

Saturday, August 14, 1943

## Attacks on Loyal Nisei Rapped By U.C. Student Publication

Strong appeals to combat the current campaign of vilification in California against Japanese Americans were made editorially in the July 28 and July 30 issues of the Daily Californian, U. C. student publication.

Urging support for the Pacific Coast Committee on American Principles and Fair Play, the first editorial said in part:

"This hatred of the people of the Japanese race in the United States is not simply a manifestation of the national hatred for the Japanese empire which American soldiers are fighting to destroy. It has been deliberately fomented for economic reasons.

"This, then, is the problem that faces citizens of rational mentality and the more restrained type of patriotism. It is our thesis that the problem is particularly the concern of college students . . . It is further our thesis that this class of citizens has a decided responsibility to combat a situation which is becoming an actual menace to the nation."

Two days later the Californian published another editorial warning that "fulminations in the California press" are hind-

ering resettlement of evacuees.

"The 'slay-the-Jap' elements in the West coast states are not particularly concerned with what happens to the Japs in the Middle-West. That doesn't affect their business interests. They just want to keep them out of the Pacific Coast, preferably, forever. But even if they do not intend to make resettlement of Japanese Americans in the Middle-West impossible, their campaign is beginning to have that effect," the editorial said.

"Unless it is stopped, resettlement of loyal Japanese Americans and utilization of their manpower for the war effort may be impossible. And in order that it may be stopped, in order that this country may treat the Japanese Americans within its borders in a fashion worthy of a democratic nation, it is essential that responsible citizens put up a courageous fight against propaganda attacking the Japanese on a purely racial basis. It is essential that they do the job the West coast press has failed to do, and bring the facts of the Japanese Americans relocation and resettlement problem before the American people."

## 'NO JAP' BODY INCORPORATED

Five San Diego Men Head  
Move to Prevent Nip Return

SACRAMENTO, Aug. 16.—(INS)—Seeking to prevent the return of alien or American-born Japanese to the West Coast, five San Diego men today filed articles of incorporation with Secretary of State Frank M. Jordon for "No Japs, Inc."

The organization will also seek to insure that Japan itself is policed for a sufficient length of time to prevent the possibility of that nation to engage in warfare again.

Directors included John R. Curry, president and general manager; S. J. Curry, Earl Dee Duncan, Walter G. Morris and Frank W. Brock, all of San Diego.

## Merritt Speaks On Segregation Plans

Returning from the Denver conference on segregation attended by project directors and administrative heads of all ten centers, Project Director Ralph P. Merritt spoke before the Block Managers' Assembly held in Town Hall last week.

### AMERICANIZATION STRESSED

He declared that Americanization was stressed at the conference and if the Japanese problem is to be settled once and for all, it is up to the residents to see that segregation goes through in the right way. He added that if it is done in the right way, the American people will be satisfied, as well as the Japanese, but if it goes wrong, everyone will be confused about the whole problem.

"This is the most important thing that has ever come up for the people of Japanese ancestry. There has been a great deal of confusion as to the loyalty of the Germans and Italians, with investigations being made as to the Bund, but there should be no misunderstanding of the loyalty of the Japanese people in this country after this segregation plan is through. It is the most satisfactory way of working that problem out," said the administrator.

### PROGRAM DECIDED

He emphatically stated that "We have decided on this program, and we have authority to carry it out." There will be people who will try to start something by spreading rumors, but he said, everything in his power will be done to carry the plan out successfully. There will be ways of handling people who try to test the authority.

### PROPER RELATIONSHIP

In conclusion, Mr. Merritt said: "I think that in the United States the most important problem that can be properly settled at this time inside this country, is the proper relationship of all the people to all the rest of the people. That means the right and just

(Continued on Page Two)

Manzanar Free Bree  
Aug. 7, 1943

## —Merritt Speaks

(Continued from Page One)

decision to minority groups, and the one that stands out right now if the people of Japanese ancestry. I am going out to talk to a lot of people on the outside. Mrs. Adams and others of us have good reputations among people on the outside and we don't want to lose them but we are going out to talk for you. We are going to fight for you so that you can solve your own problems and be accepted. The people of Japanese ancestry are going to help solve the problem. The problem will be solved and you and I and everyone will have had a part in working out the solution to the most important problem there is today."

### RIGHTS CONSIDERED

Assistant Project Director Lucy Adams in charge of Community Management stressed that the rights of every alien and citizen alike are being considered and family obligations and ties are being recognized. No pressure will be brought on anyone to change his mind and it is a matter of choice as to his decision, she added.

L.A. Examiner  
Aug. 18, 1943

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## With The Churches

**Community Christian Church**  
6 a. m. early morning prayer meeting, 1-26, 2-26, 22-24; 8 a. m. Episcopal Communion service; 8:45 a. m. Sunday school teachers' devotional, 12-26, 28-26, church office; 9 a. m. Sunday school for beginners and primary age, 9-25, 28-25; 9 a. m. Sunday school and junior church for junior and intermediate age, 9-26, 28-25; 9 a. m. adult Japanese worship, 22-28, Rev. T. Kaneko; 9:30 a. m. adult Japanese Sunday school, 8-15-F; 10 a. m. Sunday school for seniors and young people, 22-26; 10:15 a. m. Sunday school for adult Japanese, 25-25; 10:30 a. m. adult Japanese worship, 9-26, Rev. C. Y. Horikoshi; 11 a. m. combined English worship, 22-26, Rev. D. K. Toriumi; 7:30 p. m. adult Japanese music service.

**Maryknoll Catholic Church**  
10 a. m. mass, Father Kimmitt; Aug. 19, 6:30, Chi Rho Jr., choir practice; 7 p. m. Chi Rho Sr. choir practice.

**Heart Mt. Buddhist Church**  
9 a. m. Sunday school, 14-25, Rev. T. Tsuruyama, 17-25, Rev. M. Yoshikami, 24-26, Rev. Z. Mukushina and Rev. M. Kubose; 10:30 a. m. Junior YBA service, 17-25, Rev. Kubose; 10:30 a. m. general Sunday service, 24-26, Rev. Mukushina and Rev. Kubose, 2 p. m. Sunday service, 17-25, Rev. K. Izuhara; 7:30 p. m. Tsuruyama; 8 p. m. YB service, 17-25, Rev. Tsuruyama.

**Nishi Hongwanji Church**  
9 a. m. Sunday school, 8-25, Rev. C. Aso, 23-26, Rev. R. Mohri; 9:30 a. m. Sunday school, 30-25, Rev. Mohri; 2 p. m. Sunday services, 8-25, Rev. Aso, 30-25, Rev. Mohri.

**Seventh-Day Adventist Church**  
All meetings and services at 25-25. Aug. 14, 9:15 a. m. Sabbath school for adults and young people; 10:45 a. m. church service, Pastor K. Nozaki; 2 p. m. YPMV society meeting; 3 p. m. adult Bible study; 7 p. m. choral rehearsal; 7:30 p. m. young people's business meeting; Aug. 15, 1 p. m. Bible lecture, 9-26, Pastor Nozaki; Aug. 16, 7:30 p. m. Bible lecture, 9-26; Aug. 17, 7:30 p. m. adult and young people's prayer meeting; Aug. 20, 7:30 p. m. Sabbath school teachers' meeting, 8 p. m. young people's Bible study.

**Salvation Army**  
9 a. m. Holiness meeting, 12-26-N, Adj. T. Abe; 7 p. m. open air meeting, block 20; 8:15 p. m. Salvation meeting, 12-26.

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## 21 Shelby Officers Attend Schools in Special Fields

CAMP SHELBY, Miss.—Twenty-one Japanese American officers of the combat team are on detached service attending schools in their special fields.

Eighteen are taking the officers' basic course at the infantry school at Fort Benning,

## Funeral Conducted For Ex-Alamedan

Final services were held Thursday at the Buddhist church, 17-25, for Mrs. Shizue Momi, 31, of 12-17-A, who died Saturday at the center hospital. The Rev. K. Izuhara officiated. A former Alameda resident, the deceased is survived by her husband, Takeo; six-year old son, Takeshi; parents, Mr. and Mrs. Tomekichi Egami; sisters, Sueko and Mrs. Miyeko Kikugawa and brothers, Roy and George.

## Last Rites Held For Mrs. Hosaka

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Ga. Two are taking communications courses at Fort Benning; and one is at the army medical center in Washington, D. C.

With volunteers for the Japanese American combat team still reporting in from mainland points, enrollment in the special recruit school for late-comers has increased to over 300.

