

Judge Metzger Rules Against Martial Law in Hawaii Isles

Loyalty of Territory's Japanese Americans Cited at Trial

HONOLULU, T. H. — Letters from military intelligence, declaring that persons of Japanese ancestry did not engage in "sabotage in any form before, during and after" the Dec. 7 attack on Pearl Harbor were introduced in federal court here last week to support the argument of Garner Anthony, counsel for Lloyd C. Duncan in a case challenging the martial law status of Hawaii.

(In a decision issued on April 13 Judge Delbert C. Metzger ruled that Hawaii is not in imminent danger of invasion or rebellion and declared in a strongly-worded habeas corpus decision that martial law "no longer exists" in the territory. Judge Metzger ruled that the office of military governor was created unlawfully, and has no lawful authority over the affairs of civilians in Hawaii.

(A spokesman for Lieut. Gen. Robert C. Richardson, military governor, said that the War Department will secure an immediate appeal of the Duncan case and pending a decision of the highest courts will function as usual. The apparent defiance of Metzger's order was believed certain to result in a contempt citation for Richardson.

(In testimony before Judge Metzger last week military and naval representatives cited the presence of 165,000 persons of Japanese ancestry in Hawaii as a reason for the continued necessity for martial law.)

Anthony, who seeks freedom for Duncan on a habeas corpus writ, contends that Hawaii no longer is a combat area and martial law is unnecessary.

Duncan, a shipyard worker, was arrested following an altercation with sentries.

A Justice Department official, in supporting the contention for the necessity of martial law, has cited the fact of the presence of 160,000 persons of Japanese ancestry in Hawaii as a reason for the need for continued army rule. It was believed here that the introduction of evidence that there was no sabotage committed by persons of Japanese ancestry was an effort on the part of Duncan's counsel to counteract the military's statement.

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West Coast

Evacuees Sons Other Than "Fortune"

Area to be Closed, Hate Campaign Says Article

San Francisco — Admiral Thomas C. Hart, U. S. N., retired, declared here Wednesday on his return from Hawaii where he has been investigating military preparedness in Hawaii at the time of Pearl Harbor that he did not uncover any evidence that would indicate sabotage or espionage in Hawaii on Dec. 7, 1942.

Admiral Hart obtained testimony from officers throughout the Pacific battle zone regarding the Japanese attack on Pearl Harbor. He denied emphatically that drunkenness played a part in Hawaii's inadequate defense on Dec. 7.

Commenting on rumors regarding the Pearl Harbor attack, Admiral Hart said: "I think that, like any other important event, the attack on Pearl Harbor became well plastered with cock and bull stories."

Rumors of sabotage by Japanese Americans at Pearl Harbor were given wide circulation on the west coast.

Admiral Hart also described as "untrue" the numerous stories of highly organized and supremely ingenious Japanese espionage in Hawaii.

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Admiral Hart Finds No Proof Of Sabotage at Pearl Harbor

Denies Drunkenness Played Part in Inadequate Defense

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JAPS' RETURN TO STATE SEEN

Aliens Hope to Earn More Pay Here, Says Utah's Governor

No matter what the wishes of Californians may be, the hordes of "relocated" Japs intend to flood back into this state as soon as conditions permit.

That prediction was made yesterday by Governor Herbert B. Maw of Utah, who arrived at the Hotel Clark with Mrs. Maw for several days' stay.

Reporting on a survey among the 18,000 Japs now in Utah Governor Maw said:

"In our state, agriculture is by irrigation and is difficult. The Japs prefer the easy agricultural conditions of your state.

"Furthermore, California is where they made their money and hope to make a lot more



VISITOR — Governor Herbert B. Maw of Utah, who arrived in L. A. yesterday with Mrs. Maw for a short visit. He predicts hordes of "relocated" Japs intend to return to California.

—in the camp near Delta are some Japs worth several hundred thousand dollars and several with more than a million."

DON'T WANT THEM

The executive concluded by expressing the general sentiment among Western governors:

"You can have them back. We don't want them."

