen: You have given very careful consideration to this case. Personally, I think the verdict a very fair one and a proper one in this case. After listening to all the evidence, I did not believe the defendants had any intent to harm the United States or help the German government. For that reason I had made up my mind the defendants were not guilty of treason on the first count. You may go with the thanks of the court."

Thursday night, when the jurors asked for a rereading of the legal definition of conspiracy, the crime upon which they later found the

(Turn to Page 3—Col. 1.)

JAP GIRLS CONVICTE

SISTERS LIABLE TO TOP PENALTY OF TWO YEARS AND \$10,000 FINE

Women Take Verdict Calmly but Are Puzzled; Jury Acquits Them of Offense Punishable by Death.

(Continued From Page One.)

defendants guilty, Judge Symes said:

"The matter of intent goes to the crime of conspiracy the same as to the crime of treason."

The jurors actually reached their verdict at 10:35 p. m. Thursday. They had received the case at 12:29 p. m. Thursday. They deliberated until 6 o'clock when they asked for a rereading of the court's instruction on the conspiracy count. They then went to dinner, remained out of the courtroom until 8 p. m. and resumed their deliberations.

Under an order from the court the jurors, at 10:35 o'clock, having agreed upon the conspiracy charge, signed their findings and sealed the verdict in an official envelope which was deposited in the safe in the office of the clerk of the court.

At 9:30 a. m. Friday the jurors filed into court, led by their foreman, George O. Schmidt of Denver, an employe of Swift & Co. The defendants came in, in custody of Deputy United States Marshals N. V. Cooley and William Dolan a few moments later. The three girls took their places at the counsel table. The courtroom was again filled, as it was thru each session of the trial since its opening Monday.

Judge Symes entered thru the opening in the heavy black velvet drapes which canopy the alcove rising above the courtroom proper and took his place on the bench.

"Gentlemen of the jury," said the court, "have you agreed upon a verdict?"

Schmidt arose, saying, "We have, your honor."

Judge Symes took the envelope, slit it open and read the jury's findings to himself.

"The clerk," he said, "will read the verdict."

Court Clerk Walter Bowman arose.

He read the names of the three defendants, as they are listed in law—Mrs. Tsuruko (Toots) Wallace, 34; Mrs. Shivze (Flo) Otani, 33, and Mrs. Billie Tanigoshi, 31.

SISTERS TENSE AS VERDICT IS READ.

"We the jury," Bowman read, "find the defendants (and he repeated each name, with the verdict relative to each separately) not guilty of the first count in the in-

then, by movement of head, rather than eyes—toward the jurors. Seconds passed—long seconds. The lips in Toots' mask-like face moved. She was not addressing anyone.

"How come they find us guilty of conspiracy when we are not guilty of treason—how come, huh?"

A reporter whispered to Billie: "Billie, do you feel that your trial was fair?"

"Yes—fair," said Billie, "but how come they can find us guilty of conspiracy? We didn't do that because we didn't do treason."

Flo just sat there. She said nothing at all.

JUST VERDICT DECLARES JUDGE.

The court, from his bench, was speaking:

"A just verdict," he was saying.

"How come he can say that when we are not guilty of treason?" said Toots.

There were the usual court formalities. Robinson and Swanson went forward to the bench, asking for their constitutional time to file a motion for new trial. The jury was dismissed from further service and left to collect their warrants. People began milling about, shaking Robinson's hand, telling United States District Attorney Morrissey and his chief trial deputy, Ivor O. Wingren, what a splendid victory they had won.

In the hallways the case was being retried by those, who had followed every line of testimony—the lawyers, the newspapermen, the court officials.

Some said, "Robinson should have put the sisters on the stand."

Others said, "He was smart when he didn't let them talk—they would have hanged themselves."

It had been many a day since the tomb-like hallways of the federal building echoed to such buzzing.

This was the third treason trial of World War II—either the ninth or tenth in the entire history of the nation.

But few knew some of the background surrounding the case. The arrests, for example, were made last October. Ordinarily the trial would follow within weeks. But at that time the exchange ship Gripsholm had not left Japan with the last group of Americans to be exchanged

Washington. The justice department had gone before congress with it to show that the law of treason should be altered to fit cases like this.

ACCUSED WERE OF AMACHE COLONY.