Organized to give those reporting late an opportunity to catch up with those who came in earlier, the school is now in Hawaii and on the mainland.

As told today in a House Committee report, control of 107,000 Japanese in 10 regions of the War Relocation Authority, who became known as "the bird-men" and who in his possession of about 100,000 Japanese Imperial Army choice for pro-Japanese Imperial Army among American citizens he raised

was Middle Western tasks for the Agriculture Department, Myer indicated he did not believe the Butoku-Kai was anything more than a harmless Japanese-American social society, and said he doubted the existence of the Tokyo sabotage college.

On the basis of months of intensive investigation of Butoku-Kai activities, the Dies Committee report says of it: "There is no doubt whatever in the minds of any competent authority, including all the intelligence agencies of the United States Government, that the Butoku-Kai is a subversive organization."

The report goes on: "The Butoku-Kai had approximately 60 branches in the United States prior to Pearl Harbor. About 50 of these were in the state of California. Approximately 10,000 (American citizens of Japanese ancestry) were members of the Butoku-Kai in this area."

Gloated at Kill of Tokyo Raid

"The Butoku-Kai youth section of the Dragon Society of Mitsuru Toyama, Black Dragon Society was adviser to the Japanese in the United States."

"In 1935 Consul Hori became press spokesman for Los Angeles Butoku-Kai. Hori, as Tokyo office spokesman, broadcasts from Japan, shortwave broadcasts, 23, 1943, Hori gloated about the execution of the Americaners who were captured in the Doolittle raid."

The American born Seattle Butoku-Kai following for the start of Japan's 1937 China:

"If anything were about the paralyzing character of our Japanese spirit come down to us from our ancestors, or if we were not only would the country become proud of the 'unpardonable' fighting Philippines club a 'Koll'."

1. Expanded  
2. Malaya  
3. Blasphemy (St. Mark, 3:29)  
4. The early Dutch, who call a "Koll"

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We wish to express our heartfelt gratitude for the sympathy extended during our recent bereavement.

Mrs. Kimi Narike  
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## Quiz for Juniors

Answers  
1. Expanded  
2. Malaya  
3. Blasphemy (St. Mark, 3:29)  
4. The early Dutch, who call a "Koll"

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# DISLOYAL JAPS FREED, SAYS DIES GROUP

### Report Accuses WRA Disregard of Safeguards in Releasing Black Dragon Associates

WASHINGTON, Aug. 23.—(AP)—A subcommittee of the House committee on un-American activities reported today that the War Relocation Authority had released 23 members of the Butoku-Kai, which the congressional group described as a subversive youth section of the Black Dragon Society of Japan.

The report declared the Butoku-Kai sought "to enhance the spirit of Japanese military virtue," and that before Pearl Harbor Japanese army and navy men came to this country to instruct 10,000 members "in the military arts."

WRA was accused also of failure to "exercise proper safeguards both for the national security and for the thousands of loyal Japanese as well."

### SEGREGATION URGED

The subcommittee, headed by Representative Costello (Democrat), California, called for a program of "segregation," investigation and Americanization in dealing with these people in wartime.

The report said Japanese were being released from WRA without adequate checks on their loyalty to the United States, and said that "certainly there exists within the War Relocation Authority a complete lack of familiarity with the subversive Japanese organizations."

Terminating a long investigation, which took it recently to California, the committee made these recommendations:

"1. That the WRA's belated announcement of its intentions of segregating the disloyal from the loyal Japanese in the relocation centers be put into effect at the earliest possible moment.

### PROBE OF EVACUEES

"2. That a board composed of representatives of the War Relocation Authority and the various intelligence agencies of the Federal Government be constituted with full powers to investigate evacuees who apply for release from the centers and to pass finally upon their applications.

"3. That the War Relocation Authority inaugurate a thorough-going program of Americanization for those Japanese who remain in the centers."

Dillon S. Myer, director of WRA, it said, "himself appears to be typical of . . . total neglect to enlist an administrative personnel which possessed any degree or expertise or experience which would qualify them to handle 106,000 persons of Japanese ancestry."

### CULTURE PRESERVED

Under a heading, "Preservation and Promotion of Japanese Cultural Ties," the report declared:

"Indicative of the same type of negligence which caused the War Relocation Authority to fail to adopt prompt and drastic measures of segregation in the centers, was the authority's callous promotions of cultural ties with Japan.

"Mr. Myer admitted in his testimony before the subcommittee that at one time the War Relocation Authority was paying at least 90 instructors in judo at a single center. Judo is a distinctively Japanese cultural phenomenon. It is more than an athletic exercise. . . . Various other forms of so-called recreation which could only have the effect of tie-back to Japan were likewise promoted in the centers and their promotion was paid for out of the War Relocation Authority's funds which come ultimately from the taxpayers of this country. The same is true of instruction in the Japanese language."

Costello said the report was approved by himself and Representative Mund (Republican), South Dakota, but that the third member of the subcommittee, representative Mundt (Republican), (Democrat), Pennsylvania, had advised he would file a minority report.

# Korean Criminal Japan's Most Effective Tool on Pacific Coast, Dies Group

TIME

JUNIOR American

By Ray Richards

WASHINGTON, Aug. 23.—Out of Korea in 1929 came a Japanese police character who was to weld at least 17,000 Japanese-Americans into what Tokyo itself proudly called Japan's most effective espionage tool in Hawaii and on the Pacific Coast.

The story was told today in a report of the Dies House Committee on un-American activities, covering the control of 107,000 West Coast Japanese in 10 relocation centers by the War Relocation Authority.

The Korean youth, who became known in his youth as "the bird-sticker" because he loved to torture the helpless, and who in his early days "was in the hands of the police in Korea about 10 times," was named Tokichi Nakamura.

He was the Japanese Imperial Navy's particular choice for promotion of treachery among America's citizens of Japanese descent.

Among those citizens he raised sufficient American dollars to establish a sabotage and espionage school in Tokyo for the training of American-born Japanese in "service to Japan on return to North America."

### Installs Chapters in Hawaii, on Coast

And he installed main chapters of his anti-American organization—the Butoku-Kai, youth wing of the notorious Black Dragon society at Honolulu and Hilo in Hawaii and in the following West Coast communities.

California—Los Angeles, San Pedro, Long Beach, Alvarado, San Francisco, Sacramento, Monterey, Norwalk, Ono, Watsonville, Campbell, Sebastopol, Baggerville, Loomis, Oban, Forin, Lodi, Gilroy, Viola, Farrar, Dinuba, Hanford, Lindsay, Bakersfield, Guadalupe, Dominguez Hill, San Joaquin, Sumner, Concord, Monterey, Salinas, Marysville, Stockton, Madera, Fresno, Reedley, Visalia, Delano, Livingston.

Washington—Seattle, White River, Tacoma, South Park.

Oregon—Portland, Gresham.

There were smaller branches in many other places, with a reported total of 10,000 members in California, Oregon and Washington and 7000 in Hawaii.

### Schools Instruct in Military Arts

The Dies Committee based its narrative of Nakamura's organization of the Butoku-Kai, extending virtually up to the eve of Pearl Harbor, on records of the society's activities seized in Japanese colonies on the West Coast by investigators for the committee, headed by James Steadman, in charge of the Los Angeles offices.

The Dies Committee report says the Butoku-Kai maintained Hawaiian and West Coast schools for instruction of Japanese-Americans in swordsmanship and the military arts and ambitions of Japan by Imperial army and navy officers in disguise, and by priests of Japan's state religion, Shinto.

The report designates the Butoku-Kai as the sponsor of the many large parties of Japanese-American boys and girls who constantly crossed the Pacific to visit the land of their ancestors.

Selected male members of these "cultural and sentimental" jaunts remained to take the course in "service to Japan on return to North America" at the espionage and sabotage school.

The school was located at 646 3-Chome, Amanuma, Suginami-Ku, a suburb of Tokyo, and its formal opening on July 10, 1938, was presided over by Mitsuru Toyana of Osaka, chief of the Black Dragon Society, in the presence of the Japanese war, navy and foreign ministers and most other high officials of the Japanese government.

### Lauded as Founder of Best 5th Column

It was at the opening ceremonies of the school that the former denizen of Korea's underworld, the criminal Nakamura, came to his reward—laudation by high authority as the founder of what the speakers in flowery Oriental language indicated as Japan's most valuable fifth column anywhere in the world.

Testifying recently before various congressional groups in defense of his unrestricted release of Japanese of all types from the relocation centers, Director Dillon S. Myer of the War Relocation Authority was unaware that the Dies Committee had indisputable evidence that the Butoku-Kai was a subversive organization which the Japanese government had fostered officially for a 12-year period.