As compared to a prewar 2500, there are now 10,000 Japs in camps in Utah, and another 7500 "at large," he said.

Governor Maw, a Democrat and chairman of the Governors Association of the United States, urged that the West form an united front in a bid for adequate industrial development when the war ends. He was a prime mover in forming the Association of Western Governors a year ago.

He pictured the area as if "politically forgotten" because he said, "the sparse population of most Western states are many American citizens are violating rationing regulations," the Telegram observed.

"But those Americans who do so are not considered patriotic, loyal Americans. Rationing offers Japanese a splendid opportunity to demonstrate their loyalty and patriotism — even to the point of showing up other Americans — by going all the way in accepting wartime limitations and cooperating to the fullest extent in every phase of the nation's effort to insure victory."

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Church Leader Asks Fair Play For Evacuees

NEW YORK — Fair play for Japanese Americans is demanded by the Rt. Rev. Henry St. George Tucker, presiding bishop of the Episcopal Church in an appeal this week to members of his church and to all Christian people.

"The 130,000 Japanese in the continental United States are residents of this country," Bishop Tucker said, "and entitled to the same rights and privileges guaranteed to those who claim this land as their home. Seventy thousand of them are American citizens, born under the American flag, educated in American schools and loyal to the American cause.

"There is Japanese American blood being shed along with other American blood on the European battle front. There are Japanese American lives being laid down beside other American lives in that same area. My personal knowledge of many of them, and the reports I have received concerning others, convince me that the vast majority of them are thoroughly loyal to America.

"The contributions of Japanese Americans, both alien and citizen, to industry and agriculture is limited only by their opportunity to work and to serve. Bigotry and ignorance and race prejudice in some quarters have made it difficult for them to give the full measure of service they are willing and able to render. The resettlement program of the War Relocation Authority should have the support and encouragement of every thinking American.

"Any Japanese American not now interned, free to seek employment, or already employed, may safely be regarded as an ally and a friend, and should be so regarded and received. Anything else than this, or less than this, is contrary alike to the spirit of American Democracy and to the tenets of our Christian faith."

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The letter declared that "it made our blood boil" to read some of the letters submitted to the Register from Iowa readers.

The letter was signed by the following: Staff Sgt. Edward G. Schoa, Pvt. Harold Zollner, Sgt. Harold Knude, Sgt. Harold Kerch, Pl. Robert Howell, Staff Sgt. George R. Vipoud, and T5 Harold A. Allen of Kansas.

News reports from Italy have noted that the 100th Infantry Battalion, composed mainly of Japanese Americans from Hawaii, has been fighting as a unit of the 34th Division, made up of national guard companies from Iowa, Minnesota and North and South Dakota.

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and that they agreed that Okamoto's attitude towards the soldier from the first had been "sarcastic" and "belligerent."

Tokyo Considers Slaying 'Very Serious'

LONDON, May 26.—(P)—The German radio today quoted Tokyo as declaring that Schiochi James Okamoto, 30-year-old Japanese Okamoto internee who died yesterday after being wounded by a guard at the Tule Lake, (Calif.), segregation center, had been shot without provocation.

Fortune Magazine Article Criticizes West Coast Ban

(Continued from page 1) sional committees in Washington, and by a long list of badgering groups and individuals on the west coast."

Discussing the most frequent charge leveled at WRA, Fortune says: "Most frequently Mr. Myer has been charged with pampering the Japanese Americans. Almost every day the Hearst papers fling the word 'coddling,' with the clear implication that all persons of Japanese descent, citizen or no, women and infants, should be treated strictly as prisoners of war, which of course they are not."

"No one who has visited a relocation center and seen the living space, eaten the food, or merely kept his eyes open could honestly apply the word 'coddling' to WRA's administration of the camps. The people are jammed together in frame barracks. A family of six or seven is customarily allotted an 'apartment' measuring about twenty by twenty-five feet. It is a bare room, without partitions. The only privacy possible is achieved by hanging flimsy cotton curtains between the crowded beds."