The facts, as they came from the witness stand, were these:

The accused were members of the Japanese-American relocation colony at Amache, Colo., near Lamar. American citizens, they had been evacuated from their birth state, California, by army order. These three, and their four sisters and three brothers, according to testimony, had associated almost exclusively with Caucasians. One, Toots—married a Caucasian and has a 9-year-old daughter by him. Another, Billie, married a half-caste, the son of a Japanese and German-American matrimonial alliance. The sisters Shitara resented, according to their counsel, being placed in the Amache camp with Japanese. They sought other fields, and obtained permission to "share-crop" an onion farm near Trinidad. To this farm went German prisoners of war to work.

What happened between the German prisoners and the Japanese girls was described by Robinson as "something that went pretty far." There were pictures of Billie and Toots in embrace with two of the prisoners. Heinrich Haider, 31, a mule tender in Rommel's Afrika Korps, and a Marcus Backus, who figures in no other way in the treason case. The picture of Haider showed him crushing the be-sweated and curveful Toots to him, his lips on hers.

SISTERS PROCURED MAPS AND CLOTHING.

It was after this that the sisters procured civilian clothing, road maps and a flashlight for Haider, and a friend of his within the prisoner of war camp, Herman August Loescher, also 31. By night, Oct. 16, the sisters, using their automobile, met the prisoners on the highway outside the prison camp. The Germans had crawled thru a previously prepared hole in the fence. The girls then carried the men to Wagon Mound, N. M., where the men left the car, only to be arrested later. The sisters then returned home.

It was Robinson's plea to the jury that the women were activated not by a desire to help the government of the German reich—the intent necessary in the matter of treason—but were in love with at least

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SISTERS TENSE AS VERDICT IS READ.

"We the jury," Bowman read, "find the defendants (and he repeated each name, with the verdict relative to each separately) not guilty of the first count in the indictment."

That was the treason charge.

Not a sister moved. Billie sat with a handkerchief in her hand, pressed against her lips. Flo sat with eyes closed, her head bent slightly forward. Toots looked straight at the reading clerk. No sign of emotion passed over her features.

Bowman continued reading.

"We the jury," he intoned "find the defendants (and again he read each name in order—Billie and Flo and Toots) guilty as charged in the second count of the indictment."

Billie still sat with handkerchief to lips. Two tears slid over the high cheek curves of Flo's face—features that resemble more those of south China and the Cantonese than do the distinctly sharper and unmistakably Nipponese characteristics of her sisters. She did not move. The tears fell, and she made no move to wipe them away.

Toots' eyes narrowed to tiny slits. It was not a closing of the lids. Still she looked direct at the clerk—

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The case had become historic in

and obtained permission to "share crop" an onion farm near Trinidad. To this farm went German prisoners of war to work.

What happened between the German prisoners and the Japanese girls was described by Robinson as "something that went pretty far." There were pictures of Billie and Toots in embrace with two of the prisoners. Heinrich Haider, 31, a mule tender in Rommel's Afrika Korps, and a Marcus Backus, who figures in no other way in the treason case. The picture of Haider showed him crushing the be-sweated and curveful Toots to him, his lips on hers.

SISTERS PROCURED MAPS AND CLOTHING.

It was after this that the sisters procured civilian clothing, road maps and a flashlight for Haider, and a friend of his within the prisoner of war camp, Herman August Loescher, also 31. By night, Oct. 16, the sisters, using their automobile, met the prisoners on the highway outside the prison camp. The Germans had crawled thru a previously prepared hole in the fence. The girls then carried the men to Wagon Mound, N. M., where the men left the car, only to be arrested later. The sisters then returned home.

It was Robinson's plea to the jury that the women were activated not by a desire to help the government of the German reich—the intent necessary in the matter of treason—but were in love with at least Haider, and, as Robinson put it, "womanlike, in frailty where a man is concerned," gave aid.

Haider, from the stand, swore he told Toots and the others that he was anti-Nazi—that he wanted to return to Germany to fight "the Hitler gang" as a member of the Austrian legion, or underground.