A man whose prior experience

was Middle Western tasks for the Agriculture Department, Myer indicated he did not believe the Butoku-Kai was anything more than a harmless Japanese-American social society, and said he doubted the existence of the Tokyo sabotage college.

On the basis of months of intensive investigation of Butoku-Kai activities, the Dies Committee report says of it:

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The report goes on: "The Butoku-Kai had approximately 60 branches in the United States prior to Pearl Harbor. About 50 of these were in the state of California. Approximately 10,000 Nisei (American citizens of Japanese ancestry) were members of the Butoku-Kai in this country."

### Gloated at Killing of Tokyo Raiders

"The Butoku-Kai was the youth section of the Black Dragon Society of Japan, and Mitsuru Toyama, head of the Black Dragon Society in Japan, was adviser to the Butoku-Kai in the United States.

"In 1935 Consul Tomokazu Hori became president of the Los Angeles Butoku-Kai. After the Japanese attack on Pearl Harbor, Hori, as Tokyo foreign office spokesman, made daily broadcasts from Japan. In his shortwave broadcast of April 23, 1943, Hori gloated over the execution of the American flyers who were captured in the Doolittle raid."

The American born head of the Seattle Butoku-Kai wrote the following for the study of fellow American born Japanese at the start of Japan's 1937 attack on China:

"If anything were to bring about the paralysis of our national character which has come down to us from our ancestors, or if we were to lose our Japanese spirit and morale, not only would the state of our country become precarious but it would meet the fate of utter destruction. This is as clear as day.

"Therefore we Japanese, whether at home or beyond the seas, without distinction, must polish up the Bushido (Japanese patriotism) spirit which is our traditional nature. At present our empire is facing a crisis against the proud and unruly sword of China."

The committee report mentions that at a Portland meeting of the Oregon branch of the Butoku-Kai in 1937, there was, according to the organization's own minutes, "silent prayer for the success of the imperial army," and, at its conclusion, "three Banzai for the fall of Shanghai."

### Nakamura Arrives in Los Angeles

Here is a translation from a 1940 Japanese-language history of the North American Butoku-Kai, seized by Dies Committee agents in the "Little Tokyo" quarter of Los Angeles:

"On September 27, 1929, there arrived from Hawaii at

Los Angeles the head of the Chosen (Korean) Military Virtue Society, Tokichi Nakamura, professor of the great Imperial School of Swordsmanship. He was accompanied by Swordsmen Nakahara and Akita.

"After completing a tour of Southern California, they took up their residence at San Pedro, on the coast, and with the assistance of Swordmaster Toroku Fujii, of that place, without formality, they initiated 28 young men. This was the beginning of today's prosperous development of the North American Butoku-Kai.

"This man, who laid down the first stepping stone at San Pedro, during the spring of the next year, 1930, visited Guadalupe, Salinas and Gilroy, and with great energy, and under the auspices of voluntary leaders, began with a great flourish to teach the Japanese spirit and the art of swordsmanship. He immediately started training 400 Nisei swordsmen."

In the following year Nakamura indicated to his disciples that he felt it no longer necessary to pretend to any Japanese-Americans that he was anything but a Japanese government agent.

The translation proceeds: "He suddenly had an inspiration to put aside the burden of the name 'Korean Butoku-Kai' and return to the original spirit of the Japanese Butoku-Kai.

### How He Got Title of 'Bird Sticker'

"He carried on with really moving energy for the space of 10 years and established five leagues with over 50 branches throughout California. He went further and pioneered the movement in the two states of Washington and Oregon, where he established the northwestern league with five branches.

"He moved his main training course to Watsonville, in 1932, then transferred it to Alvarado, where he established a special training school of military arts for the summer seasons, and this continued for six years. Every year 200 swordsmen were admitted. The success was great."

Here the history digresses to recite how Nakamura as a boy gained his title of "the bird-sticker" by capturing birds and punching out their eyes, how he was a robber, brawler and general lawbreaker at Ryusan, Korea, and how, studying army swordsmanship at Ryusan in a school under the direction of General Soroku Suzuki, commander of the Japanese army garrison in Korea, he finally determined to devote his talents to aiding Japan's plan to conquer the United States.

Obtaining the assignment to Hawaii and North America, Nakamura reported for instruction to Captain Rinzo Kurozaki at the Yokosuka naval base near Tokyo. The history says Captain Kurozaki exclaimed as Nakamura entered his office for the first time: "Here comes the very messenger I desire!"

In their consultations Captain Kurozaki told Nakamura:

"In the course of my military duties I have often been to America and have had familiar chats with our brethren on the Coast there. I learned that all their joys and sorrows, the problem filling their hearts was about the rearing of the second generation, Nisei.

"How can they teach and nourish these in the Imperial

They are for a second front now in western Europe. I feel certain that Russia will be the Pacific war with us.

In Hawaii, Then there is a group which I do not quite go that far, but I believe we should be pally with Americans. Otherwise they will more and will not go into the war.

Hawaii then Still another group gives the first Russians credit for a great Nisei to try any job, but does not trust Butoku-Kai further than you can throw a bled at Sany the tail. They say the Members Nans are the greatest real copies in the world and no matter to memorize for concerts on the boat and in Japan:

"The clash of the fencing sword sounds valiantly, And rings out loud—ya, to, el, el! Forging, burnishing, assiduous! Thoroughly we accomplish our duties to Nippon. The true duties of the citizen of Japanese lineage Make us people of righteousness, And cause the flowers of Jimmu to blossom. Learn it, polish it—the way of the warrior!"

"With the fragrant spirit of Nippon, Cause the roots of the cherry of Japan to spread, Cause the flowers of Jimmu to blossom, The warrior strong in righteousness Was born in the midst of loyalty and filial piety. This precious teaching of our divine ancestors Is nothing other than the way of the sword. Learn it, polish it—the way of the warrior!"

### Add Verse to Make College Anthem

It is recited that the song was sung at the opening ceremonies of the sabotage-espionage school by the young American citizens of Japanese ancestry who had registered for instruction there, and that the composition became the "college anthem" after the following verse had been added:

"Five thousand miles across the ocean, We, citizens of Japanese lineage Who have budded forth on the American continent, Know, though the land is different, the blood is the same—The soul of the land of the Rising Sun. Can it possibly change? Learn and polish the way of the warrior, This is the glory of our divine country, Nippon!"

The history recited that the Butoku-Kai members met difficulties in dissolving the suspicions of some West Coast communities as to the occasion for such large gatherings of Japanese-Americans speaking the Japanese language and wearing Japanese costumes.

Once, at Long Beach, it was necessary for Takejiro Ito, president of the Southern California Central Japanese Association, to make personal calls on municipal authorities to assure them that the meetings were harmless. However, the Butoku-Kai was neglected by American vigilance to such an extent that the editors of Japanese newspapers on the Coast apparently felt secure in reporting the pro-Japan speeches of Japanese-Americans at meetings of the society chapters.

### Prominent in L.A. Civic Movements

In one such speech in 1941, Kazuichi Hashimoto of Los Angeles, president of the Southern California Butoku-Kai, told his "Little Tokyo" audience of Japanese Americans:

"The Japanese empire will soon take top place among the great powers of the world." Hashimoto was prominent in general Los Angeles civic movements. Other leaders of the Butoku-Kai who became well known to American business men and cultural leaders through "goodwill" dinners and civic activities were:

Tokio Shirakawa, president of the Central California League of Butoku-Kai Chapters; Jiro Okada, president of the Northern California League; Juichi Fujimori, president of the San Joaquin League; Etsuhatsu Jumura, president of the Pacific Coast Council of Leagues; Toroku Fujii, chief Southern California fencing master, and Hayata Sukekane, head fencing instructor for the Northern California League.

On a return from one of his many trips to Japan, Nakamura was detained by immigration inspectors at San Francisco, who apparently suspected him as a Japanese agent. But that didn't count for much, because some American citizens on the Coast lent their indorsement to the appeal of the then Japanese Ambassador and Nakamura was freed.

# Full Report of L. A. Church Federation Discloses Plea of Fair Play for Evacuee Group

LOS ANGELES — The Church Federation of Los Angeles issued in July a report to the Dies Congressional committee on its position regarding Japanese Americans and evacuation. The report was published, in abridged form, by the Los Angeles Times on July 30. The Times reported that the Church Federation opposed the return of evacuees to California and favorably commented on that position in an editorial on July 31.