Declaring that "irresponsible yarns" are circulated with faithful regularity about the daily fare of evacuees, the article states that the food cost per day is held below 45 cents per person, and that since nearly a third of the food requirements are grown on the center fields, the actual cash outlay for food is 31 cents daily.

Resettlement

With only 17,000 "young, unencumbered and bold" nisei now resettled, the main problem of relocation still remains, it is stated. "No one can gauge how soon the prewar unwillingness to accept charity of government relief deteriorates into a not-unpleasant habit of security. It is too much to expect of any people that their pride be unbreakable. Some of the old farm women who were 'stoop labor' all their lives, even after their nisei sons' landholdings or leased acres became sizable, have had the first rest in their history. Most of the old bachelors who had always been day laborers frankly enjoy the security of the centers.

"If the war lasts two more years, and if WRA has succeeded in finding places for 25,000 more Japanese Americans in the next twenty-four months (and WRA hopes to better that figure,) it will be a job well done. That would leave some 45,000 in the relocation centers, as continuing public wards, not to mention over 20,000 at Tule Lake and the Department of Justice internment camps. Whatever the final residue, 25,000 or 45,000, it is certain that the 'protective custody' of 1942 and 1943 cannot end otherwise than in a kind of Indian reservation, to plague the conscience of Americans for many years to come"

The article, "Issei, Nisei, Kibei," is illustrated by drawings made by Mine Okubo, former San Francisco artist.

Other articles in the April Fortune, which is devoted to the subject of Japan, are illustrated by Tar

is "sarcasm"

Ickes Denounces West Coast Hate Mongers

Secretary of Interior Urges Understanding, Tolerance for Japanese American Problems

Promises War Relocation Authority Will Not Be Stampeded Into "Undemocratic, Bestial, Inhuman Action" Demanded by Professional Race-Mongers

SAN FRANCISCO — Secretary of Interior Harold L. Ickes Thursday sharply denounced "professional race mongers" who oppose the release of loyal Japanese Americans from relocation camps and said Americans who oppose decent treatment for "these citizens and loyal aliens . . . don't believe in the Constitution of the United States."

The United Press quoted Ickes as promising that the War Relocation Authority, the agency in charge of the wartime resettlement of Japanese Americans evacuated from the west coast, would not "under my jurisdiction . . . be stampeded into undemocratic, bestial, inhuman action and will not be converted into an instrument of revenge or racial warfare."

The War Relocation Authority was recently transferred to the Department of Interior by President Roosevelt.

Appealing particularly to the people of California, Oregon and Washington, Ickes was quoted by the United Press as urging tolerance and understanding for the problems of Japanese Americans. He said that it would be "intolerable" that merely because they lived on the west coast before the war "they must be wards of the government one moment longer than the necessities of war require."

Ickes made his remarks in a formal statement issued while in San Francisco this week to speak before the Commonwealth Club.

Ickes said that he began a study of WRA policies immediately after the President transferred it to the Interior Department. It should be realized, he said, that treatment of Japanese Americans is of vital importance not only to the Japanese Americans involved, but to Americans interned by the Japanese and their families.

Defending the War Relocation Authority's past activities under Dillon S. Myer, who has retained his position as director in the WRA's new status, Ickes declared its program has been handled with "discretion, humanity and wisdom." The WRA's policies had been bitterly criticized by the Dies Committee and by certain groups on the west coast.

Obviously referring to these criticisms, Ickes declared:

"The WRA did not persecute these people and it made no attempt to punish those of a different race who were not responsible for what has been happening in the far Pacific.

"The WRA—make no mistake about it—has been criticized for not engaging in this sort of a lynching party."

Secretary Ickes paid tribute to those organizations and individuals on the west coast "who have been brave enough and Christian enough" to openly oppose the "vindictive, bloodthirsty onslaughts of professional race mongers."

He expressed hope that the "clamor" of these peoples and groups opposed to the policies of the WRA "will soon be overwhelmed by the stern remonstrances" of the overwhelming majority "who believe in fair play and decency, Christianity, in the principles of America, in the Constitution of the United States."

He stressed that those Japanese Americans who have been released from relocation centers were permitted to leave only after intensive and thorough investigation. They are entitled to be treated as loyal Americans, he added.