ED OF PLOT TO COM

Guilty of Conspiracy to commit treason was the jury verdict returned in the United States district court Friday after the treason trial of the Japanese-American sisters shown here. Accused of helping two Germans escape from the Trinidad prisoner of war camp, they were convicted on the conspiracy count but acquitted of the actual charge of treason. The three Shitari sisters are Mrs. Shivze (Flo) Otani, Mrs. Shitara (Billie) Tanigoshi and Mrs. Tsuruko (Toots) Wallace.



FLO OTANI.

BILLIE TANIGOSHI.

TOOTS WALLACE.

He was Austrian-born. Loescher, who wore the Iron Cross and other decorations on the stand, made no claim of being anti-Nazi. He, however, said he told the girls he had been thrice wounded and, altho he wanted to go "back to his beautiful Germany," he knew he could never bear arms again, being a casual.

After their arrest the sisters pleaded poverty. The court then named Robinson, one of the outstanding lawyers of the nation, as chief defense counsel, directing him to serve for the very small fee which the government allows in such cases.

DID NOT PLACE GIRLS ON STAND.

Robinson elected not to place the sisters on the stand. His case consisted of but three witnesses—a sister, Mary, not involved, who told of the family background, and two Caucasian women who said they knew the Shitara family in Cali-

fornia where, it was stated, they had good reputations.

Robinson's closing argument, in which he expounded the love theory as the motive, was hailed as one of the most masterful pleas in the history of the federal court in Denver.

No less brilliant was the studied contrast offered by the government, with Wingren reciting in conversational tones the details of the case as presented, and Morrissey, dramatically branding the trio as "little Benedict Arnolds in skirts."

"Love caused this," said Robinson.

"Fie on love," shouted Morrissey.

"Love" won—at least, as far as the charge of treason against the women is concerned. For a verdict finding Flo and Billie and Toots guilty of treason could, under the law, have resulted in death.

Two years in jail is the worst that can happen to any of the trio under the verdict returned.

JAP GIRLS GIVEN TERMS IN PRISON AND \$1,000 FINES

(CRIME NEVER PAYS)

Mrs. Tsuruko (Toots) Wallace, one of three Japanese sisters found guilty a week ago of conspiracy to commit treason, was sentenced Friday to two years in prison, and the other two, Mrs. Florence (Flo) Otani and Mrs. Billie Tanigoshi, were sentenced to twenty months each by U. S. District Judge Symes, after he had denied a defense motion for new trial. In addition, the sisters were fined \$1,000 each.

Federal court officials said the sisters would be eligible to apply for parole after serving one-third of their sentences, but parole usual-

ly is not granted in recommended cases until about 60 per cent of the sentence is served, it was pointed out. They automatically will receive six days off their sentence each month for good behavior.

None of the sisters said a word after sentence was pronounced, but tears filled their eyes as they gathered around their attorney, Kenneth W. Robinson, who had argued for thirty-five minutes for a new trial. Robinson said he probably would appeal.

In a surprise move at the close
(Turn to Page 5—Col. 3.)

Denver Post 8/18/44

JAP GIRLS GIVEN PRISON TERMS AND FINES FOR TREASON PLOT

Toots Gets Two Years and Flo and Billie 20 Months Each and All \$1,000 Penalties After New Trial Is Denied.

(Continued From Page One.)

of defense and prosecution arguments on the new trial motion, Assistant United States District Attorney Ivor O. Wingren submitted a letter to Judge Symes from Herman August Loescher, one of the two German prisoners the Japanese-American girls were charged with having helped escape from a prisoner of war camp near Trinidad last fall. The other was Heinrich Haider.

Wingren said Loescher had asked him to give the letter to Judge Symes at the time of sentence. The judge, altho not making the contents of the letter public, said it added nothing to what had been shown in the evidence at the trial.

WILL BE SENT TO WEST VIRGINIA.

The sisters will be sent to a federal correctional institution at Alderson, W. Va., to serve their sentences.

Wingren, outlining the history of the three sisters before sentence was passed, declared that in the prosecution's view Toots Wallace was the "ringleader" in the plan to help the two German soldiers flee, while Billie Tanigoshi was second in responsibility, with Flo Otani sharing least in the guilt.

Robinson, who was appointed by the court to defend the sisters, vigorously insisted in his argument for new trial that the government had failed to show that the "intent" of the sisters was to help Germany or harm the United States.

Wingren, in declaring the jury

had reached a just verdict, argued the defendants could be found guilty of conspiracy to commit treason without actually committing treason.