It is reported that the Church Federation, through its executive secretary, Rev. E. C. Farnham, felt that its stand would be subject to misinterpretation through the abridged nature of the Los Angeles Times summary and requested that the Times print the full report.

Declaring that "it had no desire" to create misunderstanding, the Times published the full report of the Church Federation of Los Angeles on Japanese Americans in its issue of August 12. That report stated, in full:

"While we, as churchmen, worked hard during the times of peace to secure an international order which could preserve the peace, we recognize the fact of war and the military necessities incident thereto and are concerned for the quickest success of those efforts by which war may cease.

"Second, regarding the evacuated Japanese, we do not seek nor do we know of any sizable group of people who seek the return of the Japanese to the Pacific Coast during the war. While under the American Constitution except for martial law and military requirements the American-born Japanese probably have legal right to return, we hold that it would be most unwise for them to do so.

"Third, we hold no particular brief for the War Relocation Authority as such, certainly not as a political football; but we have been impressed that its leaders have undertaken to do a constructive job by which to save and encourage the Americanism that existed among the Japanese. We believe that honest evaluation should be made of those policies and procedures and that when found to be good they should not be disrupted for political or ulterior reasons. Particularly, do we believe that criticism or attack on the WRA should not be for the purpose of perpetrating indiscriminating severity of treatment upon Japanese who may be desirous of proving themselves to be good Americans.

"Fourth, we fear that the agitation regarding the American-Japanese is much in excess of the facts; that too much of it arises from a spirit of hatred and racial animosity which is un-Christian and un-American and directly in kind with the sort of thing which we are attempting to curb on the part of the Axis nations. We have suggested, as indicated by attached documents, that there

are organized groups engaged in fostering ill will. We believe such agitation can cause a wasteful diversion of public attention from the more important business of winning the war.

"Fifth, we believe there should be no pampering of our American Japanese people for they must bear the hardships of war along with all the rest but we do not believe that the conditions under which most of them now live can be considered by any stretch of the imagination as pampering. We believe that any other policy which might be based upon animosity, unnecessary harshness, or abridgment of civil rights where there is no military necessity means a disappointing denial of American principles and a deplorable failure to apply Christian and American standards in behalf of a constructive solution of an unhappy situation.

"Sixth, it has been our privilege to know many of the Japanese who are now under evacuation. Many of them have been members of our Christian churches. We know their desire to be worthy citizens of the United States, even on the part of those who were denied citizenship because of our laws. We believe that distinctions can be made (within the requirements of national safety) between the loyal and the disloyal. We believe that a policy of confinement of the suspected disloyal is proper; and that the loyal ones, especially the American-born who are products of our American school system, should be encouraged and aided in finding places in civilian or military life by which to advance their Americanism. We believe that such a constructive policy will reveal that these people have something of value to contribute to our national life and that such treatment will prove an encouragement to peaceful international relations in the future whereas a policy of hatred and harshness will generate bitterness and be a cause for international ill will and future wars.

"Seventh, we have had impressive evidence of a strong antiwar party in Japan prior to the war, led by Christian people; and that these people are praying for the termination of the war and the establishment of an international relation based upon good will and cooperation. We believe that unfounded agitation is shortsighted and detrimental to both the present and the future well-being of our country and to our international relations.

"Eighth, we believe that now is the time for sanity in our approach to this matter. We believe that the government should be diligent in ferreting out disloyalty; but we believe that this process should go on persistently and quietly and without agitation of the public with false issues to the detriment of wartime industry and social well-being. Let us get on with the main job.

"Ninth, we believe that the question of the location whether in California or elsewhere of the American-Japanese should be set aside until war is over and tempers have cooled. It is quite possible that the question will largely solve itself. We know many of these people realized after it was too late that they should not have settled as a group. We believe that a dispersal will take place naturally with each succeeding generation. We believe that an understanding policy, marked by cooperation and appreciation, will produce a solution that will be sound, valuable and happy.

"We urge thoughtful deliberation on these propositions by our fellow citizens. Inflamed passion should not be permitted to lead us into acts which, later, we will regret. We deny that the Japanese race is incapable of civilization. Any shortcoming may be our failure to exercise sound relations with them. Ultimately they must take their place among the United Nations or be permanent outcasts and the standing cause of war. We urge that, even while waging war, we employ those processes by which to speed sound relations, good will and peace."

## SECRET FILES SHOW NIPPON SPY AIMS ON COAST

Papers Reveal Jap-American Openly Participated in Emperor Worship in 1927-31

By Ray Richards

Los Angeles Examiner Washington Bureau

WASHINGTON, Aug. 21.

Secret records stolen by Koreans from the files of pre-war Japanese organizations on the Pacific Coast, showing the high value placed by the Japanese army on espionage activities of Japanese-Americans there, were revealed today by the Sino-Korean People's League.

A chronological program of events for several years preceding Pearl Harbor discloses the extent to which the Japanese-Americans participated in Japan's imperialistic affairs, and indicates the control exercised over the American-born Japanese by West Coast Japanese consulates.

The Sino-Korean Peoples League, which represents an underground movement for Korean independence from Japan, contributed the records to the present movement in Congress and on the Pacific Coast to moderate the virtually unrestricted release of the evacuated West Coast Japanese from the 10 war relocation centers by the War Relocation Authority.

### JAP ESPIONAGE LAUDED

In 1941, as Japan was bringing to completion its plans for the December attack in the Pacific, the imperial Japanese army paid official tribute to the espionage work of West Coast "Nisei"—American-born Japanese, who were at the same time enjoying all the benefits of American citizenship.

The files of a Los Angeles society yielded a confidential army paper, "The Future Road of the Nisei," in which the then chief of staff, General Toku Sugiyama, wrote:

"Many Nisei are returning

(Continued on Page 11, Cols. 1-2)

## Jap Secret Files Reveal Pre-War Espionage in U. S. Extent of Nefarious Nippon Operations in U. S. Unfolded

(Continued From Page One)

to Japan with a mass of material collected in California.

"What they gain and what they do is by no means unimportant. The Nisei have made a significant contribution to Japan, but in many cases these facts must remain hidden.

"At this most crucial moment the Nisei did the work by assuming responsibility as is befitting great patriots.

"In connection with the rapid growth of cultural societies in recent years the Nisei have played an important part through their work as translators, lecturers, travelers and in other more hidden ways.

"The role of the Nisei at the present moment is of utmost importance."

Kilsoo K. Haan, Washington representative of the Korean League, explained that Korean agents were able to join the various societies by virtue of the fact that Korea is a part of Japan, and that the agents then extracted documents from time to time from the secret files and turned them over to

the underground Korean organization.

A chronological list of events between 1927 and 1931 shows West Coast Japanese-Americans participating openly in the emperor-worship embodied in the enthronement of the present Japanese ruler.

But in 1931 Japan began to set the democratic world on the alert through its seizure of Manchuria, and the pro-Japan movement among West Coast Japanese-Americans began to go underground, taking such secret forms of the Botoku-Kai, the North American youth movement of the imperialistic Black Dragon Society.

Investigators for the Dies House committee on un-American activities several months ago acquired lists showing that the Botoku-Kai, which was only one of a number of Japan-sponsored societies of Japanese-Americans on the Pacific Coast, had at least 10,000 members.

In the material disclosed by the Korean League is the text of a Tokyo order whereby, two months before Pearl Harbor, all Japanese-Americans in the United States were notified of their conscription by the Japanese army.

### EMPEROR ALLEGIANCE

This was done on the strength of Japan's claim, despite public assurances otherwise, that all persons of Japanese blood everywhere are subjects of the Emperor.

In actuality, records show that about 75 per cent of the 70,000 west coast Japanese-Americans acknowledged dual citizenship, and in the files revealed by the Koreans is a statement from Tadaaki Izuka, a Tokyo foreign office official, that "Japanese-Americans retain dual status because they love Japan more than the country in which they live."

The records show that when war broke and when west coast Japanese in large numbers were questioned by United States intelligence agents as to their patriotic inclinations, the San Mateo Japanese-American Association in the San Francisco bay region promptly circularized every member with lists of the questions that were being asked, and

the answers they should give.

Despite such organized precautions, however, enough evidence was found to convince the Army that all west coast Japanese, American-born as well as alien-born, should be moved to relocation centers out of the coastal zone of military operations.

The files of all the organizations represented in the documents released by the Korean league show that it was almost mandatory on the Japanese-Americans to attend lectures by propagandists from Japan.

There were widespread celebrations of the emperor's enthronement all along the west coast, the Japanese-American Association of Belmont County, taking pride that it was the largest and contained the most devout ceremonies.