He declared that treatment of the Japanese Americans in the future was largely a "local problem" for the west coast, where the majority of them lived before Pearl Harbor.

Secretary Ickes asked for cooperation and broadmindedness, especially in California, Oregon and Washington.

He said that "it is intolerable that the people will be

Ban on Return of Evacuees May Be for Reasons Other Than Military, Declares "Fortune"

Longer Army Permits Coast Area to be Closed, More Time Is Given Hearst for Hate Campaign Against Japanese Americans, Says Article

NEW YORK CITY—The longer the Army permits California and the rest of the Pacific coast to be closed to everyone of Japanese descent the more time is given the Hearst papers and their allies to convince Californians that they will indeed yield to lawlessness if the unwanted minority is permitted to return, Fortune magazine declared in its April issue in an article, "Issei, Nisei, Kibei," dealing with the evacuation.

PACIFIC CITIZEN

Proud to Fight Side by Side With Japanese Americans, Iowans in Italy Declare

Letter to Des Moines Register Says "It's About Time Some Folks at Home Were Put Straight" Regarding Record of American Soldiers of Japanese Ancestry

DES MOINES, Ia. — Declaring "it's about time some of the folks back home are put straight on some things," six Iowa soldiers and one from Kansas have signed a joint letter to the Des Moines Register in which they declare they are proud to fight side by side with Japanese American soldiers.

The letter in the Des Moines paper referred to letters in the Register which criticized Japanese Americans in Iowa.

"We are Iowa boys of an Iowa N. G. (National Guard) unit, and have fought side by side with the boys of Japanese descent whose pictures appeared in your edition of Feb. 13," the soldiers, "somewhere in Italy," wrote to the Register.

The soldiers' letter added: "We know plenty of folks that call themselves Americans that have done much less to prove they give a hang about their country."

"Whenever you have been near enough to see these boys die for their country, then is the time to voice your opinion. There have been times when these Japanese, as you call them, have saved many lives, only because they have proven themselves better Americans than some that were not of Japanese descent."

"When you have seen these boys blown to bits, going through shell fire that others refused to go through, sleep, when they could, in fox holes half full of

water, and other horrors not to be mentioned—then is the time to voice opinion. Not before.

"This perhaps doesn't apply to all folks of Japanese descent, but you should see some of the others that call themselves Americans. If you care for any more opinions of other members of this division, ask for them."

"We who have had the privilege to be beside them in combat are proud of such a fact. From some papers we have had the privilege of reading, it seems a few are glad to give these boys a small amount of credit, which belongs to such Americans. To those concerned we also hope 'our boys' may continue to prove their courage and ability to gain more valor and distinction."

The letter declared that "it made our blood boil" to read some of the letters submitted to the Register from Iowa readers.

The letter was signed by the following soldiers from "somewhere in Italy": Staff Sgt. Edward G. Schoa, Pvt. Harold Zollner, Sgt. Harold Knude, Sgt. Harold Kerch, Cpl. Robert Howell, Staff Sgt. George R. Vipoud, and T/5 Harold A. Allen of Kansas.

News reports from Italy have noted that the 100th Infantry Battalion, composed mainly of Japanese Americans from Hawaii, has been fighting as a unit of the 34th Division, made up of national guard companies from Iowa, Minnesota and North and South Dakota.

Sentry's Slaying of Tule Jap in Line of Duty, Jury Decides

TULE LAKE, May 26.—(INS)—A Coroner's jury investigating the slaying of a Tule Lake Relocation Center internee by a military policeman, today returned a verdict clearing the sentry of all charges in the slaying.

Schiochi James Okamoto, 30-year-old Japanese-American, died from a bullet fired by the sentry during an argument at the center's gate.

Modoc County District Attorney Charles Lederer announced the jury found that Okamoto was killed "by a soldier in the United States Army in the performance of his duty."

Lederer said testimony by Okamoto's fellow Japanese internees, revealed that the Jap made a threatening move toward the sentry and that it was only then that the guard stepped back and fired the fatal bullet.