Wingren told the court Mrs. Wallace had been investigated twice, after Pearl Harbor, by the FBI in California in connection with alleged disloyal activities and stated the FBI described her as a "well-known water front character" who frequented a cafe visited by Japanese officers before the war.

Robinson referred to the reports as "old women's gossip," and declared they indicated some residents of California had been biased for years against Japanese-Americans and started false rumors against many of them. Robinson said he was informed by a United States immigration official that Mrs. Wallace had submitted information to him regarding the illegal entry into the United States of Japanese.

Judge Symes remarked, after passing sentence, that he wanted to emphasize the fact that the Japanese sisters are American sisters and had received an impartial trial.

JAP WOMEN GIVEN PRISON SENTENCES BY FEDERAL COURT

DENVER, Aug. 18.—(AP)—Ignoring her plea for a "double sentence" so her sister might go free to care for their children, U. S. District Judge J. Foster Symes Friday ordered Mrs. Tsuruko "Toots" Wallace, 35, to serve two years in prison and pay a \$1,000 fine for conspiracy to commit treason.

The Japanese-American woman's two sisters—Mrs. Florence "Flo" Shivze Otani, 33, and Mrs. Billie Shtara Tani goshi, 32—drew 20-month terms and \$1,000 fines for their part in a plot to aid two German prisoners in their escape last fall from a camp at Trinidad, Colo.

They were convicted last week by a jury that found them innocent of treason charges, which carry a maximum penalty of death. U. S. Marshal A. D. Fairbanks said the sisters likely will be taken in about a week to the federal women's reformatory at Alderson, W. Va.

The women have not decided whether to appeal, said Defense Attorney Kenneth W. Robinson.

Acknowledging that the idea was implausible, Robinson told Symes of Mrs. Wallace's request for a "double sentence"—both her own and Mrs. Tanigoshi's. Thus, he explained, she hoped that her sister might be allowed to take care of their children. Mrs. Wallace has a 9-year-old daughter, Mrs. Tanigoshi a 4-year-old daughter.

A leniency plea for the sisters was addressed to Symes in a letter written by Herman August Loescher, one of the two Germans, and made public by Assistant U. S. District Attorney Ivor O. Wingren.

"The thot of our helpers being punished is a very bitter one," the prisoner wrote. "Is there really no way for us to milder a possible penalty or to take any influence to the verdict?"

Loescher, who testified against the girls along with his comrade,

(Continued on Page Three—Column 1)

JAP WOMEN GIVEN PRISON SENTENCES BY FEDERAL COURT

(Continued from Page One)
Heinrich Halder, told Symes that the sisters tried to dissuade them from escaping.

"I think it reasonable to consider us the more guilty part," he said.

Wingren termed Mrs. Wallace the "leader" in the conspiracy, Mrs. Tanigoshi as "second," and Mrs. Otani as "the least responsible." All three, formerly of Inglewood, Calif., were residents of the Granada relocation center at Amache, Colo., at the time of the escape. They worked on a farm alongside German prisoners.

Wingren told the court of federal investigators' reports that Mrs. Wallace had been seen talking with high-ranking Japanese naval and merchant marine officers on Terminal Island, near Los Angeles, before the war. He said she was described as a "well-known character at the waterfront" and worked in a cafe "known as a gathering place of pro-Japanese elements."

In rebuttal, Robinson said he had received letters "from the coast that speak of her loyalty."

(See reverse side)

Nazi Attempts to Take 'Rap' for Nisei Sisters

DENVER (INS) — The "inside story" of how a German prisoner of war attempted to take the "rap" for three Japanese-American sisters convicted of conspiracy to commit treason was learned exclusively Friday night by International News Service after the sisters were sentenced to the federal reformatory at Alderson, W. Va.

The German, wearer of the iron cross, second class, pleaded for the sisters, terming them "seduced women."

Sentenced were Tsuruko "Toots" Wallace, 35, given two years; "Billie" Tanigoshi, 31, and Florence "Flo" Shivze Otani, 33, each given 20 months. The trio, former residents of Inglewood, Calif., also were fined \$100 apiece by Federal Judge J. Foster Symes who denied a defense motion Friday morning for a new trial.