The files of 1929 and 1930, listing scores of Japanese imperialist events in which the Japanese-Americans took an enthusiastic part, are marked by reminders from officers of the societies that no member should overlook additions to the regulations of the Japanese government regarding army conscription. Printed forms were used, citing the latest decrees from Tokyo.

Los Angeles  
Examiner

Aug. 24, 1943

# MEXICO BANS SINALOA JAPS

All Nipponese Must Leave State  
Under New Government Fiat

MEXICO CITY, Aug. 23.—  
(INS)—The Mexican government  
today ordered all Japanese to  
leave Sinaloa.

Instructions were issued to all  
officials in Sinaloa to telegraph  
lists of Japanese in their locali-  
ties and to make it clear no ex-  
ceptions to the order would be  
permitted.

Before Pearl Harbor there  
1000 Japanese in the state. They  
specialized in fishing, in small  
industries and in the practice of  
medicine.

# A Relocation Center Comment: WRA's Segregation Policy Calls for Serious Thinking Regarding Its Ramifications

**Ed. Note:** The following article was written by a former member of a community analyst staff in one of the War Relocation Authority centers, and will prove of interest to all those concerned with the major problems of segregation.

Segregation of evacuees of questionable loyalty at the Tule Lake relocation center will commence in September, it has been announced.

There remains less than a month in which to do some fast and serious thinking. This applies both to the powers that be — WRA officials, project directors and others who will have a hand in directing the process, and the evacuees themselves, who will have to undergo the consequences of whatever bungling they allow by their indifference, apathy and attitude of fatalistic resignation — "shikantagana!"

Officials, however well intentioned, have only partly realized the significance of evacuation, for they have only earned a living by helping the evacuees. They have not experienced the pangs and paths of mass uprooting, nor have they had to live the consequences of their own official gropings. It therefore is natural that these men seem not to have comprehended the motivations underlying the signing for repatriation and expatriation, and the designation of "no" on Question 28. They regard the would-be expatriates and the "no-no" group as people who have "frankly declared their sympathy for Japan or their lack of allegiance to the U. S. . . . whose interests are not in harmony with the U. S."

It is the purpose of the writer to compare WRA reasoning, which crystallized the segregation policy with the evacuee motivations. It is hoped that it will have the effect of clarifying segregation criteria. It is felt that the WRA has consistently failed to tap the greatest source for initiative in the successful planning of relocation by ignoring the evacuee viewpoint in making its blueprints and that to this failure may be traced many of the attendant miseries that were wholly preventable and unnecessary.

The writer therefore recommends that evacuee planning be incorporated in the Tule Lake plan, and that the future residents work out the details for their community while still at their present centers.

It is also to be hoped that in the re-orientation of the new group into Tule Lake, the lessons learned from the experiences of the ten relocation centers can be utilized:

1. Provision for privacy. The worst previous mistake in housing procedure was the failure to recognize the evacuees as beings with human sensitivities.

2. Provision for social needs. Adequate provisions must be made for the social needs of the residents.

3. Preservation of social ties. Who are to occupy Tule Lake?

The writer recommends a re-examination of the WRA thesis upon which segregation is based. An over-all superficial and erroneous presumption will lead to many further mistakes and bungling. To the thousands who, denied American citizenship, still preferred American residence and American ideals, the signing for repatriation was not and is not a "frank declaration of sympathy for Japan and lack of allegiance to the U. S." Had that been the case, so many thousands would not have been caught here in the wake of war with farms, businesses, homes and grown-up nisei children.

To many nisei the signing for expatriation and "no" on 28 does not mean aversion to the American way of life.

Then what did they mean? What is the significance of the many new sign-ups following announcement of segregation?

A subjective analysis of underlying motivations appears prudent as well as necessary. Let the WRA official imagine himself wearing the evacuee's abrasive, ill-fitting new shoes called "relocation." Then only can he recapture something of the turmoil, the conflict and the perplexities of the mental processes that finally settled into the decision for repatriation. Then only can he realize that the evacuees were told to choose between the relocation way of life for the duration, and an early escape to the Japanese way of life.

The feeling of deep suspicion toward these signers vanishes as he realizes that:

1. Signing for repatriation signifies not an aversion to the American way of life, but to the relocation way of life, to being corralled with strangers in subgarage quarters, to inadequate subsistence, health and educational facilities.

2. It signifies a desire to escape this relocation way of life, to salvage years of deterioration under these conditions.

3. It signifies a desire for economic gain.

4. Signing for expatriation by the nisei signifies the feeling of futility regarding their future in America, and not a preference for the Japanese way of life. This futility has been fed by several factors—abrogation of civil rights in forced citizen evacuation, doubt as to the meaning of American democracy for the colored races.

How then can we account for the large number who have not retracted their desire for repatriation since the opening of settlement possibilities? True this change in policy brought a wave of satisfaction. But these people had oriented themselves into thinking that there was no future in America. Then as the possibilities in resettlement became greater, the flare of anti-Japanese sentiment burned out their hope of successful resettlement. This sentiment was intensified by various events: indignation over the execution of the American flyers in Tokyo; the Phoenix anti-race antagonism, culminating in the 3-day anti-trading law; the back-firing besmirching of the evacuees by disgruntled former WRA employees; the race riots in Detroit; and the Dies Committee distortions.

All these incidents had the cumulative effect of stifling rising hopes, of crystallizing seeing doubts to a resignation to try to make the best of life in Japan, for there seemed to be no future in America. This is certainly not a decision of sympathy for Japan.

The majority of these signers, WRA-designated as disloyal, are then, in the main, Americans at heart and very much Americans in thought. How can we separate these from the small minority whose loyalties pulsate with Japan? The listing of the non-American residents, such as tourists and students, etc., is simple.

Segregation as a basic policy is sound. It serves to further the national interest as well as the evacuee interest. It facilitates evacuee acceptance into new communities, and thereby accelerates the rehabilitation of evacuee life and morale. Meanwhile the incapacity of a group of older issei and the very young nisei to resettle should be recognized. Moreover, we must discourage their living too closely with persons whose sufferings have been too great, or whose disillusionment so extreme as to make their resentments demoralizing to those who come in contact with them.

The segregation of these people, then, appears to be the specific task confronting the WRA. The wisdom of moving the entire group of those who have designed a desire for expatriation or repatriation should be re-considered. Mothers know the psychological effect of labeling a child a "bad boy." The WRA ought not designate as "disloyal" the entire group of expatriates and repatriates.

## Military Right of Arbitrarily

dict Overrules Army  
clusion Order On  
man American

PHILADELPHIA — Federal J. Curren Ganey ruled on Aug. 20 that military authorities under present circumstances, may have the right arbitrarily to remove persons from defense areas on grounds that they might be potentially dangerous to national defense, the Associated Press learned.

Ganey's decision, believed the first of its kind by any Federal Court, overruled a military exclusion order issued by Lieut. Gen. Hugh R. Drum, commanding general of the eastern defense command, excluding Mrs. Olga Schueller, 53, a naturalized citizen of German birth, from the Third Corps area. Mrs. Schueller, a Philadelphia insurance agent, has lived in this country for 33 years. She has a son in the Navy. Her counsel contended that Gen. Drum's order was unconstitutional because it deprived her of a jury trial.

Ganey, in a decision for instance, told a State Senate committee that he had letters from three organizations informing him that their members are pledged to kill any Japanese who are in California, now or after the war. (Project Director Ralph P. Merritt announced recently to block managers that he had personally asked the FBI to investigate Howser's homicidal organizations. — Ed note.) This would, of course, include soldiers of Japanese race in the American army, now fighting for America in Italy, and some who have been decorated for heroic service against Japan in the South Pacific.

"That there are such persons, who say such things, nobody questions. There is always talk of mob violence in times of excitement. But it ought not to be sanctioned, even by inference, from a sworn officer of the law, whose first duty is to cooperate with the enforcement of that law, especially on persons who wish and threaten to violate it."

### ANSWER TO LEGION

"The American Legion Monthly has also published an article full of misinformation, to which Professor Glenn Hoover of Mills College, himself a legionnaire, has submitted a reply.

1. The statement that "the Japanese are the only nationality to establish a dual citizenship" is completely erroneous. Many governments, including our own, have such a law, and the Japanese one is more liberal than most of the European ones.

2. Settling Japanese in the sparsely settled western states might be dangerous because "there will be no vested powers" (Continued on Page Two)

### Rowell Discusses

(Continued from Page One)

in these regions to discriminate and restrict—hold the race in "Little Tokyos"—as there was in California." There are no such "vested powers" in California, either, to do it by law.