Lederer pointed out that the testimony came from Okamoto's own fellow Japanese internees—

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less for military reasons than because of strong California pressures and threats," the article declared. "The Hearst papers on the Pacific coast promise pogroms if any Japanese citizen or alien is permitted to come home. New groups like the Home Front Commandos of Sacramento have risen to cry: 'They must stay out—or else.' The Associated Farmers and the California Grange, the American Legion and the Sons and Daughters of the Golden West reiterate the theme of or else. Politicians listen and publicly urge that the despised minority be kept out of California for the duration."

The policy of "protective custody" is as "ominous as it is new," Fortune magazine said in discussing the policy of keeping American citizens in relocation centers.

"The American custom in the past has been to lock up the citizen who commits violence, not the victim of his threats and blows. The doctrine of 'protective custody' could prove altogether too convenient a weapon in many other situations. In California, a state with a long history of race hatred and vigilanteism, antagonism is already building against the Negroes who have come in for war jobs. What is to prevent their removal to jails, to 'protect them' from riots? Or Negroes in Detroit, Jews in Boston, Mexicans in Texas? The possibilities of 'protective custody' are endless, as the Nazis have amply proved," said Fortune.

It was the war, the article declares, that made possible what California had clearly wanted for decades—to get rid of its minority.

"For decades the Hearst press had campaigned against the Yellow Peril within the state (1 per cent of the population) as well as the Yellow Peril across the seas that would one day make war. When that war prophecy came true, the newspapers' campaign of hate and fear broke all bounds. And, when Hearst called for the removal of all people of Japanese ancestry, he had as allies many pressure groups who had for years resented the presence of Japanese in this country."

"The American Legion, since its founding in 1919, has never once failed to pass an annual resolution against the Japanese-Americans. The Associated Farmers in California had competitive reasons for wanting to get rid of Japanese Americans who grew vegetables at low cost on \$70 million worth of California land. California's land laws could not prevent the citizen-son of the Japanese alien from buying or renting the land. In the cities, as the Little Tokyos grew, a sizable commercial business came into Japanese American hands—vegetable commission houses, retail and wholesale enterprises of all kinds. It did not require a war to make the farmers, the Legion, the Native Sons and Daughters of the Golden West, and the politicians resent and hate the Japanese Americans. The records of legislation and press for many years indicate that the antagonism was growing and growing."

on WRA

EDITORIAL DIGEST

Ickes to the Defense

HONOLULU STAR BULLETIN

The forecast in Hawaii that Secretary of Interior Harold L. Ickes would be a prompt and staunch defender of loyal Japanese Americans is proving correct, the Star-Bulletin declared on March 22, in an editorial on the transfer of the WRA to the Interior department.

"The WRA has been kicked about a lot, particularly by west coast agitators," said the Star-Bulletin. "And it has had its faults. But it has, on the whole, been doing a pretty good job with the staggering problem of handling 112,000 people suddenly ousted from their homes and businesses and hurried from the Pacific coast to the Interior."

"Political ambitions and economic self-interest from the beginning complicated this job. And the job had to be done under the fever heat of war against a cruel, remorseless, vindictive, barbaric and treacherous enemy of the very race from which the evacuees come."

"Tule Lake riots made headlines, but the orderly conduct in other camps did not."

Proving Patriotism SALT LAKE TELEGRAM

The arrests in Salt Lake in recent weeks of three persons of Japanese ancestry for violations of rationing regulations inspired an editorial in the Salt Lake Telegram on April 6.

Titled, "Opportunity to Prove Patriotism," the Telegram advised Japanese American leaders in Salt Lake to impress residents of Japanese ancestry with the need "for the most careful compliance with wartime rationing regulations."

"Admittedly there are many cases in which American citizens are violating rationing regulations," the Telegram observed. "But those Americans who do so are not considered patriotic, loyal Americans. Rationing offers Japanese a splendid opportunity to demonstrate their loyalty and patriotism — even to the point of showing up other Americans—by going all the way in accepting wartime limitations and cooperating to the fullest extent in every phase of the nation's effort to insure victory."









