It was learned Pfc. Herman August Loscher, ex-member of Rommel's Afrika Korps, wrote a

letter to Judge Symes, asking the jurist to consider him and another German war prisoner, Corp. Heinrich Haider, "us the more guilty part, not the seduced women."

Prosecutor Ivor O. Wingren gave this reporter a copy of Loscher's letter to the judge. It displayed a Nazi's attempt to use English to save the "seduced women."

It read:
"Sir! As you now have got my statement I profit by the opportunity to give the following to your notice:

"When my comrade Haider spoke to the two Japanese women (Toots and Billie) for the first time about our escape plans they both objected vividly. 'There is no good in escaping for you,' they said, 'Wait for the war's end; be patient; keep your health; don't play with your life,' was their advice.

"They pointed out a lot of dangers and circumstances making

flight impossible. But being regardless resolved to realize the escape we tried to persuade the women. We had to take many troubles by words and by letters to change their mind. Finally we succeeded.

"I think it therefore reasonable to consider us the more guilty part, not the seduced women.

"Without our urgent persuasions they would never have agreed. Please regard that matter of fact! The thought of our helpers being punished is a very bitter one. Is there really no way for us to milder a possible penalty or to take any influence to the verdict
"I commend this affair to your generosity.

"(Signed) Herman Loscher."

The mask of Oriental stoicism disappeared for the first time from the sisters as the judge pronounced the sentence. Tears welled in their eyes and flowed down their cheeks as the judge pointed out that they were "Americans

and had been given just as fair a trial as any other American."

"Toots" got the maximum reformatory term after Prosecutor Wingren pictured her as a "suspicious character of the waterfront at Terminal Island, Calif., "who had been closely watched by U.S. naval intelligence officers and FBI agents as a suspected "contact" of Japanese naval and merchant marine officers.

Defense Counsel Robinson told the court that "Toots" desired to serve a "double sentence"—the one for herself and the one for her sister, "Billie," if "Billie" would be set free.

Robinson explained "Toots" wanted "Billie" to return to the war relocation center at Granada, Colo., to take care of their two small daughters, one aged 9 years belonging to "Toots," the other, aged 4, belonging to "Billie." There was no one else at the center to take care for the children, he explained.

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It Happened in the U. S. A.:

Navy Dept. Makes Hot Weather Official

By JAMES T. HOWARD

At Denver, a gallant veteran of Rommel's Afrika Korps did his best to get his Japanese-American girl friend hanged for treason. Although under no compulsion to testify, Cpl. Heinrich Heider took the stand in Federal Court, telling how Mrs. Tsuruko Wallace, Mrs. Florence Shivze Otani and Mrs. Billie Tanigoshi, sisters from the West Coast, aided his escape from a war prisoner camp, providing civilian clothes, maps and a car. In precise English, Cpl. Heider went into detail about his relations with Mrs. Wallace, whom he described as "Toots." Prosecutors expected a similar yarn from Cpl. Herman Loescher who went along all right until he reached the crucial point of identification. Then he declared blandly that he had never seen any of the three women before.

Like old times in Chicago was the funeral of Lawrence Mangano, 54, gang boss who apprenticed under Al Capone. Weighted down by some 200 shotgun slugs, Man-

gano went to his rest in a silver-plated casket, a pre-war item which cost his widow \$5000. There were 11 shining limousines filled with floral offerings and more than 100 mourners' cars in the procession which stretched for blocks, blocking traffic around the funeral chapel. With no priest present, an undertaker read prayers while detectives sifted through the crowd, looking for suspects.

The Navy Dept. at long last, has succumbed to the heat. At Washington, Vice Adm. Randall Jacobs, chief of Naval personnel, issued an order authorizing Navy officers within the District of Columbia to doff their coats until Sept. 10, except in places of public entertainment and at social events where "absence of coat would be inappropriate." The Army has been going around in its shirt-sleeves in hot weather since early in the war.

Cleveland reports considerable excitement at its Rocky River museum due to the fact that Oscar, a box



turtle, has gone and laid an egg. "We will rename the turtle," said a brief announcement by Miss Grace Curry, the museum curator.

At Washington, the War Production Board averted a major crisis in the diaper service industry by trotting out high priority ratings for diaper service trucks. The industry, already beset by manpower and equipment shortages, anticipates a heavy Autumn demand.