3. The Japanese "gardens" near war industries in southern California were all there long before these industries, and were located for quite other reasons.

"This is not so much to discuss the particular issues as to protest against discussing them untruthfully and lawlessly. . . anyhow, if we must differ, let us at least tell the truth."

1943

Los Angeles  
**Times**  
**Black Dragon**  
August 24, 1943  
**Japs Freed,**  
**Inquiry Finds**

WASHINGTON, Aug. 23. (AP)—A subcommittee of the House Committee on Un-American Activities reported today that the War Relocation Authority had released 23 members of the Butokukai which the Congressional group described as a subversive youth section of the Black Dragon society of Japan.

The report declared the Butokukai sought "to enhance the spirit of Japanese military virtue," and that before Pearl Harbor Japanese army and navy men came to this country to instruct 10,000 members "in the military arts."

### Accused of Failure

W.R.A. was accused also of failure to "exercise proper safeguards both for the national security and for the thousands of loyal Japanese as well."

The subcommittee, headed by Representative Costello (D., Cal.), called for a program of "segregation, investigation and Americanization" in dealing with these people in war time.

The report said Japanese were being released by W.R.A. without adequate checks on their loyalty to the United States, and said that "certainly there exists within the War Relocation Authority a complete lack of familiarity with the subversive Japanese organizations."

### Urge Segregation

Terminating a long investigation, which took it recently to California, the committee made these recommendations:

"1—That the W.R.A.'s belated announcement of its intentions of segregating the disloyal from the loyal Japanese in the relocation centers be put into effect at the earliest possible moment.

"2—That a board composed of representatives of the War Relocation Authority and the various intelligence agencies of the Federal government be constituted with full powers to investigate evacuees who apply for release from the centers and to pass finally upon their applications.

"3—That the War Relocation Authority inaugurate a thorough-going program of Americanization for those Japanese who remain in the centers."

Dillon S. Myer, Director of W.R.A., it said, "himself appears to be typical of total neglect to enlist an administrative personnel which possessed any degree of expertness or experience which would qualify them to handle 106,000 persons of Japanese ancestry."

They are welcomed, honored, congratulated.

"It isn't hard to understand. Politicians cater to them for votes. Would-be critics are frightened off by the Legion's loudly proclaimed patriotism. But it is high time for citizens who have the intelligence to see what this organization is and the courage to call it by its name, to speak up in protest against the fascist principles the American Legion is airing in the name of Americanism."

## Daily Calif Region With

Student Publication  
Prints Blunt Editor  
On Veterans' Group

SAN FRANCISCO — California, University of California student publication editorial on Fascism, bigotry.

Under the heading "I've Said IT," the editorial excerpts of speeches during the course of an American Legion state conference.

Governor Warriner and Commander Roane Warriner.

Under a subhead, "I've Said IT," the editorial declared:

"The intolerant bigotry of these states prominent American are fair warning. We believe in Americanism, but we believe in Americanism as potentially dangerous. It has often been said that Fascism comes to the United States it will be called Americanism."

"Newspaper reports of the San Francisco convention reveal that this militant, well organized political and economically influential and purportedly 100 per cent American organization contains the seeds of Fascism."

"The group in control has laid down a policy which is rampantly nationalistic; intolerant of other nations and other people; intolerant of other people; intolerant of other people."

## Country

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# Rowell Discusses West Coast Exclusion Proposal

Columnist Chester Rowell of the San Francisco Chronicle wrote in his column on October 21 a discussion of various phases in the Japanese problem on the west coast. Rowell is a member of Pacific Coast Committee on American Principles and Fair Play. Following are excerpts from his column entitled, Fantastic Bugaboos in Japanese Discussion:

"The bugaboo regarding a non-existing movement to reverse the military policy of excluding Americans of Japanese ancestry from this military district until after war, bobs up now in very much worse forms.

## KILLERS

"District Attorney Fred N. Howser, of Los Angeles, for instance, told a State Senate committee that he had letters from three organizations informing him that their members are pledged to kill any Japanese who are in California, now or after the war. (Project Director Ralph P. Merritt announced recently to block managers that he had personally asked the FBI to investigate Howser's homicidal organizations. — Ed note.) This would, of course, include soldiers of Japanese race in the American army, now fighting for America in Italy, and some who have been decorated for heroic service against Japan in the South Pacific.

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(Continued on Page Two)

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"This is not so much to discuss the particular issues as to protest against discussing them untruthfully and lawlessly... anyhow, if we must differ, let us at least tell the truth."

# Federal Judge Rules Military Does Not Possess Right of Excluding Citizens Arbitrarily

Verdict Overrules Army Exclusion Order On German American

PHILADELPHIA — Federal Judge J. Curren Ganey ruled on August 20 that military authorities, under present circumstances, do not have the right arbitrarily to exclude persons from defense areas on the grounds that they might be potentially dangerous to national defense, the Associated Press reported.

His decision, believed the first of its kind by any Federal Court in the United States overruled an order issued by Lieut. Gen. Hugh A. Drum, commanding general of the eastern defense command, excluding Mrs. Olga Schueller, 53, a naturalized citizen of German birth, from the Third Corps area.

Mrs. Schueller, a Philadelphia restaurant proprietor, has lived in this country for 33 years. She has a son in the Navy. Her counsel contended that Gen. Drum's order was unconstitutional because it deprived her of a jury trial.

# Oregon Legion Asks Deportation Of "Japanese"

Waring Opposes Move To Repeal Chinese Exclusion Legislation

BAKER, Ore. — Opposition to the return of persons of Japanese ancestry during the war to the west coast evacuated areas was expressed in a resolution adopted on August 20 by the Oregon department of the American Legion at its annual state convention.

Roane Waring, national Legion commander, was the main speaker at the convention.

Waring declared at the convention that he opposed the repeal of the Chinese exclusion law.

Waring was quoted as declaring that it would be a mistake to open the gates under the influence of a "little war enthusiasm."

After hearing Waring, the Oregon American Legion advocated deportation of all persons of Japanese ancestry after the war.

The Oregon resolution also proposed legislation permanently barring United States citizenship to "Japanese."

Another resolution commended General DeWitt for evacuating Japanese and Japanese Americans from the west coast.

# Daily Californian Charges Legion With Fascism, Bigotry

Student Publication Prints Blunt Editorial On Veterans' Group

SAN FRANCISCO — The Daily Californian, University of California student publication, in a blunt editorial on August 18, challenged the American Legion with Fascism, bigotry and intolerance.

Under the heading "They Actually Said IT," the editorial quoted excerpts of speeches delivered during the course of the recent American Legion state convention by Governor Warren, National Commander Roane Waring, State Commander Lean Happel and others.

Under a subhead, "Here's What We Say," the Daily Californian's editorial declared:

"The intolerant bigotry and emotionalism of these statements by prominent American Legion officials are fair warning to all who believe in American principles that the American Legion is a potentially dangerous organization

"It has often been said that if Fascism comes to the United States it will be called Americanism . . .

"Newspaper reports of the San Francisco convention reveal that this militant, well organized politically and economically influential and purportedly 100 per cent American organization contains the seeds of Fascism.

"The group in control has laid down a policy which is rampantly nationalistic; intolerant of other nations and other people; intolerant of minorities within the

United States; lacking in regard for the rights of citizens and strongly emotional in its approach to social and political problems.

"It has left no doubt about the part it expects to play in the formation of American policies after the war . . .

"From newspaper accounts we learn Legionnaires have demonstrated they will hinder collaboration with our present Allies after the war. 'I am not willing for the British Commonwealth of Nations or Soviet Russia or poor China or any other foreign nation to sit in any council that says my son or grandson will go out to be shot,' declared Waring. 'That is for America to decide. If anything goes wrong, we'll step out as America, and fix it.'

"Nationalism, national egoism and distrust of Allied nations cannot be more strongly expressed.

"We look in vain in newspapers for criticism of the Legion. Instead we find statements in praise of the Legionnaires by public officials. Everywhere they are welcomed, honored, congratulated.

"It isn't hard to understand. Politicians cater to them for votes. Would-be critics are frightened off by the Legion's loudly proclaimed patriotism. But it is high time for citizens who have the intelligence to see what this organization is and the courage to call it by its name, to speak up in protest against the fascist principles the American Legion is airing in the name of Americanism."



# Military vs. the Constitution Validity of Military Rulings on Nisei Face Reconsideration As War Situation Changes

By A. L. Wirin,  
Special Counsel of the JACL and the American Civil Liberties Union

The current campaign, on the one hand, by the race-baiting and self-serving economic pressure groups that the handling of the problems of American citizens of Japanese ancestry be turned back to the military authorities, and the continuing insistence, on the other hand, of the American Civil Liberties Union that the military be given no authority to evacuate citizens, except upon a hearing consistent with due process of law, make timely a consideration of the traditional American dividing line between military power and civil authority.

The position of the A. C. L. U. is clear. Thus in its current annual report, the A. C. L. U. declared that "except in cases of immediate emergency, the necessity of such removals (of citizens deemed to be "potentially" dangerous) should be determined by civilian authority." Hence the Union "took the position that it would oppose removals by military authorities, all mass evacuations, detention after evacuation, and all unreasonable infringements of what was conceded to be an underlying constitutional right. Nothing that has been done under the President's proclamation of Feb. 19, 1942 has received the Union's support, neither the mass evacuations of the population of Japanese blood, nor the system of individual removals by military authorities."

The A. C. L. U. position seems to be amply supported by the decisions of the Supreme Court — at least in the opinions of the court prior to the upholding of the military curfew orders on the Pacific coast as affecting American citizens of Japanese ancestry. The Supreme Court decisions will now be considered chronologically.

In an early case (1851), the Supreme Court upheld a judgment assessing over \$90,000 against a military officer for unlawful seizure of property, made during the war between the United States and Mexico. The court laid down the rule that "the danger must be immediate and impending; or the necessity urgent for the public service, such as will not admit of delay, and where the action of the civil authority would be too late in providing the means which occasion calls for," before military power may be exercised.

The next (1865) historic consideration of the constitutional limits upon military authority is found in the famous and oft-quoted Milligan case. Upsetting a court martial sentence imposed upon Milligan during the Civil War, the Supreme Court had this to say: "By the protection of the law human rights are secured; withdraw that protection, and they are at the mercy of wicked rulers, or the clamor of an excited people."

"Time has proven the discernment of our ancestors; for even these provisions, expressed in such plain English words, that it would seem the ingenuity of man could not evade them, are now, after the lapse of more than seventy years, sought to be avoided. Those great and good men foresaw that troublesome times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril, unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future. The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of gov-

ernment. Such a doctrine leads directly to anarchy or despotism."

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

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

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

The third important Supreme Court opinion dealing with the authority of the military was in 1921. It did not concern a war situation, but dealt with the declaration of martial law by the Governor of Texas. The acts of the Texas Governor were held by the court to be a violation of the Constitution. The court reaffirmed the rule that "what are the allowable limits of military discretion, and whether or not they have been overstepped in a particular case are judicial questions." It held that there is "no avenue of escape from the paramount authority of the Federal Constitution."

In the present war, on the occasion of upholding a court martial trial in the nazi saboteur case, the court made it clear that "we are not here concerned with any question of the guilt or innocence of petitioner. Constitutional safeguards for the protection of all who are charged with offenses are not to be disregarded in order to inflict merited punishment on some who are guilty."

The most recent views of the Supreme Court are to be found, of course, in the decision of the court, handed down the last day of the term of the court just concluded, sustaining the authority of the military to issue curfew orders and applying such orders to American citizens.

The court used unusually (and regretably) broad language in deciding a narrow issue. The limited issue determined by the court was the constitutionality of the curfew orders — not the validity of the exclusion orders; the broad language used reads, "Since the Constitution commits to the Executive and to Congress the exer-

cise of the war power in all the vicissitudes and conditions of warfare, it has necessarily given them wide scope for the exercise of judgment and discretion in determining the nature and extent of the threatened injury or danger and in the selection of the means of resisting it. Where, as they did here, the conditions call for the exercise of judgment and discretion and for the choice of means by those branches of the government on which the Constitution has placed the responsibility of war-making, it is not for any court to sit in review of the wisdom of their action or substitute its judgment for theirs."

A protest to the use of such broad language was voiced by Justice Rutledge; he objected to the "suggestion, if that is intended, that the courts have no power to review any action a military officer may 'in his discretion' find it necessary to take with respect to civilian citizens in military areas or zones." He agreed that a military officer must have wide discretion, but concluded that "it does not follow there may not be bounds beyond which he cannot go and, if he oversteps them, that the courts may not have power to protect the civilian citizen."

Justice Murphy in a great concurring opinion, agreed with the court's conclusions but insisted that "the broad guarantees of the Bill of Rights and other provisions of the Constitution protecting essential liberties are . . . not . . . suspended by the mere existence of a state of war. It has been frequently stated and recognized by this court that the war power, like the other great substantive powers of government is subject to the limitations of the Constitution. We give great deference to the judgment of the Congress and of the military authorities as to what is necessary in the effective prosecution of the war, but we can never forget that there are constitutional boundaries which it is our duty to uphold."

These dissenting views, though voiced in opinions nominally described as "concurring," find ample historical support.

Thus, the insistence that the military be subordinate to the civil authority has deep historical roots. The English Petition of Rights (1628), contained a protest that "great companies of soldiers and mariners have been dispersed into divers Counties of the Realm . . . against the Laws and Customs of this Realm." The English Bill of Rights, (1789), declared "That the raising or keeping a Standing Army within the Kingdom in Time of Peace, unless it be with Consent of Parliament is against Law." The Colonial states, when they adopted the Constitution, in most instances provided expressly for the subordination of the military to the civil power. The clause in the Maryland Constitution (1776) is typical: "That in all cases, and at all times, the military ought to be under strict subordination to and control of the civil power." The United States Constitution lodges in Congress the power "to raise and support Armies" and "to make Rules for the Government and Regulation of the land and naval Forces."

As Judge Bert Haney, in a noteworthy dissenting opinion questioning the authority of the military to suspend the writ of habeas corpus in the Hawaiian Islands, put it: "There can be little question but that the army is subordinate to the law."

Even as to martial law, it seems well established that the mere formal declaration of martial law does not subject all the liberties of all the people to the arbitrary authority of the military. Thus there is no express provision in the Constitution for martial law. Judge Haney rightly rejects "the view of

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## A. L. Wirin: Military Vs. Constitution

(Continued from page 5)

some, that the army, by a declaration of martial law, could by that simple expedient, deprive all people under its control of all liberties."

Martial law, as the exercise of all military power, is within the Constitution when its invocation finds support in actual military necessity. It has been stated that: "martial law is the law of necessity, as necessity creates the rule, so it limits its duration."

Accordingly, in upholding the curfew orders, the Supreme Court did so, narrowing its decision by making it clear: "We decide only that the curfew orders as applied, and at the time it was applied, was within the boundaries of the war power," as exercised by the military commander.

Conclusion  
Are the military curfew orders as applied to Japanese American citizens of martial law? This has been decided by a unanimous Supreme Court.

Are the military exclusion orders, as distinguished from the curfew regulations, as affecting American citizens of Japanese descent, also valid?

More importantly, is detention, as distinguished from both curfew and exclusion orders, in Relocation Centers, of American citizens with Japanese faces, lawful?

If "military necessity," is the judicial yardstick to measure the extent of military power, is there such an urgent military necessity at the present time to warrant continuing to exclude, despite our rapidly improving military fortunes, from the entire Pacific Coast, all American citizens whose parents happen to have been born in Japan? Or is such present exclusion due to race prejudice engendered and fanned by race-baiting self-interest pressure groups?

Additionally, are the individual military exclusion orders as applied to American citizens, violative of Constitutional rights?

Finally, even though martial law has been declared in the Hawaiian Islands, is the continued detention by the military authorities of American citizens on the Islands valid? And collaterally, is the continued suspension of the writ of habeas corpus in the Hawaiian Islands warranted in law and within the Constitution?

The American Civil Liberties Union is sponsoring or cooperating in cases designed to secure from the Supreme Court of the United States, for the American people, an early answer to these important questions.

As affecting American citizens of Japanese ancestry, the Japanese American Citizens League is sponsoring the preparation of a series of test cases.

TAH, THROUGH  
**Dies S  
Rep. I**

It is worthy released on both sides. The committee has been told subcommittee

WASHINGTON War Relocation Authority "guards" for the camps brought a report by S. Myer.

"We have released the record.

"We let the record stand for itself. There now are no more seasonal and indefinite leave from the relocation there has been no single report of a subversive act of them."

Myer also denied committee charges that the WRA has cultural ties with Japan" among the evacuees, number 106,000, declaring that on the contrary an Americanization is already under way in the camps.

WASHINGTON — The Costello subcommittee

committee reported Monday that the War Relocation Authority had released 23 alleged members of the Butoku-kai congressional group described, according to the Association as a "subversive youth section of the Black Dragon Japan."

(The Butoku-kai was a west coast organization devoted interest in "kendo," a Japanese fencing sport.)

The Costello subcommittee report declared the group sought to "enhance the Japanese military virtue before Pearl Harbor by army and navy men called to instruct '10,000' in the 'military art'."

The WRA was accused of failure to "exercise proper supervision of the national guards for the thousands of Japanese as well."

The subcommittee charged the program of "segregation and Americanization" dealing with Japanese in wartime.

The report said even being released from WRA without adequate checks for loyalty to the United States said that "certainty within the War Relocation Authority a complete loyalty with the subversive organizations."

Terminating its investigation, the committee recommended that the WRA be reorganized.

"I. That the WRA be reorganized so that it segregating the disloyal Japanese in the centers be out into the earliest possible date. WRA is already employing

(Continued on page 7)

**Japs Shouldn't Return**  
I was very much surprised when I tuned in the news and heard that at a Los Angeles City Council meeting, someone had the nerve to suggest that the Japs be permitted to return to the Pacific Coast and also that a law be passed so that anyone harming them be severely punished.  
To my way of thinking, no stay-at-home civilian should have anything to say as to whether they be allowed to return or not. It should be left to the service men who had to fight them and to the parents of the boys who did not come back. They are the ones who should decide.  
If I had a vote in the matter, my vote would be to return them all to Japan, because they will have plenty of work to keep them busy for years trying to get it to look like it did before America got mad.  
MRS. THOMAS P. HEFTER  
Compton, Cal.

## Costello Issues Report On Investigation

(Continued from page 5)

program of segregation announced dates from the center at Newell.

"2. That a body of representatives of the various interests of the federal government be constituted with full authority to investigate evacuation release from the camps finally upon the basis of such a report. (Such a Japanese American

## U. S. Sailor Sends Plea For Nisei from Overseas Front

From somewhere in Africa, where he is part of the huge Allied forces actively engaged in trying to win democracy for the world, an American sailor, Steve Anderson, recently found time to send a plea for democracy in America in the treatment of Japanese Americans.

The plea was in the form of a letter to the editor of the Portland Oregonian, and was published in the July 27 issue of that newspaper.

The letter stated: "Recently in copies of Oregon papers I have been able to read I noticed speeches by ex-Congressman Walter Pierce giving the American Japanese holy ned. I have a healthy distaste for such stuff no matter how sincere. It is dangerous. As one who is pretty much in the war, I resent it; I went to college and had the good fortune to know well there some very fine Americans of Japanese ancestry."

"Our lackadaisical attitude toward politics has made it impos-

sible for men who have such attitudes to get by in public affairs, to the consequent loss of the United States. Unless I miss my guess his type is going to be replaced by younger men who will call a spade a spade even though it doesn't get votes. The fact is that many American-born Japanese have been a great asset to America, that they wish to be accepted and treated as Americans, that they are very gracious, honest and industrious human beings. Anyone who has associated closely with them knows this.  
"I hope the people of Oregon will take such speeches with a grain of salt. I am not worried about finally whipping the tar out of Germany and Japan. I am deeply concerned, however, that we have men of understanding and ability sufficient to deal with the problems we will face when the war is over. Let's have a new class of politicians. (S) STEVE ANDERSON  
(Somewhere in Africa). Navy 72, Fleet P. O. New York City

# Dies Subcommittee Prejudiced, Rep. Eberharter Challenges

## Congressman Decries Attacks On War Relocation Authority In Costello Group's Report

Minority Member of Investigating Committee Files Report Declaring Evidence "Completely Rebutted" Criticisms Voiced at Hearings

WASHINGTON — Charging the Dies subcommittee with "prejudice," Representative Eberharter, D., Pa., came to the defense of the War Relocation Authority Wednesday with a declaration that most of the statements in the house subcommittee's report on the handling of Japanese Americans, "are not proven."

The Pennsylvanian, dissenting member of a three-man Dies subcommittee on un-American activities, issued a minority report describing the recommendations of his two colleagues, Chairman Costello, D., Calif., and Representative Mundt, R., S. D., as "feeble" and "meaningless."

Moreover, Eberharter said one evidence "completely rebutted" charges that the Japanese were getting more and better food than the average American.

Asserting food costs in the relocation centers averaged only about 40 cents a day per person, Eberharter expressed the opinion that the WRA, considering the difficulties involved, had acted "efficiently and capably."

"I think it is better to let the War Relocation Authority carry on unhampered by unfair criticism," he added.

Commenting on the charge in the majority report that the WRA has released 23 members of the "Butoku-kai," Eberharter said:

"It is worthy to note that of all the evacuees who have been released on both seasonal and indefinite leave by the WRA, numbering more than 15,000, no report of disloyalty or subversive activity has been made to the authority of this committee (Costello subcommittee of the Dies committee.)"

WASHINGTON — Charges by the Dies subcommittee that the War Relocation Authority had neglected to exercise "proper safeguards" for the national security in releasing evacuees from its camps brought a prompt denial Tuesday from WRA Director Dillon S. Myer.

"We have released no dangerous subversives," Myer told newsmen.

"We let the record stand for itself. There now are 18,000 persons on seasonal and indefinite leave from the relocation centers and there has been not a single report of a subversive act by any one of them."

Myer also denied committee charges that the WRA had "promoted cultural ties with Japan" among the evacuees, numbering about 106,000, declaring that on the contrary an Americanization program is already under way in the camps.

WASHINGTON — The Costello subcommittee of the Dies committee reported Monday that the War Relocation Authority had released 23 alleged members of the Butoku-kai, which the congressional group described, according to the Associated Press, as a "subversive youth section of the Black Dragon society of Japan."

(The Butoku-kai was a west coast organization which promoted interest in "kendo," a Japanese fencing sport.)

The Costello subcommittee's report declared the Butoku-kai sought to "enhance the spirit of Japanese military virtue," and that before Pearl Harbor Japanese army and navy men came to this country to instruct "10,000 members" in the "military arts."

The WRA was accused also of failure to "exercise proper safeguards for the national security and for the thousands of loyal Japanese as well."

The subcommittee called for a program of "segregation, investigation and Americanization," in dealing with Japanese Americans in wartime.

The report said evacuees were being released from WRA centers without adequate checks of their loyalty to the United States, and said that "certainly there exists within the War Relocation Authority a complete lack of familiarity with the subversive Japanese organizations."

Terminating its long investigation, the committee made these recommendations.

"1. That the WRA's belated announcement of its intentions of segregating the disloyal from the loyal Japanese in the relocation centers be out into effect at the earliest possible moment. (The WRA is already embarked on a (Continued on page 2)

### Japs Shouldn't Return

I was very much surprised when I tuned in the news and heard that at a Los Angeles City Council meeting, someone had the nerve to suggest that the Japs be permitted to return to the Pacific Coast and also that a law be passed so that anyone harming them be severely punished.

To my way of thinking, no stay-at-home civilian should have anything to say as to whether they be allowed to return or not. It should be left to the service men who had to fight them and to the parents of the boys who did not come back. They are the ones who should decide.

If I had a vote in the matter, my vote would be to return them all to Japan, because they will have plenty of work to keep them busy for years trying to get it to look like it did before America got mad.

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Compton, Cal.

### Costello Group Issues Report On Investigation

(Continued from page 1)

program of segregation and has announced dates for movements to and from the new concentration center at Newell, Calif.)

"2. That a board composed of representatives of the WRA and the various intelligence agencies of the federal government be constituted with full powers to investigate evacuees who apply for release from the centers and to pass finally upon their applications. (Such a board, the Joint Japanese American Board, has been in existence in Washington for the past year. At the present time its work consists of investigation and the granting of clearances to evacuees for residence in the eastern defense command and for vital war plant work.)

"3. That the WRA inaugurate a thorough-going program of Americanization for those evacuees who remain in the centers."

The Costello subcommittee's report was signed only by Representatives Costello and Mundt, with Rep. Eberharter, the third member, dissenting.

The recommendations were based on information developed by James E. Stedmen, Los Angeles representative, and Robert E. Stripling chief investigator for the Dies committee.

Rep. Costello, however, rejected in an accompanying statement, the idea that relocation camps should be put under Army jurisdiction and protested any new inquiry before segregating the evacuees.

The War Department, "has a sufficient burden in effectively conducting the war," Costello said.